

Development Control Committee



Forest Heath
District Council

Title:	Agenda												
Date:	Wednesday 1 August 2018												
Time:	6.00 pm												
Venue:	Council Chamber District Offices College Heath Road Mildenhall												
Full Members:	<p style="text-align: center;">Chairman Rona Burt</p> <p style="text-align: center;">Vice Chairman Chris Barker</p> <p><u>Conservative Members (10)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Stephen Edwards</td> </tr> <tr> <td>Ruth Bowman J.P.</td> <td>Brian Harvey</td> </tr> <tr> <td>Louis Busuttil</td> <td>Carol Lynch</td> </tr> <tr> <td>Simon Cole</td> <td>Louise Marston</td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</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	Stephen Edwards	Ruth Bowman J.P.	Brian Harvey	Louis Busuttil	Carol Lynch	Simon Cole	Louise Marston	Andrew Appleby	David Palmer	Roger Dicker	Peter Ridgwell
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Andrew Appleby	David Palmer												
Roger Dicker	Peter Ridgwell												
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA **													
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 online here:

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

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 Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
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' website:

<https://www.westsuffolk.gov.uk/planning/upload/Guide-To-Having-A-Say-On-Planning-Applications.pdf>

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 set out in the National Planning Policy Framework (paragraph 206). This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

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

Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, 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 the Planning Practice Guidance.

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

	<i>Page No</i>
1. Apologies for Absence	
2. Substitutes	
3. Minutes	1 - 2
To confirm the minutes of the meeting held on 4 July 2018 (copy attached).	
4. Planning Application DC/13/0660/FUL - Land at Briscoe Way, Lakenheath	3 - 112
Report No: DEV/FH/18/009	
Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended	
5. Planning Application DC/17/2585/FUL - Garage Sites, Downing Close, Mildenhall	113 - 130
Report No: DEV/FH/18/010	
Planning Application - 7no. dwellings and 25no. parking spaces (following demolition of 43no. garages)	
6. Planning Application DC/17/2586/FUL - Garage Sites, Emmanuel Close, Mildenhall	131 - 148
Report No: DEV/FH/18/011	
Planning Application - 11no. dwellings and 51no. parking spaces (following demolition of 70no. garages)	
7. Planning Application DC/17/2587/FUL - Garage Sites, Newnham Close, Mildenhall	149 - 166
Report No: DEV/FH/18/012	
Planning Application - 7no. dwellings and 28no. parking spaces (following demolition of 39 garages)	

8. Planning Application DC/17/2588/FUL - Garage Sites, Peterhouse Close, Mildenhall 167 - 184

Report No: **DEV/FH/18/013**

Planning Application - 8no. dwellings and 53no. parking spaces (following demolition of 61no. garages)

9. Planning Application DC/17/2589/FUL - Garage Sites, Pembroke Close, Mildenhall 185 - 202

Report No: **DEV/FH/18/014**

Planning Application - 8no. dwellings and 35no. parking spaces (following demolition of 60no. garages)

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 4 July 2018 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman	Stephen Edwards
Ruth Bowman J.P.	Brian Harvey
Louis Busuttill	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

300. Apologies for Absence

Apologies for absence were received from Councillor Carol Lynch.

Councillors Andrew Appleby and Louise Marston were also unable to attend the meeting.

301. Substitutes

There were no substitutes present at the meeting.

302. Minutes

The minutes of the meeting held on 6 June 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

303. Planning Application DC/18/0727/HH and Application for Listed Building Consent DC/18/0728/LB - 21 Beeches Road, West Row (Report No: DEV/FH/18/008)

Planning Application - (i) Conversion of existing barn into Annexe (ii) Replacement of existing shed into carport

Application for Listed Building Consent - (i) Conversion of existing barn into Annexe (ii) Replacement of existing shed with Carport

This application was referred to the Development Control Committee as the applicant was related to the Leader of Forest Heath District Council.

The Parish Council supported the application and no comments had been received from third parties.

The Senior Planning Officer advised that the report before the Committee sought approval for the planning application alongside the related Listed Building Consent.

The application was considered to be policy compliant and was recommended for approval subject to conditions, as set out in Paragraph 31 of Report No DEV/FH/18/008.

Councillor David Bowman spoke in support of the application and moved that it be approved as per the Officer recommendation. This was duly seconded by Councillor Brian Harvey and with the vote being unanimous, it was resolved that

Decision

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

1. Development to commence within 3 years
2. Materials as detailed
3. Construction hours (noisy works)
4. Parking prior to first use
5. Development to be in accordance with approved plans
6. Biodiversity mitigation and enhancements

And, that Listed Building Consent be **APPROVED** subject to the following conditions:

1. Time Limit - Listed Building
2. New and replacement windows details to be submitted
3. New and replacement doors external details to be submitted

The meeting concluded at 6.07pm

Signed by:

Chairman



Forest Heath
District Council

DEV/FH/18/009

Development Control Committee 1 August 2018

Planning Application DC/13/0660/FUL – Land off Briscoe Way, Lakenheath

Date: 14 November **Expiry Date:** 13th February 2016
Registered: 2013

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

Parish: Lakenheath **Ward:** Lakenheath

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

Site: Land off Briscoe Way, Lakenheath

Applicant: Bennett plc

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

This application is referred to Development Control Committee as it is a proposal for 'major' development and the recommendation conflicts with the current views of the Parish Council. Furthermore the recommendation to GRANT planning permission is contrary to the provisions of the extant Development Plan. The proposal also raises complex planning issues.

This application has been considered previously by the Development Control Committee on two occasions culminating in a resolution to GRANT planning permission at the meeting on 7 June 2017.

The planning application is returned to Committee to enable it to consider material changes in circumstances which have occurred since it reached its decision in 2017. In particular, a ruling earlier this year of the Court of Justice of the European Union which has changed the way in which decision makers must interpret and apply the specific provisions of the 'Habitats Regulations' (reference Case C323/17 - People over Wind, Peter Sweetman v Coillte Teoranta). The Court ruling also has knock-on implications for the way in which national planning policies are applied to this case and, ultimately, the way in which the Development Control Committee must approach and balance the issues raised by the proposals. This is discussed further in the report.

This is a comprehensive and stand-alone Committee report prepared in the light of the decision of the European Court of Justice. No regard should be given to previous reports provided to the Development Control Committee with respect to this planning application. Furthermore, the Committee must consider the planning application again and reach a fresh resolution. No weight is to be given to the Committee's resolution to grant planning permission for the planning application proposals reached at its meeting on 7 June 2017.

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

Proposal:

1. Detailed (full) planning permission is sought for the erection of 67 dwellings. The development would be served by a single vehicular access to Briscoe Way via the southern boundary of the site. There is a further access from Burrow Drive, also through the south boundary, although this would be restricted to pedestrian/cycle/emergency vehicle use.
2. Details of the numbers, mix and heights of the dwellings, bungalows and flats are provided in the table below.

Name	Type	No. on site	No. of beds	Approx. height
Fincham	Bungalow	5	2	5 metres
Henley	2- storeys	8	4	8.3m
Walsingham	Bungalow	4	3	5.3m
Oulton	2 - storeys	2	4	8.6m

Sandringham	Bungalow	4	3	5.7m
Ellingham	2 - storeys	9	3	8.3m
Boston	Bungalow	3	3	5.75m
Lincoln	2 - storeys	1	4	9.0m
Haughley	2 - storeys	1	4	9.0m
Ixworth	2 - storeys	2	4	8.6m
Harpley	Bungalow	4	3	5.5m
Glemsford	Chalet bung	4	3	6.85m
Affordable	Flat	12	1	8.6m
Affordable	Flat	6	2	9.4m
Affordable	2-storeys	2	2	9.0m

3. A small palette of external building materials has been selected. These are as follows;
- Bricks – i) TBS Olde English Red Multi's, ii) Camtech Barley Red handmade, iii) Camtech Anglian Cream Stock
 - Roof tiles – (all interlocking concrete double pantiles) i) Redland Grovebury Breckland Brown, ii) Redland Grovebury Breckland Black, iii) Redland Grovebury Farmhouse Red
4. Amendments were made to the application during the course of its consideration involving some changes to the internal roads, the affordable housing components and design of some of the house types in response to comments received from the Local Highway Authority. The significant amendments were the subject of public and stakeholder consultation. Other more minor amendments (eg to overcome concerns expressed by the highway authority) were not the subject of full re-consultation given their minor nature but further. All comments received in response to consultations (including those received outside consultation periods) are reported below.

Application Supporting Material:

5. The planning application is accompanied by the following drawings and reports:
- Drawings (Location Plan, Block Plan, Roof Plan, Tree Survey, Dwelling & Garage Elevations & Floorplans and Streetscene Drawings)
 - Planning Statement
 - Design and Access Statement
 - Transport Statement
 - Archaeological Evaluation Report
 - Flood Risk Assessment
 - Phase I Contamination Report
 - Phase I Habitat Survey
 - Statement of Community Involvement
 - Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan
 - Noise Report (and subsequent rebuttal document to Parish Council's objections regarding the Noise Report)
6. These documents are available to view on the Council's website.

Site Details:

7. The site is situated at the north end of the village and is accessed from the B1112 via Briscoe Way which itself serves a relatively modern housing estate of bungalows, chalet bungalows and two-storey houses. The site has no road frontage other than at its existing access points to Briscoe Way and Burrow Drive.
8. It extends to 2.43 hectares and is presently in agricultural use (Grade 3). The north and west site boundaries are unmarked given that the site is part of an existing field in agricultural use. The larger field is shielded by existing mature planting which visually encloses it from open countryside beyond. The east and south boundaries abut the gardens of properties in Drift Road, Briscoe Way and Burrow Drive and are marked by domestic scale planting and fencing. The land is relatively flat with no significant deviations in ground levels.
9. The site is situated outside the settlement boundary for Lakenheath, which terminates along the south application site boundary. The site is thus deemed to be in the countryside for the purposes of extant planning policies.
10. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated approximately 275 metres to the south (terminating at the frontage of Lakenheath Hall to the south of the Briscoe Way junction onto the B1112). The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

Relevant Planning History:

11. There is no relevant planning history for this site.
12. There are five other proposals for large scale residential development around the village (and at Eriswell). These proposals are considered relevant to the further consideration of this planning application particularly insofar as the combined (or cumulative) impacts require consideration. The proposals are set out in the table below:

Project Ref	Application Reference	Address	No. of dwellings	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	To be re-considered by the Development Control Committee.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	To be re-considered by the Development Control Committee.
C	F/2013/0394/OUT	Land west of Eriswell Road,	Up to 140	To be re-considered by the Development Control Committee.

		Lakenheath		
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	The subject of this report.
E	DC/18/0944/FUL	Land off Earls Field, Lords Walk (adjacent RAF Lakenheath)	52	Planning application recently registered. Currently out to public consultation.
F	DC/16/1360/OUT	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Applicant has asked for the planning application to be held in abeyance until the Local Plan Inspectors' report/s into the Single Issue Review and Site Allocations Local Plan documents are issued. The planning application will be reported to Development Control Committee in due course, unless it is withdrawn in advance.

Consultations:

13. **Natural England (December 2013) – no objections** and comment as follows

- This application is in close proximity to the Lakenheath Poors Fen and Pashford Poors Fen, Lakenheath Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.
- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.
- This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

14. **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 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].

15. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted representations in September 2016 and **objected** to the application. Their comments are summarised as follows:
 - In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include: the potential noise levels that the future occupants of the proposed dwellings will be exposed to, and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.
 - The application site is located 0.24 kilometres to the west of the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. It is expected that the application site will be subjected to noise associated with instrument recovery profiles, potentially in addition to instrument departure profiles.
 - A number of criticisms are raised against the noise assessment submitted with the planning application. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath. It is suggested that planning permission should be refused as a consequence, but are prepared to leave this consideration to the Local Planning Authority.
 - With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO suggests that, if planning permission is granted, a condition should be imposed requiring vibration survey and assessment in accordance with the relevant British Standard.
 - The DIO also asserts the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use.
 - It is the contention of the Ministry of Defence that any proposals that would adversely impact upon the access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
16. In February 2018, the **Defence Infrastructure Organisation** wrote to confirm that its position on the planning application had changed and this is now as set out in the Statement of Common Ground dated August 2017 for the Forest Heath Single Issue Review of Policy CS7 and the Site Allocations Plan. A copy of the Statement of Common Ground is attached to this report as Working Paper 2. The DIO requests that an advisory note is attached to the planning permission to inform the developer and future occupiers that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties. The DIO also requests that planning conditions relevant to aircraft

noise agreed and set out in the Statement of Common Ground are included on any planning permission granted.

17. **Environment Agency (December 2013) – no objections** and provide the following comments (summarised):
 - The site is located within Flood Zone 1 (low risk) on our flood maps, and within a Principal Aquifer.
 - We have reviewed the information submitted and have no objection to the proposed development, subject to the imposition of a condition to require precise details of a surface water drainage scheme (for approval and implementation).

18. **Anglian Water Services Ltd (December 2013) – no objections** and comment as follows;
 - There are assets (drainage infrastructure) owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site or may need to be re-located at the developers' expense.
 - The foul drainage from this development is in the catchment of Lakenheath STW that will have available capacity for these flows.
 - The sewerage system at present has available capacity for flows generated by this development.
 - The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We will request that the agreed strategy is reflected in the planning approval.
 - A planning condition is recommended to ensure the surface water system is installed at the site.

19. **NHS Property Services (November 2013) – no objection** [*and do not request a S106 contribution towards health provision*].

20. In May 2016, the **NHS Trust** confirmed they held **no objections** to this planning application and, on grounds of the combination of the relatively small size of the application proposals and the effect of the 'pooling restrictions' set out in the CIL Regulations, did not wish to request developer contributions from these proposals for health infrastructure provision.

21. **Lakenheath Internal Drainage Board (November 2013) – no objections** and comment that the site is outside the Lakenheath Internal Drainage Board District and not in an area that drains into it.

22. **Suffolk County Council (Highways Development Management) – comments** (initial comments December 2013) that following informal discussions with the developer the submission of some drawings illustrating amendments to the layout are expected. These are awaited before formal comment is made.

23. **Suffolk County Council (Highways Development Management)** (following submission of amended drawings, January 2014) **no objections**, subject to the imposition of conditions to secure precise details of estate roads, turning spaces and cycle storage are submitted and thereafter provided.
24. **Suffolk County Council (Highways Development Management)** – In July 2016, after applying the newly adopted Parking Standards, wrote to confirm garaged car parking spaces were too small and confirmed this meant that there was no longer sufficient (appropriate) car parking space available. The Highway Authority requested amendments to overcome their concerns and pointed out their 'approval' was also reliant upon the findings of the on-going independent cumulative traffic assessment work.
25. In January 2018 and following receipt of amended drawings addressing their concerns, the **Suffolk County Council (Highways Development Management)** wrote to confirm their objections had been addressed, subject to some minor changes to the parking arrangements for plot 64 and confirmed that once that had been addressed, it would be appropriate for the application to be approved with conditions covering; full details of the proposed access including visibility and the timing of its provision; timing of surfacing of the access and roads/footpaths; details of highway drainage, the estate roads and footpaths, parking and manoeuvring areas, a deliveries management plan, travel plan arrangements, bin stores to be provided and highway drainage, and; no occupations until improvements to the Sparkes Farm/B1112 junction have been implemented in accordance with details to be submitted in advance. A request was also made for S106 contributions to be used towards the provision of new off-site sustainable transport routes to local amenities at £316.07 per dwelling (£21,176.24). The overall cost of the project is £209,550 which is to be shared on a proportionate basis between the four current planning applications for large scale development at Lakenheath.
26. **Suffolk County Council (Archaeological Service) (April 2014) – no objections** and comments; the site was subject to a full archaeological trial trenched field evaluation in October 2013, in accordance with a brief issued by the Suffolk County Council Archaeology Service Conservation Team. The evaluation identified no deposits of archaeological interest. We therefore have no objections to the proposed development and do not believe any archaeological mitigation is required.
27. **Suffolk County Council (Flood and Water Management)** in July 2016 submitted **holding objections** on the grounds that the submitted drainage strategy did not provide sufficient detail at this full application stage and made specific comments for the applicant to address in any amended/updated strategy.
28. In April 2017, following submission of amended surface water drainage details, **Suffolk County Council (Flood and Water Management)** wrote to remove their previous holding objections and recommended 3 conditions relating to surface water drainage matters be imposed upon any planning permission subsequently granted.
29. In April 2017, following submission of amended surface water drainage details, **Suffolk County Council (Flood and Water Management)** wrote to remove their previous holding objections and recommended 3 conditions

relating to surface water drainage matters be imposed upon any planning permission subsequently granted.

30. **Suffolk County Council (Development Contributions Manager)** – initial comments (Jan 2014) - **do not object**, and comments as follows;

- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.
- As a general point we consider that it would be very helpful and timely to set up a meeting between various stakeholders including the District Council, County Council, Parish Council and local community representatives to consider the implications of housing growth in Lakenheath of which this application is a departure from the Development Plan.
- In particular careful consideration will need to be given to infrastructure capacity/constraints in terms of ensuring the delivery of sustainable development as articulated in the NPPF.
- **Education (Primary)**. We need to clearly understand the outcome of the Single Issue Review in terms of housing numbers allocated to Lakenheath for future growth. This is critical in terms of shaping our future primary school strategy for Lakenheath. With further planned housing growth in Lakenheath over the plan period to 2031 the only sensible outcome will be to provide a second new 315 place primary school (free site of 2 hectares and build costs funded by developers).
- The existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option. With latent population growth and further housing growth planned at Lakenheath the emerging education strategy is to deliver a new 315 place primary school.
- The cost of providing a new primary school is £17,778 for each school place. It is forecast that this development would generate 14 primary school places. The contribution to be secured from this development is therefore £248,892 (14 places x £17,778 per place).
- With regard to site acquisition costs we can assume £10,000 per acre (£24,710 per hectare) which gives a total cost of £49,420 for a 2 hectare site and equates to £157 per pupil place. This gives a land contribution of 14 places x £157 per place = £2,198.
- In view of the above issues we consider that it is critical to fully consult with the Head teacher, School Governors and the local community before any decisions are made on this application.

- **Education (Secondary).** There are currently forecast to be surplus places available at the catchment secondary schools serving the proposed development, so we will not be seeking secondary school contributions.
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 7 pre-school pupils are anticipated at a cost of £6,091 per place. In Lakenheath census data shows there is an existing shortfall of places in the area. A capital contribution of £42,637 is requested.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £14,472 to be used towards libraries is requested. The contribution would be available to spend in at the local catchment library in Mildenhall.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.
- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

31. **Suffolk County Council (Development Contributions Manager)** (received 14th May 2014) submit a **holding objection** and comment as follows:

- I provided a comprehensive response by way of letter dated 23 January 2014 which I am grateful is included in the Development Control Committee report being considered on 14 May 2014. However this letter provides further clarification of the County Council's position
- This letter raises further issues for Forest Heath to consider in terms of important matters relating to primary school provision for Lakenheath and

should be reported to the Development Control Committee. The position at Lakenheath in terms of education is different from other settlements across the district in that, at this point in time, whilst there is a clear strategy, i.e. there is an agreed need for a new primary school, no site has been secured yet and temporary classroom provision is difficult due to the site constraints of the existing primary school. Furthermore, the County Council is aware of previous draft development plan documents indicating the level of further growth for Lakenheath.

- The Forest Heath Core Strategy Development Plan Document was adopted in May 2010 and includes Policy CS13 Infrastructure and Developer Contributions. However we are very concerned that, ahead of the conclusion of the Single Issue Review and Site Allocations, which will address housing numbers and distribution across the district, there may well be no plan-led approach which could result in development not having the necessary supporting infrastructure provision.
- In particular it is widely accepted that Lakenheath needs a new primary school to support growth but at this point in time a suitable site for a new primary school has not been identified or secured. A minimum site size of 2 hectares will need to be identified, reserved and secured within Lakenheath to serve the community's needs. However, it would only be reasonable to develop such a school if there were greater certainty of additional houses anticipated in Lakenheath in the plan period. The ideal process would be for the County Council to work closely with the District Council through the Site Allocations process to identify a suitable site for a new primary school provided that the overall housing growth justified that.
- Whilst we are encouraged that this development has agreed to make proportionate contributions towards land and build costs for the new primary school, the real problem that the County Council faces is that without a school site being identified and secured, some of the children arising from this development or in Lakenheath generally may not be able to secure a place at their existing local primary school. In this scenario the County Council may be forced into a position of sending local primary age children by bus or taxi to other schools in the area. The assumed current annual cost for taking one child to and from school is about £850. As you are aware the existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option.
- In the circumstances, we consider that the Development Control Committee needs to be taking into account the very real sustainability issues that may arise of some local children not being able to secure a place in the short term at the existing primary school if further housing growth at Lakenheath is approved before a new primary school site is secured. The County Council would not object to this proposal if it were to be part of a planned series of developments at Lakenheath (including the allocation of a new school site), provided that adequate funding was secured to provide an appropriate contribution to school buildings and site and the necessary additional travel costs pending construction of a school. However there is no certainty about the scale or location of growth at the

moment. Furthermore there is new information that there are a number of other planning applications which have been submitted in Lakenheath in the recent past and there is a need to be able to consider these matters as a whole.

- Accordingly the County Council submits a **holding objection** in respect of this proposal pending further consideration of how the education matters could be resolved in the absence of a site allocations document. The Council is keen to have early discussions with the District Council to examine this matter.

32. **Suffolk County Council (Development Contributions Manager)** – 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 14 primary age children will arise from a scheme of 67 dwellings.

2. The pro-rata contribution towards the full build cost of a new school is £248,892 (2014/15 costs).

3. The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum residential value of £864,850 per hectare (£350,000 per acre) is £76,874. If the site is purchased on the basis of a lower value then the County Council will credit the difference back to the developer.

4. Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis.

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

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

- Primary Education - £230,006 towards build costs and £18,116 towards land costs.
- Secondary Education – capacity available, no contribution.
- Pre-school provision - £75,831.
- Libraries - £14,472.

34. In December 2017 the **Development Contributions Manager** further updated the contributions requested for primary and pre-school provision to reflect the need to insulate the building against aircraft noise. This increased the primary school contribution from this proposal to £262,388. Whilst the cost per place of providing a pre-school setting also increased because of the need for noise attenuation, the County Council acknowledged that each place would have capacity for two children (i.e. one during the morning and one during the afternoon). This effectively halved the developer contribution required. The pre-school contribution to be secured from the development was adjusted to £64,526 with a further contribution towards land acquisition for the pre-school setting (£4,344).

35. **Suffolk County Council – (Suffolk Fire and Rescue Service) (February 2014) – no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.

36. **FHDC – (Strategic Housing) (January 2014) - supports** and comments as follows;

- The Strategic Housing team supports this development in Lakenheath subject to an agreed affordable housing mix. There is strong evidence from

the Housing Register to conclude there is housing need in Lakenheath. There are currently 200 applicants indicating a preference to live in Lakenheath, of which 169 have a 1 and 2 bed need.

- We request the following mix (corrected March 2014);
 - 12 x 1 bed (2 person) flats rented
 - 4 x 2 bed (4 person) flats rented
 - 4 x 2 bed (4 person) houses 2 rented and 2 shared ownership.
 - We would also encourage working with a Registered Provider of Affordable Housing at an early stage and ensure the affordable homes, meet the Homes and Communities Agency (HCA) design and quality standards.
37. The developer has sought to negotiate the affordable housing mix with the Strategic Housing Team following receipt of these comments and has submitted revised drawings to demonstrate an affordable housing mix closer to that which has been requested by the team. The Strategic Housing Team has been re-consulted and their comments are set out in the next paragraph.
38. **FHDC – (Strategic Housing) (April 2014) - supports** the proposals and comments as follows;
- The Strategic Housing team support this development in Lakenheath and the commitment to provide 30% affordable housing in accordance with Policy CS9. This equates to 20 affordable dwellings being provided on site with a 0.1 financial contribution. There is evidence from the Housing Register and the SHMA to conclude that there is a need for a variety of tenure and mix in Lakenheath. The Strategic Housing Team accept the indicative mix of 12 x 1 bed (2 persons) flats, 6 x 2 bed (4 person flats, preference ground floor as agreed) for rented and 2 x 2 bed (4 person) houses for shared ownership only.
 - The affordable housing must meet as a minimum, the Homes & Communities Agency (HCA) design standards and the Strategic Housing Team encourages working with a Registered Provider of affordable housing at an early stage.
39. **FHDC – (Environmental Services)** (initial comments prior to receipt of noise report – February 2014) **no objections** to the proposals subject to the imposition of conditions to secure a detailed scheme of contamination investigation (including submission of a report and subsequent remediation if necessary) and construction method statement (hours of work (including operation of generators), handling of waste materials arising and dust management).
40. **FHDC – (Environmental Services)** (following receipt of the noise report – March 2014) **no objections** and comment that the proposed properties on the development will be protected internally from environmental noise and the times of construction are reasonable.
41. 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.

42. **FHDC – (Leisure, Culture and Communities) (December 2013) – no objections** to the proposals and comments as follows;

- Central position of the open space is acceptable.
- The space should contain natural playable features.
- Should be surrounded by a knee rail.
- Detail of soft landscaping and tree planting required.
- Red line plan confirming all adoptable areas.
- Confirmation that green spaces adjacent to parking spaces to be conveyed to residential units.
- Who will have responsibility for the communal amenity space?
- Any formal play provision should be off site and provided at the existing play area on Briscoe Way.

43. **FHDC – (Ecology, Tree and Landscape Officer) (August 2014) - no objections** and comments as follows;

Landscape

- The proposal does not include a landscape and visual assessment. The site is located on agricultural land with few existing feature except the trees located on the eastern boundary. Land to north and west is open, enclosed by the alignment of the Cut Off Channel which is separated from the site by agricultural land. To the south and east is residential development.

- The proposals, in general, include for the retention of the existing trees except a stand of regenerated poplar trees. Some small sections of hedge will need to be removed to allow for access. A tree protection plan has been submitted and this will need to be implemented.
- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character.
- The DAS includes notes on a landscape strategy for the site. The strategy will need to be developed further if the application is approved
- *[Suggested condition] Detailed soft and hard landscaping to be submitted and implemented*

SUDs

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

Ecology

- Natural England has not object to the proposals and that there would be no impact on statutory sites including SSSI's (Pashford Poors Fen, Lakenheath (SSSI), Lakenheath Poors Fen SSSI)
- An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/implementation should be secured by condition. The ecological enhancements should be shown on the landscape plan for the site.

44. In April 2017, the **Forest Heath District Council's Ecology and Landscape Officer** updated her comments about the planning application and 'screened' the proposals under the provisions of the Habitats Regulations. The following comments were received (summarised):

- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character particularly given the lack of space to provide visual screening on the boundary with the countryside. The Design & Access Statement includes notes on a landscape strategy for the site. The strategy will need to be developed further (via planning conditions) if the application is approved.
- The provision of sustainable urban drainage is shown to be within the public open space. This would significantly limit the ability of this space to function as an area for any type of formal or informal play. However there is a formal play space located to the south off Briscoe Way.

- An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/implementation should be secured by condition. The ecological enhancements should be shown on the subsequent landscaping plan for the site.
- Comments included a very detailed 'screening' of the proposals against the requirements of the Habitats Regulations. The screening concluded that the proposals alone would not result in likely significant effects on Breckland SPA. In-combination likely significant effects on Breckland SPA can be avoided if the applicant makes a proportionate contribution to influence recreation in the area and to avoid a damaging increase in visitors to Breckland SPA through either a condition or a section 106 contribution.

45. In July 2018, the Forest Heath District Council's **Ecology and Landscape Officer** prepared an 'Appropriate Assessment' of the planning application in accordance with the specific requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017. A full copy is attached to the Committee Papers at Working Paper 1.

Representations:

46. **Lakenheath Parish Council (initial comments, December 2013) – no objections** but would like it noted the site is outside the settlement boundary. Should planning permission be granted the Parish Council request conditions covering the following matters should be applied;
- water permeable paving on driveways and hardstanding areas;
 - solar panels on all initial construction;
 - grey water storage units;
 - affordable homes allocated to Lakenheath/local residents;
 - It is known and noted that waste water treatment for this area must be updated before the commencement of any construction;
 - There is some concern that the "Access & Design Statement" suggests aircraft noise is not an issue. It is known that much of the village suffers from aircraft noise to a greater, or lesser, extent.
47. **Lakenheath Parish Council - additional comments (February 2014)** 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."

48. **Lakenheath Parish Council** – further comments received 14th May 2014 – **object** to the planning application and comment as follows (n.b. the letter was prepared on behalf of the Parish Council by a law firm):

- The Parish Council resolved at its meeting on 12 May 2014 to commence legal proceedings if the application is approved. They would prefer to meet with you to discuss their concerns but so far, despite Suffolk County Council strongly recommending a meeting of stakeholders prior to approval of the application, this has not happened with the consequence that instructions have been issued to prepare a case for judicial review.
- The Parish Council are concerned with the way the Council has handled the application, which if granted, would form grounds for judicial review (other possible grounds for review are reserved).
- The part of the Core Strategy CS7 not quashed by the High Court proposes substantial housing growth for Lakenheath, some 850 houses in total with the Council now mooting an upwards total of 1200.
- The options for allocation of this housing is yet to be assessed for environmental impacts and social needs as this is planned as part of the Single Issue Review. The reference in the officers report to the Single Issue Review being in its infancy is not credible and misleading on a material issue concerning the legal duty imposed on the Council by Section 38(6) of the Planning and Compulsory Purchase Act to have regard to the development plan.
- We also consider the officer report misrepresents the view of Suffolk County Council in relation to the importance of the Council completing the Single Issue Review before determining this application. What SCC said is plainly an objection and the fact that the officer then goes on to quote substantial parts of the letter gives a misleading impression to the Committee about the strength of concern the SCC has with this development, before the Single Issue Review has been concluded and stakeholders engaged to address infrastructure needs.
- Plainly the language “we would greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision” is intended to mean that this application should not be decided until the review has been completed.
- The further comments from SCC “As a general point we consider that it would be very helpful and timely to set up a meeting between the various stakeholders including the District Council, County Council, Parish Council and local community representatives to consider the implication for housing growth in Lakenheath of which this application is a departure from the development plan” have plainly not been addressed, because no such meeting has taken place.
- In relation to infrastructure of primary education, the officer’s report admits that the Primary School is at capacity. SCC’s letter says it is critical for the Council to fully consult the Head Teacher, School Governors and local community, before any decisions are made on the application. The fact that the officer records these remarks in the Committee Report, but fails to then explain why the Council has not acted on this critical recommendation, is a manifest failure to deal with the statutory consultee

comments which would constitute material considerations under S70(2) of the Town and Country Planning Act.

- The pragmatic effect of permitting a developer-led piecemeal development prior to conclusion of the Single Issue Review will undermine the holistic approach to the longer planning needs of the village. In particular we understand that Elveden Estates are proposing a circa 900 development on the estate land plus the necessary primary school infrastructure. The Parish Council consider this application along with the other piece-meal applications pending before the Council (one of which we understand is on land owned by the Council leader) will jeopardise that development proposal's viability and could put at risk delivery of the necessary infrastructure including a new primary school.
- The Parish Council consider the comments lodged by Bennetts planning advisors, Gerald Eve, are highly indicative of a developer manipulation of the District Council's strategic planning powers at the expense of the community, in the context where the Single Issue Review which is underway and not in its infancy.
- You will no doubt appreciate that the Local Plan process is precisely the strategic mechanism for competing land allocations to be assessed against agreed strategic criteria. They consider that determination of this application before the Single Issue Review is complete is an attempt to circumvent the domestic and EU-law protections of assessing competing land options through the Sustainability Appraisal and Strategic Environmental Assessments that a plan-led approach provide.
- Five-hundred dwellings are now coming on to the open market in the neighbouring area of Eriswell adjacent to RAF Lakenheath. This is referred to in the officer report as an objectors comment but the report does not include this large development in the assessment of the housing supply issue. Plainly this distorts the present housing supply assessment given the statutory duty to cooperate imposed on Councils by the Localism Act, as an amendment to the Planning and Compulsory Purchase Act 2004.
- We are surprised that the apparent EIA screening of the application done by the Council reached the view that the application is not EIA development. In our experience a development of the scale which is five times the 0.5 hectare threshold and causes substantial loss of greenfield land is likely to give rise to significant environmental effects and should have been treated as EIA development. This is of particular concern given the socio-economic impacts on the infrastructure referred to by SCC. Plainly the extant applications at Elveden plus the proposed development at Rabbit Hill Covert give rise to significant effects which should have been considered in any EIA screening.
- To conclude, the main concern is the lack of overall strategic planning for this sensitive rural area with identified serious infrastructure deficiencies needed to accommodate housing growth proposed by Core Strategy Policy CS7. The key element is the need for co-ordinated village infrastructure i.e. schools, health, elderly persons provision, and transport infrastructure as well as all the vital infrastructure that would be absolutely necessary to permit a viable sustainable development for the community of Lakenheath.

49. **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.
50. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their lawyers. The following matters were raised:
- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
 - Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).
 - The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England’s June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].

- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.
51. **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”.
 52. In late July 2016 the **Lakenheath Parish Council** wrote to confirm they had changed their position with respect to these application proposals and wished to **support** a development on this site although it is outside the current village boundary. The Parish Council remained concerned however about the level of parking space provided, a cramped and over-developed layout, cumulative impact upon highways, health provision and public transport (with other developments proposed in the village). The Parish Council also requested consideration be given to the provision of a second vehicular access from Burrow Drive. A number of conditions were requested in the event that planning permission is subsequently granted, including permeable driveways, provision of solar panels, grey water storage units and the affordable homes being allocated to Lakenheath/local residents.
 53. In April 2017, the **Lakenheath Parish Council** confirmed their continuing **support** for a development on this site, but remain concerned about parking, the ‘cramped’ layout and cumulative impacts. The Parish Council also repeats its earlier request for a second access from Burrow Drive. The Parish Council repeats its request for conditions to be imposed and add a further condition regarding internal noise levels.
 54. In June 2017, **Lakenheath Parish Council** made further representations about the planning application. This time the representations made **objections** to the planning application. The representations were received very shortly before the Development Control Committee considered the planning application at its meeting in June 2017. The representations included criticisms of certain paragraphs/sections of the officer report to that Committee. Given that this fresh report fully replaces the report to the July 2017 Committee meeting, those particular points are not included here (to avoid confusing or misleading the Committee). The relevant points and matters arising from the letter are summarised as follows:
 - The Parish Council criticises the ‘Technical Memorandum’ prepared by the applicant’s noise consultant (March 2017), relying in part upon objections to the planning application held, at the time, by the Defence Infrastructure Organisation. The overarching concern was that the submission does not demonstrate compliance with the maximum internal noise levels as set out within the World Health Organisation’s ‘Indoor Guideline Values for Community Noise’ (1999) or British Standard 8233:2014. The original noise assessment is criticised later in the correspondence for similar reasons.
 - The Parish Council suggests the applicants noise report fails to take into account the noise contour plans for Lakenheath published by the Ministry

of Defence in March 2017 and request that an updated noise assessment should be submitted in support of the planning application.

- It is the Parish Council's view that adverse impacts in respect of noise are a key material consideration and could well balance the proposal towards refusal of planning permission as we [the Parish Council] do not believe that noise impact can be mitigated, especially in the context of external private amenity spaces and public open space.
 - Cumulative traffic impact is also features as a concern to the Parish Council. In this regard the work undertaken by AECOM (discussed later in this report) is referenced and in particular it is noted that it identifies improvements to the Sparkes Farm junction are necessary to avoid severe highways impact. The Parish Council express their view that the development proposals will have a direct impact on this junction and consider planning permission should not be granted until appropriate highway measures are identified, agreed and implemented.
 - The Parish Council gained advice from a Transport Consultant and appended advice to their letter. In this, the consultant references advice submitted on behalf of another developer in the village and concurs with the view of their consultant that the proposed improvement to the Sparkes Farm junction will not accommodate traffic associated with any significant new development at Lakenheath.
 - The Parish Council concludes its representations by confirming its objections to the planning application on the grounds of noise impact and the failure of the applicant to adequately demonstrate the development is acceptable in noise terms (and references a planning appeal to support its concluding points). It gives its view that a positive decision on the planning application will be vulnerable to judicial review
55. In February 2018, the **Lakenheath Parish Council** provided further comments about the four planning applications (F/2013/0345/OUT, F/2013/0394/OUT, DC/14/2096/HYB and the subject application proposals) via their Solicitor. The Parish Council commissioned Clarke Saunders Acoustics to review the noise information submitted against the four planning applications.
56. The Solicitors letter confirms the Parish Council remain deeply concerned that the full noise impacts for USAF operations at RAF Lakenheath have not previously been fully assessed or understood by the Committee. They assert that the Committee had previously resolved to grant planning permission on the basis that 'there is already housing in the village' and point out that 'attitude and justification' is at odds with government guidance aimed at achieving sustainable development.
57. The Solicitors letter concludes by insisting that the applicants be requested to provide further noise information and then reported back to Committee. They end by confirming (and without confirming the legal position) that basis relied on by the Council will give rise to Judicial Review grounds.

58. The review of noise information submitted with the four planning applications carried out on behalf of the Parish Council makes the following points about the noise assessment submitted with the planning application (reproduced in full):
- The proposed residential developments have been assessed to using suitable guidance, namely the National Planning Policy Framework (NPPF), BS 8233:1999: Sound insulation and noise reduction for buildings – Code of practice, and World Health Organisation (WHO) 1999: Guidelines for Community Noise.
 - We agree with the principle of using this assessment methodology with reference to available standards and guidance at the date of assessment. If the site were to be reassessed today, we would consider that a suitable current methodology would be following ProPG: Planning & Noise – New Residential Development (Published May 2017).
 - A previous consultation with Forest Heath District Council was understood to have been made by AJA for another development site nearby, which has been taken as applicable to both sites. FHDC said they would seek to ensure that noise levels inside any new dwellings comply with the WHO Guidelines and BS8233 criteria.
 - It is not clear if the other development referred to is also subject to significant aircraft noise from RAF Lakenheath. The outcome of the previous consultation referred to may not, therefore, have been applicable to the current development site(s).
 - Noise levels were measured at the Briscoe Way development site on 26th February 2014 between 08:00 – 14:30 (6.5 hours). The noise levels measured during this period included 19 aircraft departing to the south-west, and 20 aircraft returning from the north-west. Confirmation was made from RAF Lakenheath Commanders Office at the date of the survey that typically there could be up to 40-45 flights departing per day (80-90 aircraft movements including landings).
 - From these measurements AJA have estimated the LAeq, 16hr noise levels by 'scaling up' the noise measurements made of 39 aircraft movements in the six and half hour period, to 90 aircraft movements in a 16-hour period. The resultant estimated LAeq, 16hr has been determined by AJA to be 62 dB.
 - The AJA survey method would be an entirely suitable means of accurately establishing the noise climate on the site from aircraft movements as the dominant noise source, if all aircraft movements from RAF Lakenheath comprised events identical to those measured during the single manual survey exercise on 26/2/14.
 - With the more likely scenario being a greater degree of variability in terms of aircraft movement tracks, altitudes and weather conditions, the short-term measurements need to be considered as more of a 'snapshot' albeit one which has been extrapolated to show the potential effect on the typical daily average level. The potential for future increases in aircraft activity and resultant noise is not considered at all. This would also include the introduction of 24/7 operation and the resultant potential for sleep disturbance.

- It would be reasonable to conclude that a significant number of children whose sleep might be disturbed in the new dwellings would then be attending the new school during the daytime, when their concentration would be affected by both distraction and lack of sleep.
- Other changes associated with military aircraft operations which can increase noise exposure on the ground include rapid deployment and build up training and visiting aircraft from other squadrons and indeed other air forces, during collaborative tactical training activities. Specifically, in relation to the noise footprint of aircraft arriving and landing at the airfield, visiting pilots tend to be less precise in following the standard approach at the collection point followed by a prescribed turn to align with the runway. Late course adjustments by military jets at low altitude can be very noisy.
- The AJA survey exercise provides a helpful general indication of noise levels to which the site is exposed, but our view is that AJA was not instructed to conduct a comprehensive noise impact assessment for the site, and indeed the bullet points in their introductory section "1.1 Background" confirm that the daily noise exposure is an estimate and that they have only advised on sound insulation measures in "general terms". The submission is not, therefore, sufficiently detailed to be relied upon as the sole supporting document for the development in terms of noise impact and its mitigation.
- The DIO [DIO Station] indicated that the 'Land north of Station Road' site is directly beneath the approach flight path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as 'Point Charlie', as such aircraft overfly this area. This appears to be contrary to details in the Briscoe Way report which suggest that aircraft pass relatively close to, but not directly over the Briscoe Way site. It is possible, therefore, that the noise data from 2014 does not include representative measurements or data of aircraft using this recovery point and flightpath, which is evident in the AJA survey of 20 – 27th March 2017 for the 'Land north of Station Road' site.
- The proposed acoustic glazing specifications detailed by AJA are Rw 30 dB window (4mm glass / 12mm airspace / 4mm glass). This configuration provides relatively low sound reduction at low frequencies, which are significant in military jet noise. It is not clear whether this frequency characteristic has been taken into account in the calculations which could mean that this specification would provide inadequate aircraft noise attenuation.
- In terms of external noise, BS8233:1999 states: 'In gardens and balconies etc. it is desirable that the steady noise level does not exceed 50 LAeq,T dB and 55 LAeq,T dB should be regarded as the upper limit.'
- The AJA assessment has not put the significant exceedances over the targeted higher threshold noise level in context. (LAeq, 16hr 62dB vs 55dB). Based on the measured noise levels, guidance4 indicates that the proportion of the population that would be highly annoyed by these levels of external noise would be 20%, twice the number on which the 10% highly annoyed threshold was based. Outdoor mitigation options are extremely limited, if not non-existent for noise sources overhead.

59. **Twenty letters/e-mails** have been received from local residents or other interested parties **objecting** to the planning application. This issues and objections raised against the proposals are summarised as follows;
- Lakenheath is not suitable for large housing developments given there are no jobs, public transport is poor, sewerage infrastructure cannot cope and there are very few amenities (school, doctors' and dentists' already over capacity); this development offers nothing to the village.
 - The Council should reject or defer decisions until a more holistic policy is formulated following public consultation (prematurity).
 - The local community plan for Lakenheath should be allowed to be completed and fed into the district council's consultation process, before any major decisions are made.
 - The proposal is a departure from the Development Plan as it is outside the settlement boundary.
 - The amount of development currently proposed in the village is disproportionate for the village and places an unsustainable impact on the wider infrastructure (water, energy, health and education).
 - The true availability of existing housing needs to be assessed (including number of rentals to USAF personnel and families).
 - Traffic congestion will be made worse.
 - Some of the dwellings are too close to existing dwellings.
 - Site may not be suitable owing to flood risk.
 - Access is not suitable for construction vehicles.
 - Noise, pollution, mud, dust and street parking problems will be caused during construction.
 - Inadequate parking in the High Street which is impassable at times. This will get worse when Tesco is built. Development to the north of the village would increase traffic through the High Street. Emergency response vehicles would be affected.
 - Impact of development upon infrastructure should be independently assessed.
 - The site office should be located away from dwellings.
 - Local residents will be disrupted by roadwork (pipe & cable connections)
 - Developer needs to give assurances they will be a 'good neighbour', including that construction vehicles will be parked on-site and not on the existing estate roads (where access to existing dwellings could be obstructed).
 - Five-hundred dwellings at Lords Walk are about to be released for general occupation, these should be counted against the target for Lakenheath.

- Development would be preferable at the opposite end of the village.
 - Brownfield sites in the village should be developed before greenfield sites are released for development.
 - Dwellings should be more energy efficient (solar panels etc.).
 - There is very little local employment (which will be reduced further when RAF Mildenhall closes).
 - There should be two points of access into the development.
 - Contractors' vehicles should park on the site, not on the existing estate roads.
 - Maintenance of the existing hedgerow [along the south boundary] could be an issue.
 - There could be safety issues with contractor vehicles passing the existing childrens' play area in Briscoe Way.
60. **One letter** has been received from a local resident confirming they **do not object** to the proposals but wish the following issues to be considered;
- Loss of [*private*] views.
 - Overlooking of existing dwelling (garden).
61. In June 2017 comments were received on behalf of Elveden Farms criticising the evidence set out in the cumulative traffic study commissioned by Suffolk County Council, claiming it is fundamentally flawed (and setting out the reasons they consider why) and should not therefore be relied upon in taking any decisions on granting new development in the area.

Policies:

Development Plan

62. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) the policies of the Joint Development Management Development Plan Document (2015) and the saved policies of the Forest Heath Local Plan (adopted 1995). The following Development Plan policies are applicable to the proposal:

Core Strategy

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

Visions

- Vision 1 – Forest Heath
- Vision 5 – Lakenheath

Spatial Objectives

- Spatial Objective H1 – Housing provision.
- Spatial Objective H2 – Housing mix and design standard.
- Spatial Objective H3 – Suitable housing and facilities (life time homes).
- Spatial Objective C1 – Retention and enhancement of key community facilities.
- Spatial Objective C2 – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- Spatial Objective C4 – Historic built environment.
- Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.
- Spatial Objective ENV2 – Climate change and reduction of carbon emissions.
- Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective ENV5 – Designing out crime and anti-social behaviour.
- Spatial Objective ENV6 – Reduction of waste to landfill.
- Spatial Objective ENV7 – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

Policies

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

Joint Development Management Policies Document

64. The Joint Development Management Policies Document was adopted by the Council (February 2015). 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

Local Plan

65. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010) and in the Joint Development Management Policies Document (1995). The following saved policies are relevant to these 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

66. 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 (Second Edition 2015)

Emerging Development Plan Policy

67. The application site is formally allocated for a housing development within the emerging Site Allocations Development Plan Document. This document, and the related Single Issue Review document are currently the subject of examination by the Planning Inspectorate. The degree of weight that could

be attributed to the emerging plans in the consideration of this planning application is discussed later in the next section of this report.

National Policy and Guidance

68. The policies set out in the National Planning Policy Framework (the Framework) are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

How does the NPPF define sustainable development?

69. 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;)

70. 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.

71. 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.

72. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

73. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of the provisions of the Development Plan. It then goes on to analyse other relevant material planning considerations (including national/local policy and site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

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

74. 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.
75. The EIA Screening undertaken by the Council became out of date following the subsequent submission of a number of further planning applications for large scale development at Lakenheath. The potential cumulative impacts of development needed to be considered. There are no provisions in the EIA Regulations which enable the Local Planning Authority to re-screen development proposals without receiving a request to do so. The Council therefore requested the Secretary of State adopt an over-arching Screening Direction. The Secretary of State carried out a Screening Direction and considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement was not required to accompany the planning application.

The Conservation of Habitats and Species Regulations 2017

76. Given the location of the various designated nature sites in the vicinity of the application site (including the Breckland Special Protection Area and Special Area of Conservation) 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 63 requires the decision maker to make an appropriate assessment of the implications for that site before consenting the plan or project.
77. 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. Regulation 61 states the decision making authority before deciding to...give permission...for a plan or project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an 'appropriate assessment' of the implications of the plan or project for that site in view of that site's conservation objectives.
78. Officers first screened the project under this Regulation in 2014 and concluded that the requirements of Regulation 63 are not relevant to the proposal and thus appropriate assessment of the project (under Regulation 63) was not required in the event that planning permission was to be granted. In accordance with UK law, the assessor had regard to proposals to mitigate the impact of the development upon European designated sites in reaching that conclusion.
79. In April this year the Court of Justice of the European Union handed down a judgement which changes the way in which planning applications (and other projects) that trigger the provisions of Regulation 63 are to be considered ('People over Wind, Peter Sweetman v Coillte Teoranta' Case reference C-323/17). The judgement ruled that in order to determine whether it is

necessary to carry out an appropriate assessment of the implications of a plan or application, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of that plan or application. This outcome differs from the previously relied upon domestic case law which said that when undertaking a Habitats Regulations Assessment (HRA), mitigation measures should be taken into account during the screening stage.

80. As a direct consequence of this ruling the Council has considered the proposals against the provisions of Regulation 63 afresh and have concluded that an appropriate assessment is required. A copy of the Council's 'Habitat Regulations Assessment' (which forms the appropriate assessment) is attached to this report as Working Paper 1. The assessment concludes the proposal alone, and in combination with other projects, would not result in likely significant effects on the Breckland Special Protection Area or the Breckland Special Area of Conservation.

Natural Environment and Rural Communities Act 2006

81. 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)

82. 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 adopted Core Strategy, the Joint Development Management Policies and the saved policies of the Local Plan and (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

83. 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.

84. 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.

85. 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 (individually and cumulatively).

Crime and Disorder Act 1998

86. 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.

Equality Act 2010

87. Officers have considered the provisions of the Act, including the potential impact of the development on people with 'protected characteristics' in the assessment of the planning application but the proposals do not raise any significant issues in this regard. The Building Regulations would ensure the dwellings are provided with nationally prescribed minimum accessibility standards as part of the construction.

Community Infrastructure Levy Regulations 2010

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

Principle of Development

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

92. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-inforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
93. 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.
94. 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.
95. Paragraph 49 of the Framework sets out the implications for Development Plan policies if a 5-year housing supply is not demonstrated and states;

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites".
96. Paragraph 119 of the NPPF states: "The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined". As explained at paragraphs 76-80 above, an Appropriate Assessment has been carried out for the application proposals and, accordingly, paragraph 14 of the NPPF, including the 'presumption in favour of sustainable development', is not relevant to the application proposals. Given the conclusions of the Appropriate Assessment (Working Paper 1, attached) the process itself does prevent planning permission from being granted for the proposals or add any weight against a potential granting of planning permission.
97. 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. This housing need requirement was calculated prior to the NPPF and the method adopted does not align with the requirements of the NPPF. Accordingly the provisions of Core Strategy Policy CS7 are afforded little, if any, weight in considering whether the Council is able to demonstrate a 5-year supply of housing sites.

98. Core Strategy Policy CS7 is presently being updated to reflect the requirements of the NPPF. The emerging 'Single Issue Review of Core Strategy Policy CS7 Overall Housing Provision and Distribution' Development Plan Document having reached examination following submission to the Planning Inspectorate last year. The emerging Policy CS7 plans for housing need from 2011 to 2031 and draws on the evidence base set out in the current Strategic Housing Market Assessment and makes provision for 6800 new houses over the 20 year period equating to 340 dwellings per annum.
99. The Council's five year housing Supply statement (2017) adopts the higher housing requirement in the emerging Policy CS7, and adds historic under delivery of housing (2011-2017). The evidence set out in the document confirms the Council is presently able to demonstrate a five year supply of housing. Important contributions to the five year supply are included from the application scheme and the other three planning applications for large scale development at Lakenheath (items A, B and C from the table set out beneath paragraph 12 above). The housing trajectory predicts that the application proposals would deliver all 67 of the dwellings within the 5 year period and is thus considered an important site in terms of maintaining a 5 year housing supply in the District. Furthermore, the other three developments proposed at Lakenheath (planning applications A, B and C from the table) are forecast to deliver 266 further dwellings towards the housing supply over the five year period.
100. Given that the planning application proposals are included as part of the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan, it is inevitable that, unless the applications are approved, the Council would fall into a position where it is not able to demonstrate a 5-year housing supply.
101. Some commentators have referred to the ongoing release of circa 550 former USAFE personnel dwellings at Lords Walk on the edge of the RAF Lakenheath airbase to the south of Lakenheath (in the Parish of Eriswell) onto the housing market as either contributing to the five year housing supply or evidence that further new housing is not required at Lakenheath. This stock of dwellings is already counted as 'existing' housing stock and is therefore already counted in the housing supply and the 'release' of the existing housing stock at Lords Walk does not contribute to the supply of housing over the next 5 year period.

Adopted Local Plan policy context

102. 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).
103. The relevant surviving elements of Core Strategy policy CS7 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.

104. 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.
105. 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.
106. Policy DM1 of the Joint Development Management Policies Document re-affirms the tests set out at paragraph 14 of the NPPF (which do not apply to these particular proposals). Policies DM5 and DM27 set out criteria against which development (DM5) and infill housing (DM27) proposals in the countryside (outside defined settlement boundaries) will be considered.

The Emerging Development Plan documents

107. Lakenheath is designated as a Key Service Centre in the Forest Heath Core Strategy and, as such, the Single Issue Review of Policy CS7 (the SIR) initially proposed that it should accommodate an additional 828 dwellings over the plan period. The application site at Briscoe Way is allocated for housing development as part of the Council's emerging Site Allocations Development Plan (SALP) document.
108. The SIR and SALP have reached examination and were the subject of hearings held in September and October 2017. Subsequently, the Inspectors wrote to the Council in January 2018 to set out their concerns about the proposed distribution and soundness of the SIR and indicated possible ways forward. In particular, the Inspectors considered that the distribution of new homes did not sufficiently reflect the 'settlement hierarchy' at Core Strategy policy CS1. The Inspectors' noted the potential to plan for more housing development at Newmarket in order to tip the balance of new housing development towards the District's most sustainable locations (noting environmental constraints at Brandon for example). The Inspectors noted that the soundness concern raised is capable of remedy through main modifications, and offered three potential options to the Council, including a re-consideration of the balance of distribution between the towns and the Key Service Centres.
109. The Council considered its options at the Full Council meeting in February 2018 and resolved to propose main modifications and additional modifications to the SIR and SALP which would result in an additional 450 homes being provided at Newmarket together with 5ha of employment and new school and reduce the distribution in both Red Lodge by 50 homes and Lakenheath by 165 homes. At Lakenheath, it was resolved to remove site allocation SA8 (d) (land north of Burrow Drive and Briscoe Way) from the SALP. The modifications have been accepted by the Inspectors, have been the subject of further consultation and, in June 2018, were the subject of further focussed hearing sessions. At the time of writing, the Inspectors final report on the SIR and SALP documents were awaited.
110. 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.

111. The emerging Local Plan (the SIR and SALP together) has reached an advanced stage which significantly increases the weight that can be attributed to it in determining planning applications. The Council has sought to resolve the Inspectors' soundness concerns by reducing housing numbers at Red Lodge and Lakenheath and increasing housing provision at Newmarket. These modifications have been accepted by the Inspectors. There remains unresolved objections to the inclusion of the application site at Briscoe Way as a housing allocation within the emerging Local Plan. This serves to reduce the degree of weight that should be attributed to it in considering the planning application.

Prematurity

112. 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 (in this case the emerging 'SIR' and 'SALP' documents).
113. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

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

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

114. In this case the development proposal for 67 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue

Review of the Core Strategy is at an advanced stage in the plan making process and the proposals are fully consistent with the content of the latest and modified version of the emerging SALP.

115. Officers consider 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 without the development, the Council is unlikely to be able to demonstrate a five year housing land supply.
116. On the basis of national guidance on the issue of prematurity officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the emerging and advanced elements of the Development Plan.

Officer comment and conclusions on the principle of development

117. It is clear that the application proposals, owing to the situation of the application site at a 'countryside' location (as currently defined) are contrary to the dominant operative policies of the adopted Development Plan. The proposals were formally advertised as a departure from the provisions of the Development Plan at the outset. Accordingly, and as a starting point both Section 38(6) of the 2004 Planning Act and the NPPF set out a 'presumption against' the development and direct that planning permission should be refused unless material considerations indicate otherwise. Officers advise that, setting aside the provisions of the emerging SALP document, the clear breach of the development plan which these proposals represent must not be overlooked in the consideration of this planning application.
118. The NPPF is capable of amounting to a material consideration that may justify granting planning permission for development which is contrary to the provisions of the Development Plan. The Framework does not equate to a 'blanket approval' for residential development in locations that would otherwise conflict with Development Plan policies (even where a five year housing supply cannot be demonstrated). In this regard it is an important to keep in mind the fact that the 'presumption in favour of sustainable development' embedded in paragraph 14 of the Framework does not apply to these proposals. It remains the case that the planning application falls to be determined in accordance with Section 38(6) of the 2004 Act (paragraph 82 above) with the NPPF being a key material consideration in the consideration.
119. Given that the Council is able to demonstrate a 5-year supply of housing extant Development Plan policies which affect the supply of housing are not automatically deemed 'out of date' by the provisions of paragraph 49 of the NPPF (paragraph 95 above). That said, it is clear that without the housing developments currently proposed at Lakenheath, it is unlikely that that the Council would be able to demonstrate a five year supply of housing. Accordingly, if the planning application were to be approved, it is likely that the provisions of paragraph 49 of the NPPF (paragraph 95 above) would apply at any subsequent appeal.
120. This report will go on to consider whether or not it is appropriate to grant planning permission as a departure from the normal provisions of the Development Plan in the light of any 'material considerations that indicate otherwise'.

121. Before that assessment is made, it is first appropriate to consider whether the application proposals might be supported by or offend any other policies of the development plan. It is also appropriate to consider the influence of relevant national planning policies and guidance. This will establish whether there are other material considerations that will influence the final decision (either positively or negatively).

Impact upon the countryside (including landscape impact)

122. 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.
123. 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.
124. 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.
125. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
126. Emerging Policy SA8 of the Site Allocations Local Plan document which proposes to allocate the application site (under SA8(c)) for around 67 dwellings confirms that strategic landscaping and open space must be provided on all sites to address the individual site requirements and location.
127. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens.
128. 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.
129. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites.
130. 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.

131. 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.
132. 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 constitutes material planning harm.
133. The impact of the development proposals upon the landscape qualities and character of the wider countryside would be moderately harmful but not significant given the contained character of the site, the presence and screening influence of existing mature landscaping a short distance to the north and west and the fact the site abuts existing built development on the edge of the village. The existing built development provides a shielding effect along the south and east boundaries and would form a backdrop to new development at the site. Furthermore, boundary planting is proposed to the outer (north and west) boundaries of the site which, in time, will mature to soften the impact of the proposed development upon the local landscape.
134. The moderately harmful impact of the proposed development upon the landscape is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new boundary landscaping (the precise details of which could be secured by condition).

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

135. 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.
136. 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.
137. 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.
138. 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.

139. Policy DM44 of the Joint Development Management Policies document states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
140. Policy DM45 requires the submission of a Transport Assessment to accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
141. Emerging policy SA8 of the Site Allocations Local Plan, which proposes to allocate around 523 houses on three sites to the north of Lakenheath confirms that [planning] permission will only be granted where applicants can demonstrate that satisfactory measures to mitigate the cumulative and individual highway impacts of development on the sites can be formally secured and are deliverable.
142. The Core Strategy, through its policy CS1, 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. Populations living in Lakenheath, whom are 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), and whilst planning permission is extant (and implemented) for a new grocery shop off the High Street, close to the village centre, there is an element of doubt that this facility will be delivered.
143. It is likely that the majority of the potential occupiers of the dwellings proposed in this planning application would need to travel to meet their main employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. Given the village scale of Lakenheath and its isolated situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and bearing in mind the rural location and are considered sustainable in transport terms.
144. The application site takes vehicular access from Briscoe Way at a single point. Secondary access for pedestrian and cycle access and occasional emergency vehicles is provided from the site onto Burrow Drive. Briscoe Way takes access from Station Road (B1112), the principal route through the village.

145. The applicants have amended the design and layout of the proposals to incorporate comments received from the County Highway Authority whom, consequently, has not objected to the proposals (subject to the imposition of conditions).
146. 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.
147. The traffic impact of the proposed development, in accumulation with other developments presently proposed in the village, is considered later in this section of the report.

Impact upon natural heritage

148. 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. As is the case here, 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.
149. 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.
150. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance. Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
151. This particular requirement also forms part of the emerging policy SA8 of the Site Allocations Local Plan document which allocates the application site for a housing development. Emerging Policy SA8 refers to the Maidscross Hill SSSI and the Breckland SPA designations in this regard and also requires avoidance and mitigation measures to be incorporated into the design and layout of the allocated sites to provide well connected and linked suitable

natural greenspace and enhancement and promotion of dog friendly access routes in the immediate vicinity of the development.

152. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
153. A 'Phase I' Habitat Survey has been submitted with the planning application. This assesses whether the development proposals might affect the internationally designated sites and other important sites/species outside which are protect by the Habitats and Species Regulations and/or the Wildlife & Countryside Act and Local Biodiversity Action Plan (BAP).
154. As discussed above, the 'appropriate assessment' carried out by the Council concluded that the development proposals would not impact upon the integrity of any European designated nature conservation sites. The applicants report supports this conclusion.
155. The applicant's report confirms the application site (and some adjacent sites) has been surveyed for a range of rare species. It comments the site is predominantly of low ecological value being mainly cultivated arable land (although the rough grass-dominated margins and boundary hedges will be of higher value to wildlife) and recommends that no further survey is necessary (unless hedgerow/shrub clearance is to occur in the bird nesting season).
156. The report concludes that with a sensitive landscaping scheme and by incorporating other measures recommended (provision of three bat boxes, two house-sparrow terraces, provision of reptile hibernacula, planting of climbing plants and provision of a wildlife corridor (suitable hedgerow) to north boundary) the site could be enhanced for local wildlife post-development.
157. 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.
158. Officers are satisfied that the development proposals, in isolation, would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed development is likely to result in net ecological gains. The delivery of the enhancement measures set out in the Phase I Habitat Survey could be secured by means of an appropriately worded planning condition.
159. The potential impacts of the development proposals in-combination with other proposals for development in the village is considered later in this section of the report.

Impact upon built heritage

160. 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.
161. 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.
162. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
163. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
164. 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.
165. 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). The report explains the work that carried out to investigate the archaeological potential of the site and confirms that no significant archaeological features or deposits were encountered.
166. The Archaeological Service at Suffolk County Council has been consulted of the planning application and accepts the findings of the applicants' report. Accordingly, no further archaeological work will be needed prior to development commencing and no archaeological mitigation is required.
167. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

168. 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."

169. 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...enable the development to be deliverable.
170. 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".*
171. 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.
172. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
173. Matters pertaining to highway, education, health and open space 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).

Waste water treatment infrastructure

174. Details submitted with the planning application confirms the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works.
175. The Draft Infrastructure Delivery Plan (DIDP) which provides identifies infrastructure needs to support the emerging Single Issue Review and Site Allocations Local Plan confirms that some new or improved sewers and upgrades to pumping stations may be required to facilitate development in the District, depending on the location of developments. The document also confirms that no significant constraints to delivery have been identified. At Lakenheath, the DIDP identifies there are no constraints associated with Lakenheath WRC in terms of treatment capacity or discharge capacity.
176. The available evidence confirms the proposed development is acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water Services, the statutory sewerage undertaker which has not objected to the application and has not requested the imposition of any conditions relating to the treatment of waste water arising from the development.

Water supply

177. The DIDP identifies there may be a future water supply deficit and a solution is planned. Water supply has not been identified as a constraint on the level of development for Lakenheath proposed in the emerging Development Plan. Anglian Water Services has not identified water supply as a constraint on this development as part of their comments about the planning application.

Energy supply

178. The DIDP does not identify any issues with capacity in the energy supply network and, as such, this is not a constraint on the development. The village is served by Lakenheath major substation.

Flood risk, drainage and pollution

179. 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.
180. 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.
181. 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.
182. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
183. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby drainage channel (north and west of the site), being situated outside of its modelled floodplains.
184. The flood risk assessment submitted with the planning application confirms that surface water will be managed via sustainable drainage systems, including range source control measures (permeable paving, water butts etc.), trapped gullies and catchpits on highway manholes (pollution avoidance), surface water attenuation and flows off the site replicating existing hydrology (i.e. discharge at existing greenfield rates). The applicant

has confirmed that some SUDS infrastructure is intended to be positioned below part of the open space. This does not mean the development is contrary to planning policies relevant to SUDS or public open space, but means it is unlikely the Council would adopt the open space because of the additional risks and liabilities arising from the SUDS infrastructure beneath the surface. This means it would fall upon the developer to form a Management Company to manage and maintain these areas. Resolution of the management of the public open spaces and SUDS infrastructure could be secured by means of a planning condition. The applicant has amended the proposals for surface water drainage of the site in order to satisfy concerns expressed previously by the Lead Local Flood Authority (Suffolk County Council). The Authority has subsequently confirmed it is content with the SW drainage proposals, subject to the imposition of conditions upon any planning permission granted.

185. The planning application is accompanied by a Phase I contamination report. This concludes the site has not been unduly impacted by former land uses (allotments/agricultural land) and groundwater underlying the site is not regarded as a sensitive receptor. Furthermore, ground gases are considered to pose a low risk. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.
186. 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.
187. 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

188. The County Council as Local Education Authority has confirmed the village school has reached its 315 place capacity. This means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility which is yet to be built in the village or pupils would need to be diverted to alternative primary schools outside of the village. Suffolk County Council is currently considering a detailed planning application for the construction of a new primary school at Station Road. Furthermore, planning application DC/14/2096/HYB includes proposals in outline for the construction of a primary school at the same site. Planning permission has already been granted for the construction of vehicular and pedestrian accesses into the school site. Finally, emerging Policy SA8 (b) of the Site Allocations Local Plan includes the provision of a new primary school within the land allocation at Station Road (relatively close to the Briscoe Way site). Given the planning history, it is likely that a new primary school will be provided in the village in a relatively short space of time to provide sufficient capacity for the pupils forecast to emerge from these development proposals.

189. 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. 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 also discussed later in this section of the report.
190. 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

191. 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.
192. 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.
193. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 applies similar criteria, but is specific to proposals for residential development.
194. The application seeks full planning permission for development so details of the site layout and appearance of the dwellings are included for consideration.

Relationship to context

195. The application site is on the north extreme of the village and effectively 'bolts-on' to an existing modern housing estate. The site is detached from the core of the village, a designated conservation area, and has no visual relationship to the more vernacular buildings along the village High Street. The proposal's organic, informal layout, mixture of standard house types, and materials reflects the character of the existing housing in Briscoe Way and Burrow Drive.

Connectivity

196. Owing to the 'backland' location of the site there are limited opportunities for connections to be made back into the village footpath and highway network. However there are two points of access from the site into Briscoe Way (Vehicular and pedestrian/cycle) and Burrow Drive (pedestrian/cycle and

emergency vehicle) so the development maximises its opportunities to connect back into the village. Furthermore, opportunities to make connection to any further future development to the north and west of the site are provided as part of the site layout.

Existing trees and hedgerows and new planting

197. The site is a treeless which is not surprising given its existing active agricultural use. There are some existing trees overhanging the east site boundary marking the rear gardens of some dwellings in Elm Close and these would not be affected by the development proposals as buildings are sited a sufficient distance away from them. Mature hedgerows along the south boundary of the application site which mark the edge of the existing housing estate at Briscoe Way would also be retained.
198. The application proposals include new hedgerow planting to the outer 'countryside' boundaries, with opportunities to provide some trees dispersed within it. In time this landscaping would mature to soften the impact of the development on the immediate countryside. New planting is also proposed in landscaped areas within the development, particularly alongside the new internal roads. Some of these will be within front garden areas of the new dwellings and thus have varying chances of becoming established and maturing. Other planting is illustrated within the open spaces.
199. Details of the planting scheme, including its implementation and subsequent maintenance could be secured by condition. The landscaping proposals are considered adequate for the development at this location.

Parking provision

200. The private dwellings are each provided with at least 2 off road car parking spaces, some are shown to have 3 per dwelling via a mix of covered (garaged) and open spaces. There is also sufficient parking available for visitor vehicles. Car parking for the affordable units is provided in communal areas at an average of 1.5 spaces per unit. The level of parking proposed is acceptable and accords with the revised adopted Suffolk Advisory Parking Standards.
201. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing estate roads. The majority of the dwellings have parking contained within the curtilage (garaged or open). Communal parking courts are provided for the affordable units but these would not require future residents to drive past their own home before reaching their designated parking space in a rear parking court. Rear communal car parking areas are generally recognised as likely to lead to on-street parking in preference to a less-conveniently located parking court. Although parking courts are an undesirable design feature their presence alone cannot merit a refusal of planning permission and the visual impact of the courts must be taken in to the overall balance.
202. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

Efficiency of layout

203. Some of the parking courts proposed would be to the side of houses, accessed directly from the street. The use of single-sided access roads serving plots close the public open space would be an inherently inefficient use of land, but these driveways are not lengthy and provide crime prevention benefits by enabling dwellings to front towards the public open space providing it with a high level of natural surveillance.
204. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and as a consequence it needs to be laid out efficiently in order to achieve an acceptable result. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

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

205. Some inefficiencies of layout are an inevitable result of the absence of a highway frontage to the site and the consequential fixed points of access. Others flow from the demands of the local authorities, such as the requirement to provide secondary access for emergency vehicles (Burrows Drive) and for the provision of public open space and the need to provide it with natural surveillance and enclosure. Other inefficiencies are introduced by the inclusion of a number of bungalows in the scheme (which tend to require larger plot sizes than 2-storey housing). Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

Placemaking

206. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The urban design of the scheme could be improved by designing the configuration of standard house types to contribute to the quality of space.
207. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the enclosure of the public open space and the greater height of the affordable flats creating a focal point. Elsewhere, however, there are some areas which would be less successful in place-making terms including (in particular) plots 5, 6 and 10 which are to be set back behind other dwellings without a frontage. Many of the spaces and streets would have little sense of enclosure (because of spacing and positioning of the bungalows) or of design and appear to be no more than pragmatic arrangements of houses and roads to fit the site and its shape.
208. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. The future residents of the scheme would experience a high quality living environment with well designed homes, off-street parking, a centrally located and accessible area of public open space and (for most of the private dwellings) generous gardens.

External materials

209. The proposed materials (ref paragraph 3 above) would be contiguous with those used to face the existing Briscoe Way housing development using similar colours and textures. The materials palette is considered acceptable.

Cycle and bin storage provision

210. The private dwellings and the two affordable dwellings would be able to utilise their own space to provide for bin and cycle storage. All have access to private rear amenity spaces such that these could be stored away from the public realm. Less opportunity would exist for the occupiers of the flats whilst these do have private dedicated amenity space per unit, they are much smaller than those provided to the dwellings. Less opportunity therefore exists for the occupiers of the flats to store their bins and cycles. A communal bin store is illustrated on the plans but a clear strategy for bin and secure cycle storage will be required. This could be secured by condition.

Conclusions on design matters

211. The relatively hard, urban visual character of the housing area would be adequately balanced by the open space, landscaped internal spaces and the new boundary planting.
212. Some elements which would contribute to the character of the development are as yet not fully specified or would require to be secured by conditions (street lighting for example). However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions or other means.
213. The proposal would be as connected to adjoining development as it could possibly be. The layout takes a varied approach to the question of frontages which is not inherently wrong but in places leads to inefficiencies of land use and missed opportunities for place making. Some efforts at place making are evident but there is one instance of a less than desirable outcome (the positioning of plots 5, 6 and 10 in 'backland' locations behind frontage development).
214. After considering the elements which would contribute to the character of the development itself, it is concluded that the scheme is capable of improvement in a small number of elements as discussed above but these would not, by themselves, justify consideration of a refusal of planning permission but need to be taken into account in the planning balance.

Impact upon residential amenity

Impact upon the amenities of the residents of the proposed development – Military Aircraft

i) National Planning Policy

215. 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. Paragraph 120 of the Framework seeks to prevent unacceptable risks from (inter alia) pollution, and states planning Policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

216. 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.

ii) Local Planning Policy

217. 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 and not site sensitive development where its users would be significantly and adversely affected by (inter alia) noise, unless adequate and appropriate mitigation can be implemented.

iii) Relevant standards and Guidelines for noise

World Health Organisation (WHO): 1999: Guidelines for Community Noise

218. This is a wide ranging document describing the effects of community noise. It provides information about the effects of noise that may occur at certain levels of exposure. For dwellings, the critical effects of noise are taken to be sleep disturbance, annoyance and speech interference.

219. Indoor guideline values are provided for bedrooms with the aim of protecting against sleep disturbance, a guideline value of 30 dB LAeq for continuous noise and 45 dB LAm_{ax} for single sound events (no more than 10-15 occasions per night) is recommended. To enable casual conversation during the daytime an internal guideline noise level of 35 dB LAeq is provided.

220. With respect to external noise levels it is stated that:

"To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55 dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50 dB LAeq."

British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings)

221. The applicants have carried out their noise assessment in accordance with this British Standard. British Standard 8233:2014 provides recommendations for the control of noise in and around buildings. It suggests appropriate

criteria and limits for different situations, which are primarily intended to guide the design of new buildings, or refurbished buildings undergoing a change of use, rather than to assess the effect of changes in the external noise climate.

222. The standard suggests suitable internal noise levels within different types of buildings, including residential dwellings. It suggests that for steady external noise sources, during the day, an internal noise level of 35 dB LAeq,T is appropriate for resting conditions within living rooms and bedrooms and a level of 40 dB LAeq,T is applicable to dining rooms. During the night, an internal noise level of 30 dB LAeq,T is recommended within bedrooms.
223. The recommended levels are based on the existing guidelines issued by the World Health Organisation (WHO) and assume normal diurnal fluctuations in external noise. It is also stated that *'Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.'*
224. For regular individual noise events with the potential to cause sleep disturbance it is stated that a guideline value may be set in terms of sound exposure level (SEL) or L_{Amax,F}. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.
225. Recommendations for design criteria for external noise are also provided, in this regard it is stated;

'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'

226. The external and internal ambient noise levels LAeq criteria in BS 8233:2014 is concordant with those contained within the WHO guidelines.

ProPG: Planning and Noise (New Residential Development)

227. Professional Practice Guidance on Planning and Noise for new residential development (ProPG) was published June 2017 by the Chartered Institute of Environmental Health (CIEH), the Association of Noise Consultants (ANC) and the Institute of Acoustics (IOA). The guidance has been produced to provide practitioners with guidance on the management of noise within the planning system in England.
228. The guidance focusses on proposed new residential development and existing transport noise sources and reflects the Government's overarching Noise Policy Statement for England (NPSE, the National Planning Policy Framework

(NPPF) and Planning Practice Guidance (including PPGN), as well as other authoritative sources of guidance.

229. The guidance provides advice for Local Planning Authorities (LPAs) and developers, and their respective professional advisers which complements Government planning and noise policy and guidance and, in particular, aims to:

- Advocate full consideration of the acoustic environment from the earliest possible stage of the development control process;
- Encourage the process of good acoustic design in and around new residential developments;
- Outline what should be taken into account in deciding planning applications for new noise-sensitive developments;
- Improve understanding of how to determine the extent of potential noise impact and effect; and
- Assist the delivery of sustainable development.

230. ProPG provides guidance for the producing an initial site noise risk assessment, pre-mitigation, based on the prevailing daytime and night time noise levels across the site, from which the site (or areas thereof) can be zoned. Figure 4.1 shows the Stage 1 noise risk assessment criteria taken from Figure 1 of ProPG.

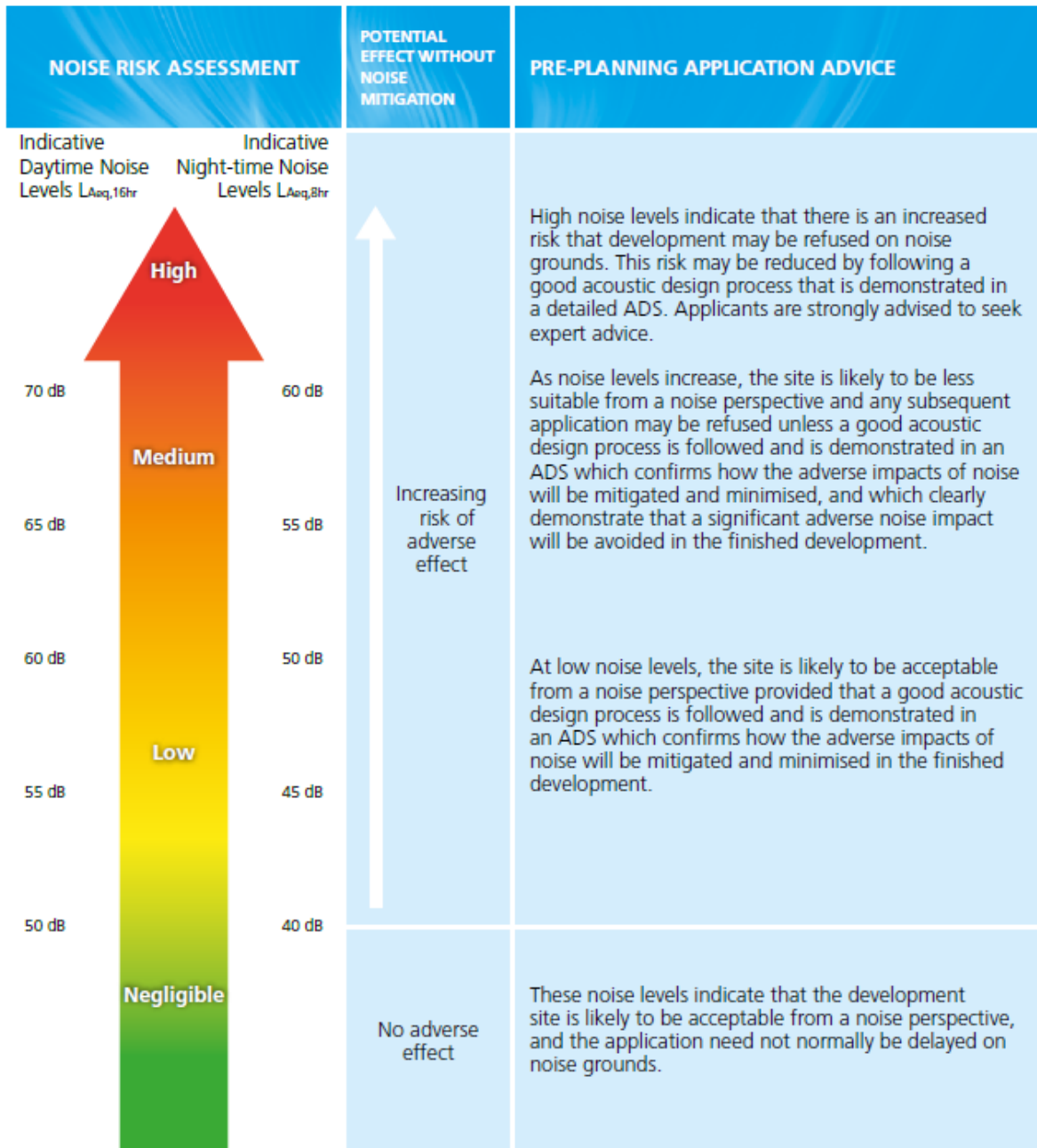


Figure 1 Notes:

- Indicative noise levels should be assessed without inclusion of the acoustic effect of any scheme specific noise mitigation measures.
- Indicative noise levels are the combined free-field noise level from all sources of transport noise and may also include industrial/commercial noise where this is present but is "not dominant".
- $L_{Aeq,16hr}$ is for daytime 0700 – 2300, $L_{Aeq,8hr}$ is for night-time 2300 – 0700.
- An indication that there may be more than 10 noise events at night (2300 – 0700) with $L_{Amax,F} > 60$ dB means the site should not be regarded as negligible risk.

Figure 4.1 Initial Site Risk Assessment (measured/predicted, empty site, pre mitigation)

231. Stage 2 of the ProPG assessment requires consideration of four key elements to be undertaken in parallel. The Stage 2 assessment is intended to be proportionate to the risk, as determined by the initial site risk assessment.
232. The four elements of the Stage 2 assessment and implications on acoustic design are discussed below.

Element 1 - Good Acoustic Design Process

- Following a good acoustic design process is a key part of achieving good design, as required by NPPF and NPSE. It is imperative that acoustic design is considered at an early stage of the development process.
- A good acoustic design process takes an overarching and integrated approach in order to achieve optimal acoustic conditions, both in terms of internal noise levels within habitable rooms and external amenity noise (e.g. in gardens, balconies etc.).
- Good acoustic design should avoid 'unreasonable' acoustic conditions and prevent 'unacceptable acoustic conditions. ProPG notes that good acoustic design does not mean over-engineering or 'gold plating' all new developments but instead should aim to provide an optimum acoustic outcome for a particular site.

Element 2 - Internal Noise Level Guidelines

- The second element of Stage 2 is to seek to achieve recommended internal noise levels inside noise sensitive rooms in new residential development. The guideline values proposed are the same as those provided in BS 8233:2014 and WHO, including the recommendation that maximum noise levels should not exceed 45 dB LA_{max} more than 10 times per night.
- Designers should principally aim, through good acoustic design, to achieve these noise levels in sensitive rooms with windows open. Where noise levels are assessed with windows closed, justification is to be provided.

Element 3 - External Amenity Area Noise Assessment

- ProPG recommends the guideline values of 50 – 55 dB LA_{eq}, 16hr in gardens and external amenity areas, where such areas are an intrinsic part of the overall design. If these values cannot be achieved in all areas, the development should be designed to achieve the lowest practicable noise levels. The provision of relatively quiet alternative publically accessible external amenity space may help to offset the noise impact in high noise areas.

Element 4 - Assessment of Other Relevant Issues

- This guidance reflects advice already provided in NPSE and PPG-Noise and includes acoustic factors that determine whether noise could be a concern, e.g. the number, frequency and pattern of noise events; the spectral content of the noise, the character of the noise (i.e. the presence of tones or other features such as impulsiveness), possible cumulative impacts from several sources as well as local topology and topography.
- Other relevant issues to be considered include: magnitude and extent of compliance with ProPG; likely occupants of the development; acoustic design vs. unintended adverse consequences; acoustic design vs. wider planning objectives.

iv) The adequacy of Noise information submitted with the planning application

233. In September 2014, at the time the Development Control Committee first considered the planning application, the application site was shown to be situated outside the noise contours relevant to the operation of RAF Lakenheath. Noise contour information is prepared and published by the Ministry of Defence.
234. Despite that, the applicants undertook a noise impact assessment (NIA) at the time and submitted the results with the planning application. The NIA was based on field surveys carried out on a single day in February 2014. Military aircraft were observed during the day and, following liaison with the base (whom confirmed there are typically 40-45 flights departing from the base per day), the NIA adjusted the noise data to reflect this level of aircraft movement. This increased the robustness of the information. The adjusted field work recorded noise levels of 62.1db LAeq(16-hr) and proposed mitigation measures to insulate the dwellings against aircraft noise. The noise mitigation strategy was designed to achieve internal noise levels set out by the World Health Organisation guidelines. The external areas of the site would remain unmitigated and would exceed the WHO guidelines for external areas for short periods when aircraft are passing.
235. It was apparent from the recommendations of the NIA that the internal spaces of the dwellings could be adequately mitigated through appropriate construction and insulation techniques. Indeed, the Council's Public Health and Housing Officers and, latterly, the Defence Infrastructure Organisation (DIO) do not object to the proposals, subject to conditions.
236. The DIO did object to the planning application for a period of time but following agreement being reached regarding the wording of controlling conditions which are to be applied to any planning permissions granted, those objections were withdrawn. In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The information confirmed the application site is situated within a 66-72 db LAeq (16-hr) noise contour which suggests the application site could be exposed to greater noise levels than set out by the 2014 NIA accompanying the planning application. The applicant's noise consultant submitted comments in response to the publication of the new noise contours and has demonstrated the internal spaces of the dwellings remain capable of mitigation (with an assumed noise measurement of 67dB(A), based on the contour information. Furthermore, the Public Health and Housing Team, having considered the information set out in the NIA, the MoD noise contours and continue to advise the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
237. In April 2017, following publication of the refreshed noise contours, the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 66-72db LAeq (16-hr) noise contour, the MoD advises as follows:

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

- *Acoustic primary double glazing system of at least 6.4L[1](12)10 for all windows;*
- *Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*
- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*
- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used."*

238. The Lakenheath Parish Council continues to object to the planning application on the grounds of the impact of aircraft noise to the residents of the proposed development. They have commissioned a noise consultant (Clarke Saunders Acoustics – (CSA)) to advise them on matters pertaining to the planning application and comments made specifically in relation to this planning application are set out at paragraph 58 above.

239. The applicants' own noise consultant has responded to the Parish Council's criticisms of their assessment. Their response to the criticisms of the technical assessment is as follows:

Assessment criteria

- In paragraphs 3.15 and 3.16, CSA agree with our assessment methodology and criteria. It is agreed that if the site were to be reassessed today, account would be taken of the May 2017 document "ProPG: Planning and noise – new residential development."
- In paragraphs 3.17 and 3.18, CSA state:

"A previous consultation with Forest Heath District Council was understood to have been made by AJA for another development site nearby, which has been taken as applicable to both sites.... It is not clear if the other development referred to is also subject to significant aircraft noise from RAF Lakenheath. The outcome of the previous consultation referred to may not, therefore, have been applicable to the current development site(s)."
- We do not know what this "previous consultation" refers to or on what basis they understand it to have been made. It is not clear which other development site CSA is referring to. We note, however, that exactly the same paragraphs are repeated at 3.33 and 3.34 in their discussion of Rabbit Hill Covert, and in those paragraphs the "other development site nearby" must therefore be a reference to Briscoe Way. It is therefore rather surprising that CSA do not find it clear whether this

development is subject to significant aircraft noise from RAF Lakenheath.

Duration of noise survey

- Paragraphs 3.19 – 3.20 correctly repeat our measurement methodology :

“Noise levels were measured at the Briscoe Way development site on 26th February 2014 between 08:00 – 14:30 (6.5 hours). The noise levels measured during this period included 19 aircraft departing to the south-west, and 20 aircraft returning from the north-west. Confirmation was made from RAF Lakenheath Commanders Office at the date of the survey that typically there could be up to 40-45 flights departing per day (80-90 aircraft movements including landings).

From these measurements AJA have estimated the LAeq, 16hr noise levels by ‘scaling up’ the noise measurements made of 39 aircraft movements in the six and half hour period, to 90 aircraft movements in a 16-hour period. The resultant estimated LAeq, 16hr has been determined by AJA to be 62 dB.”

- In Paragraphs 3.21 and 3.22 they state:

“The AJA survey method would be an entirely suitable means of accurately establishing the noise climate on the site from aircraft movements as the dominant noise source, if all aircraft movements from RAF Lakenheath comprised events identical to those measured during the single manual survey exercise on 26/2/14. With the more likely scenario being a greater degree of variability in terms of aircraft movement tracks, altitudes and weather conditions, the short-term measurements need to be considered as more of a ‘snapshot’ albeit one which has been extrapolated to show the potential effect on the typical daily average level.”
- This does not make sense. It is clearly impossible for all aircraft movements from RAF Lakenheath to be identical to those that we measured. There will inevitably be differences in noise levels between individual events. These differences are clearly shown in Appendix B of our report, which lists the levels for each individual event, showing variations between 55.5 and 76.8 dB LAeq,T with T being the duration of the event. We have not, therefore, merely measured a number of identical events, but we have measured a wide range of events over a six hour period which was confirmed by squadron leader Nield at the Lakenheath RAF commander’s office to be representative of typical operations.
- CSA do not explain on what basis they consider it likely that on other days there would be “...a greater degree of variability in aircraft movement tracks or altitudes”. These are of course closely controlled by the RAF, and only certain tracks and altitudes are permitted. We note that CSA have not specifically stated that our data is not representative of typical conditions, and they have certainly produced no evidence to support their suggestion that it might not be.

- Paragraph 3.24 makes claims about visiting aircraft being less precise in their approach to the runway, resulting in possible noise from late course adjustments. This is a speculative discussion of something which might occur on an occasional basis, and no supporting evidence or reference is provided.
- CSA also refer to possible variations in noise levels as a result of variations in weather conditions. The meteorological conditions during our survey are listed in Appendix C of our report, being dry, sunny, calm and with a temperature in the range 5 to 10°C. CSA are well aware that variations in those conditions (e.g. rain, wind, snow, mist or fog) will all tend to decrease noise levels at the site from aircraft movements, so that in practice the weather conditions in which we measured are consistent with a worst case.
- In addition, CSA are well aware of the restrictions in weather conditions over which noise surveys can reliably be taken. If we were, for example, to measure noise levels over several weeks of varying weather conditions, the relevant standards and guidance on noise measurements would require us to discard any measurements taken during precipitation, fog or significant wind speeds. That would effectively leave us with data for the weather conditions in which we already have measurements. The suggestion that we should therefore have taken measurements over a longer period to assess the effect of a wider range of weather conditions is therefore disingenuous.
- It is notable that in their letter CSA suggest that all of the noise surveys undertaken for all of the developments are or may be of too short a duration, irrespective of the actual length of the noise survey. It would be interesting to know what length noise survey CSA would consider to be adequate.

Intensification and night-time operation

- In Paragraph 3.22 and 3.23, CSA state:

“The potential for future increases in aircraft activity and resultant noise is not considered at all. This would also include the introduction of 24/7 operation and the resultant potential for sleep disturbance. It would be reasonable to conclude that a significant number of children whose sleep might be disturbed in the new dwellings would then be attending the new school during the daytime, when their concentration would be affected by both distraction and lack of sleep”.
- This is both emotive and disingenuous. It assumes regular night-time operation, for which no evidence is provided, and also assumes that sound insulation in the houses would not comply with the local authority’s planning conditions. It also assumes that noise levels in the school would not comply with Building Regulation E4. CSA provide no supporting evidence for these assumptions. They are well aware that very high standards of sound insulation can be achieved in both houses and schools provided that windows do not need to be open for ventilation, and indeed they state this in Paragraph 2.10 of their letter.

- CSA have not quantified the alleged potential intensification or regular night-time operation. While the RAF must, for obvious reasons, be capable of allowing aircraft to take off and land at night in exceptional circumstances, we are not aware of any plans for night-time flights to occur regularly. We have consulted with Mark Johnson of Forest Heath District Council's Environmental Health Department who informed us that the council is not aware of any such plans. Mr Johnson also confirmed that the Council cannot base its development policy on the assumption that regular night-time operations will occur in the absence of evidence to support this assumption.
- Any intensification or increase in night-time operations would affect existing residents and therefore would, presumably, not be undertaken lightly. Houses on the application site would not be disproportionately affected compared with existing houses. We note that in paragraph 1.2 of their letter, CSA state:

"The exposure of existing dwellings to high noise levels from military jet movements does not justify a similar level of impact on new residential communities and a new school."

- While this may express the opinion of the authors or of their clients, we do not consider that opinions on matters of planning policy should be included in a technical review of noise assessments which are matters of fact rather than policy or opinion.

Level of detail of our assessment

- In paragraph 3.25 of their letter, CSA graciously concede that our survey provides a "Helpful general indication of noise levels to which the site is exposed", and then go on to speculate about the terms of our instructions from our client. They continue:

"The bullet points in their introductory section "1.1 Background" confirm that the daily noise exposure is an estimate and that they have only advised on sound insulation measures in "general terms". The submission is not, therefore, sufficiently detailed to be relied upon as the sole supporting document for the development in terms of noise impact and its mitigation."

- Here CSA appear to assume that planning consent for a housing development can only be provided with a detailed design of the sound insulation for every house. This is, of course, not the case. It would be ridiculously onerous for the developer to have to provide a precise noise level at every house along with detailed design for every house to achieve the required conditions. The purpose of the noise assessment at this stage is to demonstrate how the required conditions can be met. The planning authority can then set planning conditions requiring these noise levels to be met, and the developer can then proceed with a detailed design of individual properties.

2014 and 2017 data

- In paragraph 3.26 of their letter, CSA state that it is possible that our noise data does not include use of a particular flight path, which they

claim would cause aircraft to fly directly over the site. They also state elsewhere in the letter that our survey in 2014 does not take account of updated noise contours issued in 2017.

- In fact, the purpose of our memo M001A issued on 30 March 2017 was specifically to comment on these new noise contours with regards to the proposed development. CSA has not referred to that document. If they had taken the reasonable step of consulting with us before issuing their letter, we would of course have informed them of the existence of this document.
- We will not reproduce the text of M001A here, but in summary this revises our 2014 report to take account of report OEM/08/17 dated January 2017 by the Noise and Vibration Division of the Occupational and Environmental Medicine Wing. It identifies that the 2017 contour plots indicate daytime noise levels between 66 and 67 dB at the site, which is higher than the values between 62 and 63 dB LAeq, 16 hours measured in 2014. We therefore identified a higher specification of sound insulating glazing and acoustically attenuated ventilation in order to comply with the internal noise criteria identified by the Council. Our memo M001A includes all of this information.
- For ease of reference, Figure 1 shows the LAeq,16 hour noise contour from OEM/08/17 marked up to show the location of the Briscoe way site. The innermost (dark blue) line is the 72 dB contour, the middle (green) line is the 66 dB contour and the outer (light blue) line is the 63 dB contour.
- The report accompanying the noise contours confirms that these include F15MK/C and F15MK/E aircraft activity only as this is considered to be the dominant source of aviation noise emitted at RAF Lakenheath. It includes engine ground operations but does not include aircraft activity originating from RAF Mildenhall. There is no reference to noise from F35 Lightning aircraft which CSA state in paragraph 1.5 (executive summary) of their letter is "imminent".

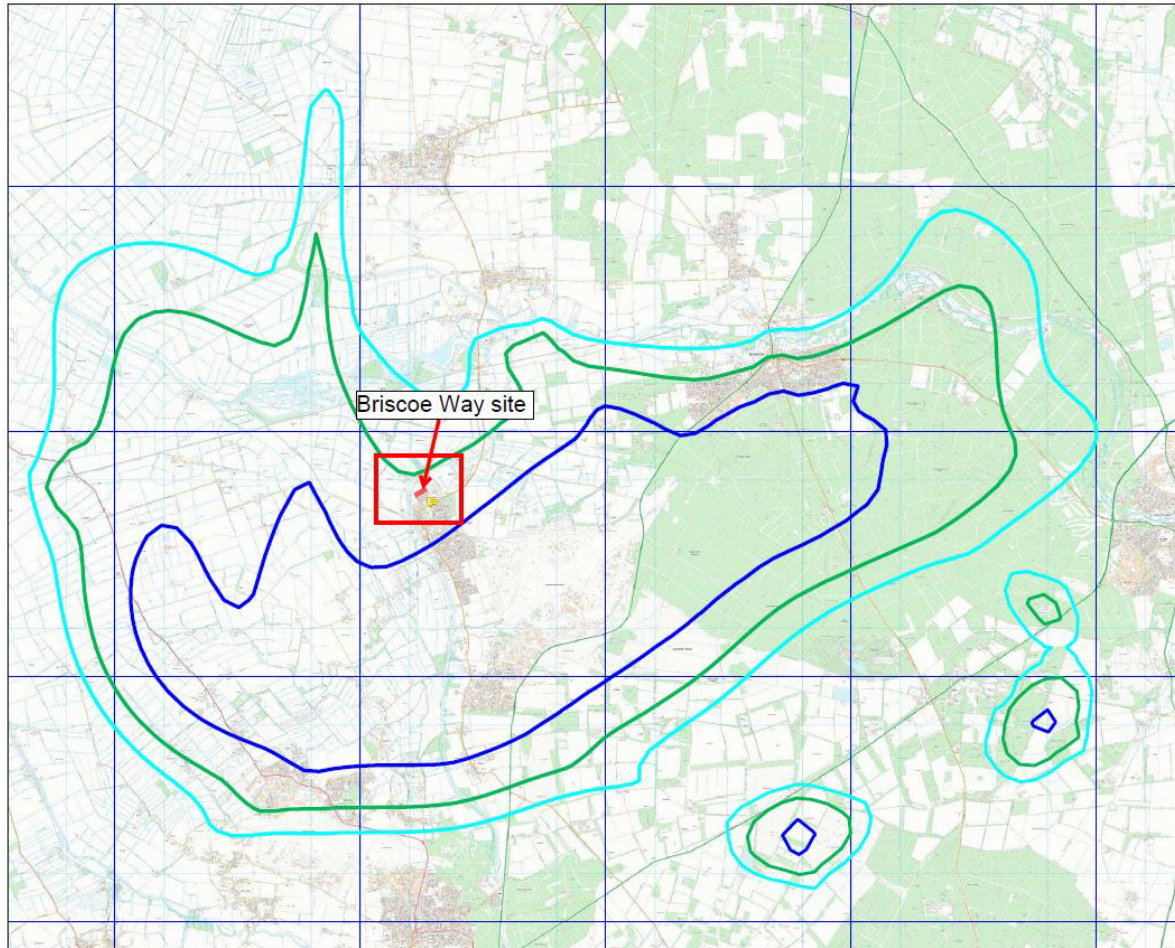


Figure 1 – LAeq,16 hour noise contour from OEM/08/17 marked up to show the location of the Briscoe way site.

Low frequency noise

- At paragraph 3.27, CSA question whether we have taken into account the low frequency characteristic of the noise in our calculations. This is rather surprising as the octave band analysis of all of our measurements is included at Appendix B of our report. This presents CSA with all of the data that they would require to undertake their own calculations as to the sound insulation required at all frequencies. Alternatively of course they could have asked us, and we would then have confirmed that we had, in fact, taken this into account. This would, however, have reduced the “Number of significant concerns” that CSA could highlight in their letter.
- In addition, our memo M001A - to which CSA have not referred - very clearly sets out the sound reduction indices in octave bands (including low frequencies) of the glazing and ventilators required to achieve the Council’s internal noise criteria assuming the noise levels from the January 2017 contours.

Outdoor noise

- At paragraph 3.30 of their letter CSA claim that we have not put the external noise levels “in context”. It is not clear in what context they expected this to be put. We have not argued that the external noise

levels from aircraft are desirable, or that they would not cause annoyance to a significant proportion of a randomly selected population. CSA are, however, rather disingenuous in claiming that 20% of the population would be highly annoyed by these levels of external noise. By definition, that part of the population which would be prepared to move within or into an area known to be affected by military aircraft noise is likely to come largely from the other 80% of the population. It is important to differentiate between a new noise source being imposed on existing residents, and new residents making a decision to move within or into an area where there is a known existing noise source.

240. The Parish Council has expressed concern that the applicant has not properly considered the impact of aircraft noise to the development proposals and consider the submitted noise information inadequate to enable proper assessment to be carried out. Officers disagree with that analysis. The noise assessment measurements were captured on site in 2014 and, following liaison with the RAF Lakenheath airbase, the results (number of noise events – aircraft events) was adjusted upwards to reflect a typical day's movement. This is considered a robust position to take. The measured noise levels at the site (as adjusted) were 62.1 dB(A). Following publication of refreshed noise contours for RAF Lakenheath Airbase, the applicants' supplemented their noise assessment and adjusted the noise level up to 67 dB(A) to reflect the position of the site within the noise contour (again increasing the robustness of the assessment). The supplementary assessment again demonstrated that the internal spaces of the dwelling are capable of mitigation through specialist construction techniques, features and materials.
241. A number of noise assessments have been carried out in support of various planning applications considered in the village over the past few years. These are set out in the table below. The results vary in terms of their alignment to the noise contour information (as shown in the table below) but there is nothing to suggest from the collective noise assessments that the noise contours, or indeed the noise assessments, are inaccurate.

Reference	Address	Proposal	MOD Contour	Recorded/adjusted noise level (worst case reported) (16hr)	Noise range (if more than one location measured)
F/2013/0394/OUT	Land West of Eriswell Road, Lakenheath	Up to 140 dwellings	72+	68	64-68
F/2013/0918/OUT	Land East of Eriswell Road and south of Broom Road	Up to 750 dwellings and school	72+	81	69-81
DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67 dwellings	66-72	62.1	n/a
DC/14/2073/FUL	Land at Broom Road, Lakenheath	120 dwellings	72+	71.1	n/a
DC/14/2042/OUT	Land adj Covey Way, Maidscross Hill, Broom Road Lakenheath	Up to 110 dwellings	72+	70	n/a
DC/15/0545/OUT & DC/16/2265/ful	27 Eriswell Road	Up to 6 dwellings	72+	63.4	n/a
DC/16/1406/FUL	28 Earlsfield, RAF Lakenheath (Lords Walk)	1 dwelling	72+	72	n/a
DC/17/2454/FUL	41 Mill Road, Lakenheath	2 dwellings	72+	59	n/a
DC/17/2584/FUL	127-133 High Street, Lakenheath	3 dwellings	72+	65.8	n/a
DC/17/2349/FUL	Site at Wingfield Road, Lakenheath	3 dwellings	66-72	53.1	n/a
DC/17/2307/FUL	Goward House, 124 High Street	COU to 3 flats	72+	43.9	n/a
DC/18/0556/FUL	29 Wings Road, Lakenheath	1 dwelling	66-72	63	n/a
DC/18/0341/FUL	Land r/o 27 High Street, Lakenheath	COU to dwelling	66-72	51	n/a
F/2031/0345/OUT and DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 81 dwellings and up to 375 dwellings + primary school	66-72	63	62-63

Table: Noise recordings captured at Lakenheath

242. Aircraft noise is a complex matter to assess and it is difficult to determine with precision the noise climate around the village of Lakenheath. This is because of the variations in (in particular) daily operational activities at the base, the tracking of aircraft and the influence of weather conditions. Accordingly, it is important that noise assessments are not only based on actual recordings captured as a 'snapshot in time' but are also considered alongside modelled noise contours. The applicants have followed this approach in their own assessments.

243. The Parish Council's noise consultant has criticised the methodology of the applicants assessment, but has not proposed a creditable alternative methodology or, indeed, demonstrated that the evidence accompanying the planning application cannot be relied upon by the Council. Furthermore, the Council's Public Health and Housing officers whom are independent noise experts, have advised the assessment is robust and, alongside the noise contour information, is sufficient to enable an adequate scheme of mitigation to be developed and secured. Accordingly, it is your officers' view that the noise information submitted by the applicants to accompany their planning application, when read alongside the noise contour information and other advice supplied by the Defence Infrastructure Organisation, forms a robust position from which to form a planning assessment about the impact of noise to the development.

v) Appeal decisions

244. The Parish Council has drawn the District Council's attention to two appeal decisions where aircraft noise was a central and determining issue. The first (reference APP/R0660/W/15/3027388) related to a site at Mobberley near Knutsford in Cheshire. Here the appeal scheme proposed a mixed use development, including dwellings. The second appeal decision (reference

APP/Q31115/W/16/3163844) was briefly referred to by the Parish Council's noise consultant and related to a site at Benson in Oxfordshire.

245. At Mobberley the appeal site was close to Manchester International Airport and its two runways (which were around a mile away). The site was also affected by noise from industrial and traffic sources. The Inspector noted that some 80% of all flights leave the run ways towards the appeal site. The housing was proposed within the 60 dB(A) and 63 dB(A) noise contours drawn to reflect the peak activities of the airport. In summarising his assessment about noise impact, the Inspector commented that a suitable external noise environment (in the external private gardens) would not be achieved and would have a significantly adverse impact on the quality of life of future residents. He also weighed into the equation that the 'sealed box solution' to providing an acceptable internal acoustic environment would further detract from the residents' quality of life and was an additional factor weighing against permission.
246. In his overall conclusions the Inspector dismissed the appeal and considered that the adverse effects of the development (identified as noise and Green Belt impacts) would significantly and demonstrably outweigh the benefits he had identified.
247. At Benson, the appeal site was located close to RAF Benson, an operational airbase housing over 20 military and emergency service helicopters (including Puma's and Chinooks). The Puma helicopters are principally on standby for UK and overseas aid or emergency deployment whereas the Chinooks were primarily used for training during the night and day for around 21 weeks per year. The external sound (daytime) was measured at 54db Laeq (16 hours) and was used by the inspector to analyse impacts to external amenity spaces of the proposed dwellings. The night time noise measurements were not quoted by the Inspector, although he considered that with windows closed (sealed box) the internal spaces would not exceed WHO guidelines but with windows open (which he considered likely during the summer period) noise in bedrooms (during night time military training exercises) would exceed WHO levels. The Inspector found against the proposals on both the daytime (external) and the night time (internal) noise impacts and concluded that the proposed development would result in an unacceptable impact on the living conditions of occupiers that would give rise to significant adverse effects on health and quality of life.
248. It is also pertinent to consider the Inspectors comments on noise impacts in the recent appeal at Broom Road in Lakenheath (appeal reference APP/H3510/W/16/3149242; planning application reference DC/14/2073/FUL). In that case, 120 dwellings were proposed at the site in Broom Road which is around 1km from the airbase runway. The Inspector noted the site was situated within the 72db contour (LAeq 16hr) and considered the appeal on the basis of the appellants' estimate that the majority of the appeal site would be about 75dB LAeqT. The Inspector observed several military aircraft taking off and considered that concerns about the acoustic environment for future residents were well founded, but considered, after mitigation, the proposals would afford a reasonable level of amenity in relation to inside living space. In terms of the external spaces, the Inspector recognised there would be very limited scope to mitigate airborne noise and concluded therefore that the development would conflict with policy DM2 which expects that sensitive development should not be sited where users would be significantly affected by noise.

249. In this respect, and whilst recognising the conflict with Policy DM2, the Inspector went on to consider the fact that Lakenheath is identified in the adopted Core Strategy as a key service centre and in the emerging Single Issue Review as a location for a substantial amount of new housing with several sites allocated for development in the emerging Site Allocations Plan. The Inspector recognised that the appeal site is closer to the airbase than those in the SALP but considered it seems likely that the acoustic environment for residents will be comparable. Accordingly, she exercised her planning judgement with respect to the living conditions of future residents and attached only limited weight to the conflict with Policy DM2 in this regard. The appeal was dismissed for other reasons with only limited weight being added to the refusal owing to the identified adverse acoustic environment at the site.

vi) Assessment of impacts from military aircraft

250. The applicant's Noise Impact Assessment confirms the internal spaces of the proposed dwellings could (and will) be mitigated against noise impacts arising from military aircraft to WHO levels. This assumes that windows will be closed with mechanical ventilation provided. The publication of new noise contours for RAF Lakenheath airbase in 2017 and the related informal planning advice prepared by the Ministry of Defence confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings are capable of mitigation.

251. The Ministry of Defence has confirmed that night flights are rare occurrences and do not feature as part of a normal training regime at RAF Lakenheath. Accordingly it is unlikely that the night time sleep patterns of the occupants of these dwellings would be disturbed by aircraft noise to the extent that they would experience health issues. This sets the application proposals apart from the 'Benson' appeal case raised by the Parish Council where night flights were a part of normal training routines and the Inspector considered there would be a considerable risk to the health of occupants of those proposals as a consequence. Furthermore, military helicopters were the subject of the Benson appeal whereas at Lakenheath, military jets are the principal noise source. Accordingly it appears to officers that circumstances differ between the Benson appeal and this planning application such that the Inspector's conclusions in that case cannot automatically be applied to these proposals at Lakenheath.

252. Similarly, the circumstances were different at the Moberley appeal scheme where the housing site was affected by constant, but varying noise from passing civilian aircraft at a busy airport. Furthermore, the dwellings in that case would also have been affected by noise from other sources (roads and industry). Again the circumstances of that case are different to the Lakenheath scenario such that it is not appropriate to transfer the Inspector's conclusions to these proposals for development at Lakenheath.

253. That said, it remains the case that external spaces of the application site at Lakenheath, including the domestic gardens, public paths and public open space proposed, cannot be mitigated against the effects of aircraft noise. In this regard, and as the external areas cannot be defended to levels below WHO recommendations, it is likely that the residents of the proposed development would experience significant disturbance from passing aircraft when using their gardens and a proportion of these will be annoyed by the

experience. As such, your officers consider the proposals conflict with Policy DM2, which states development proposals should (inter alia) not site sensitive development where its users would be significantly and adversely affected by noise unless adequate and appropriate mitigation can be implemented.

254. It might be assumed that, following a narrow assessment of the noise impacts from military aircraft upon the development, that a refusal of planning permission could be justified. The external areas of the site cannot be mitigated to standards set out in the WHO guidance and, accordingly, breach planning policies that require residential amenity to be safeguarded. This is essentially the position the Parish Council has adopted with respect to the planning application.
255. Before the Committee considers reaching that same conclusion, however, it is important to exercise an element of planning judgement and, in this case, to consider the noise context of the site and, in particular, the context of the noise climate at Lakenheath. The Committee will also need to consider whether, notwithstanding the outcome of the noise assessment, whether there are any other mitigating factors which may serve to reduce harm to residential amenity.
256. In this regard, officers' consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site would be reduced by i) the sporadic nature of the aircraft movements, meaning that noise events persist for short periods only (and for the majority of the time the background noise levels at Lakenheath village are no different to any other typical village), ii) the non-operation of the base at weekends when the external areas of the site are likely to be most used. Accordingly, these factors contribute to your officers' view that harm arising from aircraft noise is not overriding in this case and should not, in isolation from other material planning issues, lead to planning permission being refused. It is a matter for the Committee to consider in the 'planning balance'. Members will note the way in which the Inspector considered the impacts of aircraft noise in the balance in reaching her appeal decision in the appeal case at Broom Road, Lakenheath which is summarised above. Officer views with respect to the planning balance are set out in the concluding comments below.
257. If planning permission were to be granted in this case, a conditions could be imposed in order to ensure maximum noise levels are achieved in relevant internal living spaces.
258. 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 (when both are used to their maximum capabilities). The Ministry of Defence has provided further information about the operations of RAF Lakenheath following the bedding down of the F35's as part of their request for a formal Screening Opinion of the project under the EIA Regulations (the documents are available on the Council website under register reference DC/18/0456/EIASCR).
259. The Screening Report states that the introduction of the F-35A aircraft is expected to result in a reduction in the overall number of military movements at RAF Lakenheath compared to the current baseline levels. This is owing to

a reduction in the number of F15 jets stationed at the base in combination with significant F35-A pilot training being carried out on the ground in computer simulators. The Screening Report includes modelled noise contours for the year 2023, following the bed-down of the F-35A squadrons, and illustrates a slight retraction of the 2017 (and current) noise contours. This signifies a minor improvement to the noise climate in the village. This improvement is unlikely to be perceivable by the civilian population of Lakenheath which means that, at 2023, the noise climate of the village (including the application site) will be comparable with the current situation. This means that, from the evidence made available, the future (imminent) expansion of RAF Lakenheath to receive the F-35A squadrons does not materially influence the determination of this planning application.

260. Whilst the predictive noise contours for 2022 illustrate a slight improvement in the noise climate of the village, including the application site, it remains appropriate to secure mitigation which responds to the current noise climate to ensure the 'worst case' scenario is addressed.

vii) Other noise and amenity related matters

Vibration

261. 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 2017, however, the Ministry of Defence altered its position which, at the time, was 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."

262. Since those comments were received in 2017, the Defence Infrastructure Organisation has withdrawn all objections expressed previously to the planning application (including in relation to aircraft noise) .
263. There is no evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft. Officers' are not aware of any issues in this regard from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
264. Without any evidence of harm or potential harm caused by vibration to the development proposals, it is considered unjustifiable to request vibration assessments from the applicant.
265. The effects of vibration from military aircraft activities on future occupiers of the proposed dwellings is likely to be perceived as opposed to having a tangible effect. 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 and vibration is likely to be at its greatest.
266. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that only limited weight be attached to the potential harm.

Public Safety

267. At one time, the Defence Infrastructure Organisation was concerned that 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 at the time 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 or indeed elsewhere where military aircraft carry out training exercises.
268. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their aircraft away from built up areas in the event of an emergency.
269. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in your officer's view is not sufficient to justify a refusal of planning permission or add any weight against the proposals.

Impact of the proposed development upon existing residents.

270. The amenities of occupiers of dwellings abutting (backing on to) the application site would not be adversely affected by development. The design includes bungalows on all plots which abut the south boundaries of the site (adjacent to the existing Briscoe Way housing estate) in order to safeguard against the potential issues of dominance or overlooking of these dwellings. There are some two-storey units proposed to abut the eastern boundary where the application site abuts the rear gardens of dwellings fronting Drift Road, but these back on to large garden areas such that the amenities of the occupiers of the dwelling in Drift Road would not be compromised.

Loss of agricultural land

271. 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.
272. 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 the quantity of housing need required over this period. Accordingly, the future development of greenfield sites is inevitable.
273. 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 represents material planning harm. Whilst not an issue that would in isolation warrant a refusal of planning permission, it is a matter to be taken into account in the overall planning balance.

Sustainable construction and operation

274. 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".
275. The Framework confirms planning has a key role in helping shape places to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
276. The document expands on this role with the following policy:

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

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
277. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods.
278. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
279. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The 'standard' water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development if the Committee resolved to grant planning permission.

Cumulative Impacts

280. Members will note from the table produced beneath paragraph 12 above there are a number of planning applications for major housing development currently under consideration at Lakenheath and Eriswell to the south.
281. The remainder of this sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the four planning applications for large scale housing development at Lakenheath which are ready to be determined. These are planning application references DC/13/0660/FUL (the subject of this report), F/2013/0345/OUT (up to 81 dwellings at Rabbit Hill Covert, Station Road), F/2013/0394/OUT (up to 140 dwellings at land West of Eriswell Road) and DC/14/2096/HYB (up to 375 dwellings and a primary school at Station Road).

Primary education

282. 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 school site allocated within the emerging Site Allocations plan and which is subject to a two current (and separate) planning applications, is their 'preferred site' for the erection of a new primary school.
283. If planning permission is granted for that particular scheme, it would provide the County Council with opportunity to purchase/transfer the land. It is understood there is currently no formal agreement in place between the

landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme which includes a large residential component. At its meeting in August 2016, the Development Control Committee resolved to grant planning permission for those proposals (include the school site). The planning application is yet to be finally determined, however, and will require a fresh decision from the Development Control Committee.

284. The delivery of a site for the construction of a new primary school (and therefore an opening date for a new school) remains relatively uncertain. In the worst case scenario, being that a school is significantly delayed or not delivered on the County Council's preferred site, the pupils emerging from the developments would need to travel to locations outside of Lakenheath in order to receive their education.
285. If primary school pupils (as young as four years old) are forced to leave the village in order to gain primary education as a consequence of the development proposals (individually and/or cumulatively) it would be an unfortunate consequence of development proceeding. That said, if the applicants' are willing to commit their 'pro-rata' share of the reasonable land and construction costs of the new primary school infrastructure that will be required to facilitate new development in the village, they will have done all they reasonably can to mitigate the impact of their development with respect to primary education provision.
286. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from the development proposals and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should development at Lakenheath proceed in advance of a new school opening.
287. Furthermore, it is also noteworthy that planning applications are presently being considered for the construction of a new primary school at the favoured site within the village. It is therefore considered unlikely that the village would be left with planning permission for significant new housing without planning permission also being in place for the construction of a new primary school.
288. 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 and even if additional primary school places need to be provided outside of the village for a period of time, this would not lead to significant harmful impacts arising.

Highways

289. 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 now out of date 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 12). 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. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of other planning applications proposing significant new housing development in the village.

290. 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 (which addressed the housing included all planning applications current at the time; two planning applications have been refused planning permission/dismissed at appeal since that time) and
- 2215 dwellings (to enable sensitivity testing).

291. 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' at that time) concluded all of the junctions, with the exception of three, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The three junctions where issues would arise cumulatively are i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout") and, iii) the A1065/B1112 Staggered Crossroads.

292. 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.

293. 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.

294. 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 third party land outside of existing highway boundaries.

295. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated

from the first circa 850 dwellings (located on sites to the north of the junction) without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850th dwelling.

296. The study does not clarify precisely (or roughly) where the tipping point is and it is not precisely clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does confirm that, with new signalisation being provided within the highway, the improved junction would be capable of accommodating the traffic flows emerging from all the development proposals presently proposed at Lakenheath without severe impacts arising.
297. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:

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

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

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

- *"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.*
- *While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.*
- *The technical report does make a point about junction blocking impacting on overall performance, this is not considered to fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be*

accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.

- *Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.*
- *The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."*

299. Contrary to representations received on behalf of Elveden Farms Ltd, including that received latterly in June 2017, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the existing highway.

300. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct and reliable.

301. 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 (or any of the planning applications proposing large scale development at locations to the north of the junction). This could be secured by means of an appropriately worded 'Grampian' planning condition.

Breckland Special Protection Area and Maidscross Hill SSSI

302. The application site is outside the 1.5km buffers to the Breckland SPA and the nesting buffer (as recently amended). Accordingly, there are no concerns regarding potential direct impacts upon the Breckland SPA, both individually nor in-combination with other projects.

303. The SPA is also vulnerable to disturbance caused by 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 'in-combination' recreational impacts is required.

304. The ecological information submitted with the planning application does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The scheme contains only very limited measures to mitigate, off-set or avoid potential recreational impacts upon the SPA. The site is too small to provide its own measures in this respect (i.e. large areas of public open space and attractive dog walking routes for example). The application proposals, left unmitigated, are likely to increase recreational pressure upon the Breckland Special Protection area and add to any detrimental effects arising to the species of interest (the woodland component in particular).
305. Furthermore, the development (if left unmitigated) is likely to increase recreational pressure upon the Maidscross Hill SSSI to the east of the village. The SSSI is the only large area of recreational open space available locally to Lakenheath residents and is well used for recreation (dog walking in particular) but is showing signs of damage and deterioration as a consequence.
306. Emerging Policy SA8 of the Site Allocations Development Plan Document allocates a number of sites to the north of Lakenheath for residential development, including the application site. The policy requires that any development proposals must provide measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Maidscross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.
307. 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.
308. The application proposals can contribute towards implementing the measures included in the greenspace strategy and, to this end, officers consider it would be appropriate for this particular development to provide sufficient capital funding to enable a pedestrian footbridge to be provided over the drainage channel to the north of the village (and north of the site). The bridge would connect new areas of public open space allocated by emerging policy SA8 to the north of the village with the existing public footpath that runs close to the north bank of the channel. This 'project' has been costed and the contribution agreed with the applicants.
309. With these measures in place, being the contribution of this particular development to a wider package of mitigation measures, your officers conclude the potential impact of the development (both in isolation and in-combination with the other projects) upon the Breckland Special Protection Area and the Maidscross Hill SSSI, from increased recreational use would be satisfactorily addressed. Indeed, this is the conclusions of the 'Appropriate Assessment' already carried out by the Council under the provisions of the

Habitats Regulations (paragraphs 76-80 above and attached Working Paper 1).

Landscape

310. 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

311. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the 2008 'IECA' study, which forms part of the evidence base to the Core Strategy, identified a tipping point of 169 dwellings before the village Treatment Works reaches capacity. The proposals for development within the catchment of the Works would, in combination, significantly exceed the tipping point identified in 'IECA'.
312. 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. There is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study owing to upgrading works carried out subsequently by AWS. The treatment works can now accommodate all of the development proposed in the village and planned for in the emerging Local Plan (Site Allocations).
313. 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.
314. 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 Draft Infrastructure Delivery Plan (DIDP) which forms part of the evidence base for the emerging Single Issue Review and Site Allocations Local Plan documents.

Air Quality

315. The Council's Environmental Health Officers initially expressed concerns about the potential combined impact of the developments proposed at Lakenheath upon air quality and requested further information from the proposals.
316. 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.

317. 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

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

Planning Obligations

319. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. These (alongside the restrictions imposed by 123 of the Regulations) are set out at paragraphs 88-90 above.
320. 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.
321. 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.
322. 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.
323. The developer has confirmed a willingness to meet the required obligations and a formal Agreement under S106 of the 1990 Act is at an advanced stage. The planning obligations to be secured from the development, which includes a 'policy compliant' package of affordable housing provision, are 'viable' insofar as these would not deem the development 'undeliverable' in financial terms.
324. The following developer contributions are required from these proposals.

Affordable Housing

325. 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.

326. 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).
327. The applicants have proposed 20 of the 67 dwellings as 'affordable'. The remaining 0.1 of a unit is to be secured as a financial contribution to be used to provide affordable housing elsewhere in the locality. The mix and tenures have been agreed with the Council's Strategic Housing team (paragraphs 26-28 above). The affordable housing to be secured from this development are considered to be CIL Regulation 122 compliant (Regulation 123 restrictions are not relevant to affordable housing provision).

Education

328. 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.
329. 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 'pro-rata' financial contribution from this development to be used towards the land and build costs of the construction of a new village primary school. It has also confirmed a need for the development to provide a 'pro-rata' contribution to be used towards pre-school provision in the village 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.

Public Open Space

330. 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.
331. 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.
332. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development, developers will be required to provide open space and other facilities or to provide land and financial

contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106 Agreements).

333. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. In this case, 1,507 sq. m of public open space is provided as part of the site layout, which is below adopted planning policy requirements set out in the SPD. The application proposals provide funding for the construction of a bridge across the drainage channel which, in time would provide a publically accessible pedestrian crossing of the watercourse onto the public network footpath beyond.
334. This particular contribution is required to off-set potential cumulative recreational impacts upon the Breckland SPA and the Maidscross Hill SSSI. Whilst all developments at Lakenheath are making similar contributions towards their own 'recreational' mitigation projects, the developer in this case is providing a higher contribution per dwelling than other developments in the village in order to reflect the lower (less than policy compliant) provision of public open space on site. This is considered a reasonable off-setting of the breach of the public open space policy.
335. Officers consider the public open space provision and SPA/SSSI recreational impact mitigation to be secured by planning obligation comply with the requirements of Regulations 122 and 123 of the CIL Regulations.
336. A condition could be imposed upon any planning permission granted to ensure the open space area provided at the site is properly provided, managed and maintained.

Libraries

337. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested financial contribution to off-set the impact identified. Officers consider the planning obligation would comply with the requirements of Regulations 122 and 123 of the CIL Regulations.

Health

338. The NHS Property Services has not requested a contribution towards local NHS infrastructure (GP services in particular) owing to the small scale of the development.

Summary

339. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities (including recreational impacts to designated nature sites), 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 122 and 123 tests set out at paragraphs 88-90 above.

Conclusions and Planning Balance

340. This report finds the application proposals are contrary to the dominant operative policies of the Development Plan for the area. This is principally owing to the location of the development in the countryside outside the defined village settlement boundary where new housing development is strictly controlled. The consequence arising from the breach of the Development Plan is a 'presumption against' the proposed development.
341. Not only do the proposals offend the 'spatial' policies of the plan by proposing development on a 'greenfield' site in the countryside, they would also harm the local landscape by intensifying the use of the site, and provide new buildings in the countryside. Officers' consider this harm is capable of some mitigation but conclude overall minor adverse impacts would occur to the countryside, thus adding a degree of weight to the 'in-principle' Development Plan led objections to the scheme. It is also of note in this respect that the development of 'greenfield' sites in countryside locations on the edge of key service centres, which would necessitate the loss of agricultural land (including the 'Best and Most Versatile' land) is inevitable if the Council is to meet its current and future housing targets.
342. The location of the development in an area where the external spaces of the site would be adversely affected by aircraft noise (which exceeds generally accepted WHO standards) also breaches Development Plan policy. In this case, and having considered the sporadic context of the noise events and the avoidance of impact at weekends, Officers consider that a grant of planning permission could be justified in this case in spite of the proposal's identified conflict with WHO guidelines and (therefore) local planning policy. Officers consider there would be harm arising from the impacts of aircraft noise and attribute the conflict moderate weight in the planning balance.
343. 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 harm is tempered, 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 any temporary arrangements to transport pupils to other locations (should this indeed be necessary). This short term and low level harm identified is attributed only very limited weight against the proposals.
344. As previously confirmed, Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions. As already noted, this is not a case where the presumption in favour of sustainable development (in paragraph 14 of the NPPF) is applicable. Paragraph 12 of the NPPF does recognise that development which conflicts with the development plan should be refused "unless material considerations indicate otherwise". That proviso reflects the

statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;

- The absence of a five year supply of land (should the current planning applications at Lakenheath not be approved) lends significant weight in support to the principle of these development proposals, notwithstanding the fact there is no presumption in favour of the development under the provisions of the NPPF.
- The proposals would provide 20.1 affordable housing units (with the 0.1 secured as a financial contribution towards off-site provision). Officers consider this should be afforded significant weight in support of the proposals.
- The application site is allocated for a housing development of the same scale as that proposed by this planning application in the emerging Site Allocations Local Plan document. Whilst the plan has reached an advanced stage, having been the subject of hearings in front of Inspectors, including a session to examine the Inspectors modifications, the Inspectors final report is currently awaited and, as there were unresolved objections to the inclusion of the application site within the document, officers consider the allocation of the application site for housing development within the emerging Plan should be afforded moderate weight at the present time.
- The construction of the site would lead to economic gains realised through the financial investment and employment created during this phase. Further benefits would accrue from the increased population that would spend money in the local economy and the increased housing stock would provide accommodation for more workers. Such benefits would, however, also be realised equally if these dwellings were to be provided elsewhere in the District on alternate sites. This consideration serves to temper the weight to be attributed the economic benefits, which officers consider should be afforded modest weight in support of the development proposals.
- The majority of developer (cash) contributions are secured from the proposals in order to mitigate impacts identified from the development (for example education provision and highway works) and are therefore considered neither benefits nor harm. The provision of public open space on the site and a financial contribution to provide a bridge over the drainage channel to the north of the village to connect to the footpath on the north side of the water course however, would be available for use by more than the residents of the scheme and officers consider these new community assets should be afforded moderate weight in favour of the scheme.

345. It is your officers' view that the benefits of the development set out above are relevant 'material considerations' to assist with consideration of whether planning permission should be granted as a departure from the Development Plan in this case. The weight to be attributed to the identified 'benefits' and 'harm' identified is a matter for the decision maker to consider and balance in each case. The Committee will need to resolve whether the 'material considerations that may indicate otherwise' are of sufficient weight to override the identified breaches of current Development Plan policies.

346. In this case, officers have carefully considered the 'other material considerations' raised by the application proposals and conclude the collective benefits that would arise from the application proposals are substantial and are of sufficient weight to warrant a planning decision contrary to the Development Plan. The identified benefits are also considered to outweigh the moderate harm identified to primary education, the landscape, loss of agricultural land and impacts upon the amenities of incoming residents to the development whose gardens areas (and public open space) would be adversely affected by noise from military aircraft activities. Officers' conclude that a decision which departs as an exception to the normal provisions of the Development Plan is justified in this case.
347. Having carefully considered all of the issues raised by the planning application proposals, including the evidence and opinions submitted on behalf of the applicants, the contributions of key consultees and the views the Lakenheath Parish Council and Members of the public whom have participated, your Officers have formed a view there is sufficient planning justification to recommend that planning permission is granted, subject to a number of controlling and safeguarding conditions.

Recommendation

348. That, planning permission be granted subject to:

The prior completion of a S106 agreement to secure:

- Affordable housing (30% = 20 units on site and 0.1 units by means of a developer contribution)
- Education contribution (Primary School - £262,388 for build costs and a contribution towards land acquisition costs)
- Pre-school contribution (£64,526 for build costs and £4,344 for land acquisition costs)
- Libraries Contribution (£14,472)
- Public Open Space maintenance contribution (optional payment only relevant if the land is transferred subsequently to the District Council for future maintenance)
- Strategic Highway Contribution (for sustainable links to village amenities – pro rata contribution)
- SPA Recreational Impact Contribution (to provide a bridge pedestrian crossing of the drainage channel to the north) £120,000

349. Following completion of the planning obligation referred to at Paragraph 348 above, the Assistant Director of Planning and Regulatory Services be authorised to grant planning permission subject to conditions, including:

1. Time limit (3 years for commencement)
2. Compliance with the approved plans
3. Materials (use of those proposed)
4. Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
5. Public open space (strategy for future management and maintenance)
6. Landscaping (precise details of new hard and soft landscaping, including of the public open space)

7. Ecology (precautionary mitigation and enhancements at the site)
 8. Construction management plan (to include waste minimisation and recycling, tree/hedgerow protection measures/deliveries management plan, dust management, wheel washing, working hours (including deliveries and operation of generators, lighting scheme (if any), site compound/storage/staff parking areas)
 9. As recommended by LHA (as summarised at paragraph 25 above)
 10. Contamination & remediation (further investigations and any remediation necessary)
 11. Means of enclosure
 12. Noise mitigation to the dwellings (to ensure WHO standards are met within internal areas)
 13. Fire Hydrants (details of provision within the site to be submitted and approved)
 14. Compliance with Building Control Requirements for reduced water consumption
 15. Implementation of the surface water drainage scheme.
350. That, in the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 348 above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

Documents

Attachments:

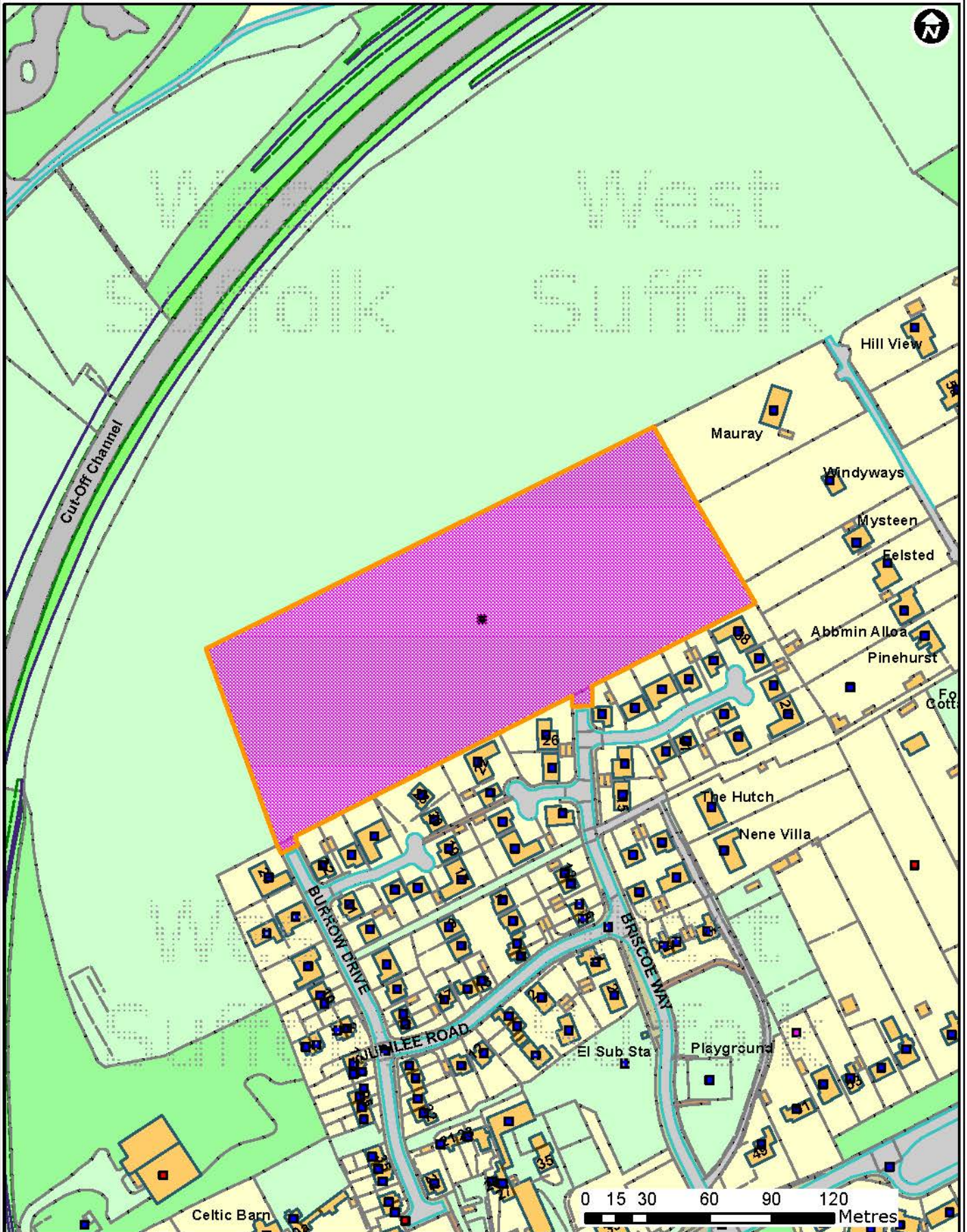
WORKING PAPER 1 – Habitats Regulations Assessment (Jaki Fisher – June 2018).

WORKING PAPER 2 – Statement of Common Ground between Forest Heath District Council and the Defence Infrastructure Organisation (August 2017).

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=MW5ML2PDH4S00>

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ACCOMMODATION SCHEDULE

Plot No.	Type	Bed Nos.	Plot No.	Type	Bed Nos.
P1	Henley	4B	P34	Oulton	4B
P2	Henley	4B	P35	Ellingham	3B
P3	Walsingham	3B	P36	Ellingham	3B
P4	Boston	3B	P37	Fincham	3B
P5	Harpley	3B	P38	Walsingham	3B
P6	Boston	3B	P39	Lincoln	4B
P7	Walsingham	3B	P40	Oulton	4B
P8	Fincham	2B	P41	Haughley (Axe)	4B
P9	Fincham	2B	P42	Ellingham	3B
P10	Fincham	2B	P43	Ellingham	3B
P11	Harpley	3B	P44	Isworth	4B
P12	Walsingham	3B	P45	Ellingham	3B
P13	Isworth	4B	P46	Ellingham	3B
A14	47m ² Flat (rented)	1B/2P	P47	Henley	4B
A15	47m ² Flat (rented)	1B/2P	P48	Henley	4B
A16	65m ² Flat (rented)	2B/4P	P49	Ellingham	3B
A17	65m ² Flat (rented)	2B/4P	P50	Ellingham	3B
A18	65m ² Flat (rented)	2B/4P	P51	Ellingham	3B
A19	65m ² Flat (rented)	2B/4P	P52	Henley	4B
A20	47m ² Flat (rented)	1B/2P	P53	Henley	4B
A21	47m ² Flat (rented)	1B/2P	P54	Sandringham	3B
A22	47m ² Flat (rented)	1B/2P	P55	Harpley	3B
A23	47m ² Flat (rented)	1B/2P	P56	Fincham	2B
A24	65m ² Flat (rented)	2B/4P	P57	Boston	3B
A25	65m ² Flat (rented)	2B/4P	P58	Glemsford	3B
A26	47m ² Flat (rented)	1B/2P	P59	Glemsford	3B
A27	47m ² Flat (rented)	1B/2P	P60	Glemsford	3B
A28	47m ² Flat (rented)	1B/2P	P61	Glemsford	3B
A29	47m ² Flat (rented)	1B/2P	P62	Sandringham	3B
A30	47m ² Flat (rented)	1B/2P	P63	Harpley	3B
A31	47m ² Flat (rented)	1B/2P	P64	Henley	4B
A32	72m ² House (shared ownership)	2B/4P	P65	Henley	4B
A33	72m ² House (shared ownership)	2B/4P	P66	Sandringham	3B
			P67	Sandringham	3B

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NOTES

Public Open Space	1925m ² (7.9%)
Total Site Area	24338m²
Private Housing	47 units
Affordable Housing	20 units (30%)
Total Dwellings	67 units

CAR PARKING STANDARDS

Private Housing
- 2 & 3 bed dwellings: 2 spaces per dwelling
- 4 bed dwellings: 3 parking spaces per dwelling

Affordable Housing
- 1 & 2 bed dwellings: 1.5 parking spaces per dwelling

16 visitor spaces provided (1 space per 4 dwellings)

CYCLE PARKING STANDARDS

2 x 1.5m shed provided in rear gardens to plots P3, A14 - A33, P34, P42, P45, P46, P49, P50, P51, P54, P59, P60, P61, P62, P66, P67 to provide cycle parking. All other plots to use garage as cycle parking, which are either no reliant upon the garage for a parking space or have a 3.0x7.0m garage.

DRAWING LEGEND

- Indicative soft landscaping scheme (subject to detail design)
- Existing trees and hedges retained, refer to AIA for full details (RPA shown in purple)
- Conservatories to selected plots
- Streetscape Elevations: refer to drg 4342 / 070

KEY TO FENCING

F1
1.8m close boarded timber fence
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails

F2
1.8m close boarded timber fence with new native hedge
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails

F3
New native hedge

F4
600mm high 'knee rail' fence
0.6m high 100mm x 100mm timber posts

F5
1.8m high brickwork wall
1.8m high, 215mm brickwork wall with rowlock course to top of wall (brickwork to match adjacent dwelling)

F6
1.5m close boarded timber fence 0.3m trellis above
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
T	12.01.18	Minor amendments to parking for plot P64	WMC	
S	05.01.18	Minor amendments to parking for plots P64 & P65 and shared surface TH's	WMC	
R	22.09.17	Revised following comment from local authority.	DJG	
Q	01.02.17	Infiltration feature amended	WMC	NM
P	03.10.16	Infiltration feature added	WMC	NM
M	23.08.16	Henley unit amended Note re. sheds added	WMC	NM
L	06.07.16	Minor amendments following planning officer comments.	DJG	NM
K	18.04.16	Minor amendments to suit client comments	WMC	NM
J	04.04.16	Plots P5-P7 & P35-P44 amended General amendments to roading etc. to suit	WMC	NM
G	11.04.14	Plan amended to suit conversion of plots A16, 17, 18, 19, 24, 25 from 2B/3P to 2B/4P. Tenures added.	EN	NM
F	06.12.13	Amendments to access road Hatch & landscaping added	WMC	NM
E	04.12.13	Amendments to layout following Highways comments	WMC	NM
D	07.11.13	Minor amendments	WMC	NM
C	31.10.13	Landscaping and fencing added Minor amendments to roads & footpaths General amendments	WMC	NM

Revisions

CF Architects Engineers Quantity Surveyors

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Bennett Plc
CLIENT

Land off Briscoe Way Lakenheath
PROJECT

Proposed Site Plan
DRAWING

4342
PROJECT REF

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Check all dimensions and report any errors or omissions.

Do not scale from this drawing.

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DRAWING NO	REVISION
Oct 13	1:500 @ A1
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WMC	NM
DRAWN BY	CHECKED BY

PROPOSED SITE PLAN : LAND OFF BRISCOE WAY, LAKENHEATH

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Habitats Regulations Assessment (HRA) – Updated June 2018

DC/13/0660/FUL

Land Off Briscoe Way, Lakenheath

Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended (Major Development and Departure from the Development Plan)

J Fisher - Senior Ecology and Landscape Officer

Introduction

1. 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 2017*. Regulation 63 (1) requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. There is also a requirement to consult the appropriate nature conservation body and have regard to any representations made by that body

Background to this update

2. On 12 April 2018 the Court of Justice of the European Union issued a judgement in the Case C-323/17 *People Over Wind v Coillte Teoranta* that ruled the Habitats Directive "must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site. Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site. If the risk of a significant effect could be excluded on the basis of objective information, there was no need to undertake an Appropriate Assessment.
3. The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering, at the HRA screening stage, whether the plan or project is likely to have an adverse effect on a European Site.
4. For the development being considered in planning application DC/13/0660/FUL, a conclusion that likely significant effects (LSE) could be screened out was reached on the basis of avoidance or reduction measures specifically in relation to in-combination recreational effects. A revised screening is presented below progressing to Appropriate Assessment.

Consultation

5. In undertaking the HRA the Local Planning Authority has had regard to information submitted by the applicant and the advice of Natural England (Natural England Letter of 10 December 2013, 30 September 2014, and 4 June 2015) and other correspondence received in matters concerning the European sites.
6. Previously Natural England had provided advice and was satisfied that the application would 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. Following the CJEU judgement Natural England was consulted and has confirmed that they are *satisfied that all issues relating to the casework has been addressed* and as a result has stated that additional consultation is not required.

European sites and location in relation to the development site

7. The European site conservation objectives for Breckland Special Area of Conservation and Breckland Special Protection Area are appended.

Table 1 Breckland Special Protection Area Information

<i>Breckland Special protection Area (SPA)</i>
The nearest component sites: Breckland Forest Site of Special Scientific Interest (SSSI) - 4.8km to the east Breckland Farmland SSSI - 2.4km to the north-east Lakenheath Warren SSSI 4.1km to the south-east
Qualifying Features: A133 <i>Burhinus oedicephalus</i> ; Stone-curlew (Breeding) A224 <i>Caprimulgus europaeus</i> ; European nightjar (Breeding) A246 <i>Lullula arborea</i> ; Woodlark (Breeding)
Conservation objectives: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; <input type="checkbox"/> The extent and distribution of the habitats of the qualifying features <input type="checkbox"/> The structure and function of the habitats of the qualifying features <input type="checkbox"/> The supporting processes on which the habitats of the qualifying features rely <input type="checkbox"/> The population of each of the qualifying features, and, <input type="checkbox"/> The distribution of the qualifying features within the site.

Table 2 Breckland Special Area of Conservation Information

<i>Breckland Special Area of conservation (SAC)</i>
The nearest component sites: RAF Lakenheath SSSI - 2.5 km to the south Lakenheath Warren SSSI - 4.1km to the south-east
Qualifying Features: H2330. Inland dunes with open <i>Corynephorus</i> and <i>Agrostis</i> grasslands; Open grassland with grey-hair grass and common bent grass of inland dunes H3150. Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation; Naturally

nutrient-rich lakes or lochs which are often dominated by pondweed
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
H91E0. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae); Alder woodland on floodplains*
S1166. *Triturus cristatus*; Great crested newt

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Is the qualifying feature likely to be directly affected?

8. The development is located outside of the SPA and is not located within the 400m buffer for woodlark and nightjar, or the 1500m Stone Curlew buffer zone, or the area known to have supported 5 breeding attempts (revised July 2016)¹; Likely significant direct effects can be ruled out.
9. 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 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?

10. The potential for indirect recreational effects on the SPA associated with increased residential properties within the vicinity has been considered.
11. The site layout shows an area of open space which will provide a recreational space for residents and there is a small recreation area a short distance to the south. The relative small scale of the development alone and the distance from the SPA 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. In addition the site is connected to the village with links to Maidscross Hill Local Nature Reserve and other recreational paths providing facilities to reduce the need for dogs to be exercised on other sensitive sites. The increase in population resulting from this development is small and no additional impacts from recreation are expected to occur from an increase in population size from the proposed development alone.

¹ Review of Core Strategy CS2 nesting attempts buffer July 2016

Are there any in-combination effects?

12. The in-combination effects of the project have been considered. Planning applications registered with the local planning authority and being considered in Lakenheath at the current time including projects published for consultation but prior to application:
- a) Rabbit Hill Covert, (81 dwellings)
 - b) Land West of Eriswell Road, Lakenheath(140 dwellings)
 - c) Land off Briscow Way(67 dwellings)
 - d) Land North of Station Road (375 dwellings and a school)
 - e) Land at Little Eriswell (550 dwellings and a school)
 - f) Land at Lords Walk, RAF Lakenheath (total of 82 dwellings)
13. The total number of dwellings currently being considered significantly exceeds the total which was tested in the Forest Heath District Council Core Strategy Habitats Regulation Assessment² 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.
14. Natural England's internal advice on in-combination effects (NE letter of 4 June 2015) 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.
15. 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 of Lakenheath. However, these developments will be required to provide measures to encourage recreational access on site. This site has been designed³ such that it could link to new green corridors within adjacent future development to provide attractive connected routes for residents, however this would be a long term aspiration.

² Habitats Regulations Assessment: Forest Heath District Council Core Strategy DPD(March 2009)

³ Amended Layout site plan 4342 052R

16. The main concern is 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.
17. 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 of the plan 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.
18. In 2010 a visitor survey of Breckland SPA⁴ 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.
19. 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 contribute to the reduction of these trips.
20. 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 7.5km⁵. 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.
21. An additional unpublished recreation study (January 2017)⁶ undertaken on behalf of Norfolk County Council and Norfolk Biodiversity Partnership

⁴ Fearnley, H., Liley, D. and Cruickshanks, K. (2010). Visitor survey from results Breckland SPA. Footprint Ecology.

⁵ NE letter of 1 July 2016

⁶ Panter, C., Liley, D. & Lowen, S. (2016). Visitor surveys at European protected sites across Norfolk during 2015 and 2016. Unpublished report for Norfolk County Council. Footprint Ecology.

analysed current and projected visitor patterns to European protected sites across Norfolk. The findings of this study showed that the Brecks have a clear draw for dog walking and a relatively high proportion of visitors to these areas are dog walkers. Access is by local residents, and the sites provide a convenient, highly attractive local space for activities, but notably there is little awareness of the nature conservation importance of the sites.

22. The study went on to use the collected data to make predictions of the likely change in access at European Protected sites as a result of the cumulative levels of development across Norfolk taking into account the distance (2km bands) of that growth from the European sites. The results showed that the largest increase in visitors by Norfolk residents – were the survey to be repeated again in the future at the end of the current plan periods – is predicted at the Brecks sites. An overall 30% increase in access was predicted at the survey locations in the Brecks, predominantly driven by new housing within Breckland District. The study did not take into consideration the effects of proposed growth in Suffolk however the findings of this study in relation to the Brecks are highly relevant to the situation in Forest Heath District; section 6.7 is clear that development outside Norfolk has the potential to further increase access.
23. This site is located 4.6km from the closest forest component of the SPA and 4.3km from the closest heathland component of Breckland SPA, and has the potential to contribute to in-combination recreational impacts. The proposals must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in Visitors to Breckland SPA. On this basis Likely significant effects cannot be ruled out and Appropriate Assessment is required.
24. In response, and to support the FHDC Site Allocation Local Plan⁷, the Council has undertaken a Natural Greenspace Study⁸ 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.
25. The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. In addition new access routes are required which could potentially focus on the Cut-Off Channel. A number of opportunities were identified for the village to develop suitable alternative green space for both new and existing residents to use.
26. Forest Heath District 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

⁷ Proposed Forest Heath District Council Submission Site Allocations Local Plan, January 2017

⁸ Forest Heath District Council, Evidence paper for Single Issue Review (SIR) of Core Strategy Policy CS7 and Site Allocations Local Plan. Accessible Natural Greenspace Study, January 2017

strategic mitigation for the settlement. The development, if consented would make a proportionate contribution to this project through a section 106 contribution, in particular to fund the proposed bridge. These avoidance and reduction measures are sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, in combination with other projects and plans.

27. The concern in relation to cumulative 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)⁹. 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

28. The proposals alone would not result in likely significant effects on Breckland SPA or Breckland SAC.

29. In-combination effects have been considered; the proposals would not result in likely significant effects on Breckland SPA or SAC in relation to cumulative traffic impacts. In relation to in combination recreational effects, a contribution to access improvements in the vicinity of the site along the Cut-Off channel are sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, in combination with other projects and plans.

⁹ Lakenheath Cumulative Traffic Study – Study Overview June 2016



European Site Conservation Objectives for Breckland Special Protection Area Site Code: UK9009201

With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

- A133 *Burhinus oedichnemus*; Stone-curlew (Breeding)
- A224 *Caprimulgus europaeus*; European nightjar (Breeding)
- A246 *Lullula arborea*; Woodlark (Breeding)

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”) and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a ‘Habitats Regulations Assessment’ including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where this is available) will also provide a framework to inform the management of the European Site under the provisions of Articles 4(1) and 4(2) of the Wild Birds Directive, and the prevention of deterioration of habitats and significant disturbance of its qualifying features required under Article 6(2) of the Habitats Directive.

These Conservation Objectives are set for each bird feature for a [Special Protection Area \(SPA\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Publication date: 30 June 2014 (Version 2). This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England’s Strategic Standard on European Site Conservation Objectives 2014. Previous references to additional features identified in the 2001 UK SPA Review have also been removed.



European Site Conservation Objectives for Breckland Special Area of Conservation Site Code: UK0019865

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- **The structure and function (including typical species) of qualifying natural habitats**
- **The structure and function of the habitats of qualifying species**
- **The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**
- **The populations of qualifying species, and,**
- **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

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

H3150. Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition*-type vegetation; Naturally nutrient-rich lakes or lochs which are often dominated by pondweed

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

H91E0. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*); Alder woodland on floodplains*

S1166. *Triturus cristatus*; Great crested newt

* denotes a priority natural habitat or species (supporting explanatory text on following page)

* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Publication date: 30 June 2014 – version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014.

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**Forest Heath Single Issue Review of Policy CS7 and
Site Specific Allocations Local Plan**

Statement of Common Ground

**Reference: SoCG: Defence Infrastructure Organisation and Forest Heath
District Council**

Date 18th August 2017

This Statement of Common Ground relates to the representations made by the Defence Infrastructure Organisation (DIO) and Ministry of Defence (MOD) in relation to the Forest Heath Proposed Submission Single Issue Review and Site Allocations Local Plan.

The objections made by DIO/MOD have been considered and this Statement of Common Ground has been agreed by Forest Heath District Council and DIO/MOD for submission to the Inspectors for the Single Issue Review and Site Allocations Local Plan Examination.

1. On the 24th February 2017 the Ministry of Defence published updated noise contours for RAF Lakenheath (Appendix A). This environmental noise information needs to be taken into account in particular in relation to proposed noise sensitive housing and mixed use development that falls within the designated noise contours. In addition regard should be had to National and Local Policy and Advice.

National Policy and Advice

2. The NPPF identifies securing a good standard of amenity as a core land use planning principle: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17 – 4th bullet).
3. Paragraph 123 provides brief guidance on planning and noise, stating planning policies and decisions should aim to:
 - avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
4. The NPPG states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.
 5. It further advises (see paragraph 005 ID-30-005-20140306) that noticeable and disruptive noise should be avoided if it amounts to a significant observed adverse effect. This can arise when noise causes a material change in behaviour and attitude etc.
 6. This Statement recognises it is not possible to have a single objective noise-based measure that defines what would constitute a significant adverse effect. Furthermore whilst the Statement seeks to avoid significant adverse impacts on health and quality of life from noise, it is within the overall context of the Government's policy on sustainable development.
 7. It is also considered that meeting the criteria outlined in BS8233 and recommendations contained within the World Health Organisation guidelines, "significant adverse impacts" on health and quality of life associated with noise would be unlikely to arise.

Local Policy

8. Policy DM2 of the councils Joint Development Management Policies (adopted February 2015) seeks to avoid sensitive development where its users would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.

DIO General Guidance

9. The Council and the DIO have agreed a form of conditions to be imposed on residential and school planning permissions for noise sensitive development. A copy of the conditions is included at Appendix B. This means that in respect of all allocated sites internal noise levels will be within the World Health Organisation Guidelines. The agreement of these planning conditions is not intended to negate the need for applicants proposing noise sensitive development in areas affected by noise from military aircraft (or indeed other noise sources) to properly assess the

impact of noise to their proposed developments. The requirement to consider the impact of noise, including aircraft noise will continue to apply to the processing of relevant planning applications.

10. Both parties accept though that noise levels within open areas may temporarily exceed recommended levels. However, the noise source is of high intensity for a very short period of time and infrequent. There is no evidence to suggest that this noise in gardens and open spaces causes adverse impacts on health, education and quality of life to the existing and future populations.

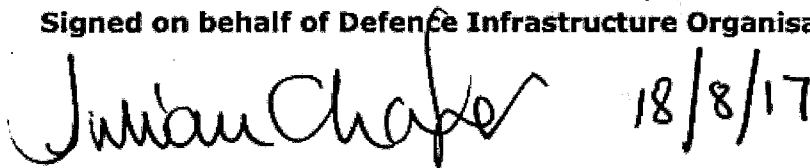
11. The DIO/MOD in light of the above therefore agrees to withdraw its objection to Policy CS7 of the SIR and its objections to Policy SA2, SA7, SA8 and SA11 of the SALP. The withdrawal of these objections is conditional on the Council amending paragraph 3.9 of the SALP as shown in Appendix C.

Signed on behalf of Forest Heath District Council



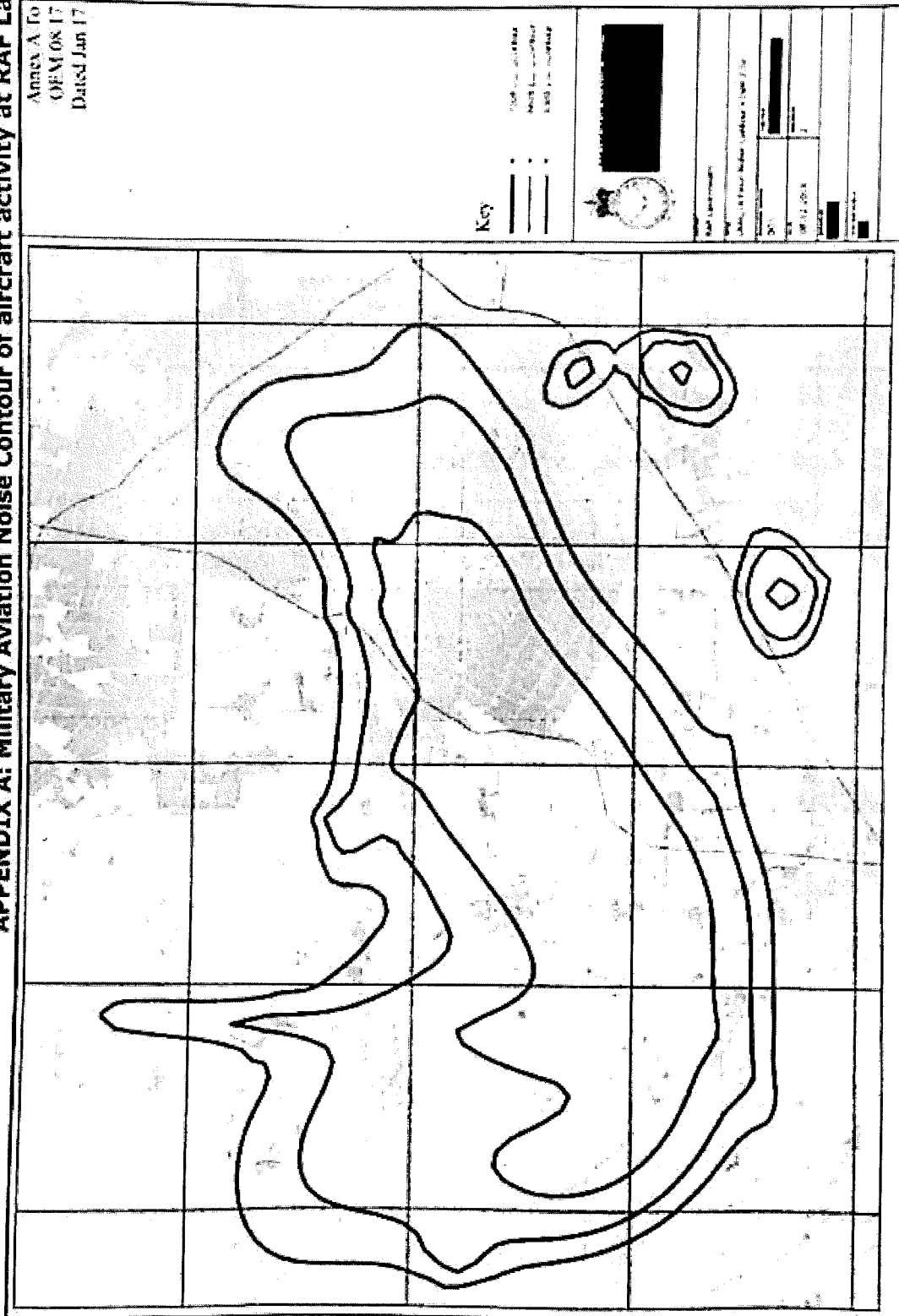
**Marie Smith
Service Manager (Planning - Strategy)**

Signed on behalf of Defence Infrastructure Organisation



**Julian Chafer
Deputy Head
Estates - Projects**

APPENDIX A: Military Aviation Noise Contour of aircraft activity at RAF Lakenheath



APPENDIX B

Condition for dwellings

1. No construction of any dwellings shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35dB LAeq (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of a measurement and assessment methodology for demonstrating compliance with the limits set out in Condition 1 i), including the identification of specific properties where monitoring shall take place. This methodology shall include measurements within more than one dwelling.

2. Prior to first occupation, a suitably qualified noise specialist shall demonstrate compliance with the noise criteria detailed in Condition 1 i) using the measurement and assessment methodology as advocated in Condition 1) ii) and during periods of normal flying operations at RAF Lakenheath and RAF Mildenhall. The findings of the compliance assessment shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the dwellings.

Condition for school

1. Any reserved matters application submitted for, or including, the construction of a primary school (including early years, or pre-school setting) or development of the primary school site (as identified on approved drawing number xxx) shall be accompanied by a scheme or schemes of noise mitigation which aims to ensure that there is at least one area suitable for outdoor teaching activities where noise levels are below 50 dB LAeq, 30mins, during normal school opening hours, as advocated within the Institute of Acoustics and Association of Noise Consultants 'Acoustics of Schools: a design guide' (November 2015). In the event that an outdoor teaching area with noise levels below 50 dB LAeq, 30mins cannot be achieved, then an assessment of noise levels, and details of the mitigation options considered and to be implemented shall be submitted to and approved in writing by the Local Planning Authority. The development shall adopt the proposed scheme or schemes of noise mitigation as stated.

2. The approved scheme shall thereafter be maintained as required and retained.

3. Prior to the first use of the primary school a suitably qualified noise specialist shall demonstrate compliance with the findings of the assessment required by

Condition 1). The findings shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the primary school.

Condition for outlines (residential)

1. Any Reserved Matters submitted pursuant to Conditions xxx of this planning permission shall include an 'Acoustic Design Statement', as advocated by ProPG - Planning & Noise: new residential development (May 2017). The 'Acoustic Design Statement' shall as a minimum demonstrate:

- i) how the approach to the proposed layout of the site has considered and mitigated against noise
- ii) how lowest practicable noise levels in the external amenity areas of the site (including public open spaces) can be achieved.

Advisory Note to be attached to planning permissions

The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties.

APPENDIX C

Proposed Main and Additional Modifications as a result of DIO/MOD representations

Site Allocations Local Plan proposed additional modifications

Rep ID number and consultee	Ref	Page	Policy/ Paragraph	Modification
24793 Defence Infrastructure Organisation		14	Paragraph 3.9 and accompanying MOD Noise Contour 2015 Map – this should be supplemented with a reference to the Military Aviation Noise Contour Report for RAF Lakenheath dated 24 th February 2017.	<p><i>Insert the following text in paragraph 3.6:</i></p> <p>Aircraft noise from RAF Mildenhall and RAF Lakenheath (<u>based on Military Aviation Noise Contour Report for RAF Lakenheath dated 24th February 2017</u>) also imposes constraints on development. However, it is important to note that flightpaths may change as a result of the announcement to close RAF Mildenhall and restructure activities at RAF Lakenheath over the next 5-7 years. The map below indicates the current noise constraint.</p> <p><i>Delete 'MOD Noise Contours 2015' map on page 15 and replace with 'Military Aviation Noise Contour Map of aircraft activity at RAF Lakenheath January 2017' map.</i></p>

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Forest Heath
District Council

DEV/FH/18/010

Development Control Committee
1 August 2018

Planning Application DC/17/2585/FUL –
Garage Areas, Downing Close, Mildenhall

Date Registered:	22.12.2017	Expiry Date:	16.02.2018 (EOT until 22.08.2018)
Case Officer:	Gary Hancox	Recommendation:	Refuse
Parish:	Mildenhall	Ward:	Great Heath
Proposal:	Planning Application - 7no. dwellings and 25no. parking spaces (following demolition of 43no. garages)		
Site:	Garage Areas, Downing Close, Mildenhall		
Applicant:	Mr Lee Webster - Flagship Housing Developments 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:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Background:

The application comes before the Development Control Committee as it is one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.

Mildenhall Parish Council object to the proposal and the application is recommended for REFUSAL.

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that;

'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

Proposal:

3. This application proposes 7 new dwellings and 25 parking spaces across 3 closely related sites. The dwellings comprise five 2 bed houses and two 3 bed houses.

Application Supporting Material:

4. The following plans and documents have been submitted with this application:
 - Plans, elevations and layout drawings
 - Parking Surveys and reports
 - Ecology survey
 - Tree survey and AIA's
 - Site Investigation reports
 - Acoustic design statement
 - Design and access statement
 - Planning statement

Site Details:

5. Downing Close is located off College Heath Road and to the east of the A1101 and to the south of Great Heath Primary School. The area comprises ex-local authority 2 storey terrace houses. The application covers 3 small sites containing a total of 43 single storey brick built lock-up garages. All the sites are surrounded by existing development. The site adjacent College Heath Road also contains an electrical sub-station.

Planning History:

6. None recent.

Consultations:

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage site at Downing Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Highways – Refuse. The highway authority has requested the applicant provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. The applicant has not done this and therefore we feel if this application were to be approved it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians.
13. MOD (Noise) – No objection. Recommend appropriate conditions to ensure adequate amenity inside the dwellings.
14. Suffolk Fire and Rescue – No objection.
15. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.

16. Ecology, Landscape & Tree Officer - No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.
17. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
18. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.
19. UK Power Networks – Objects to the development as the applicant has neither served notice in accordance with the Party Wall Act 1996 nor satisfied the Company that the works are not notifiable. The applicant should provide details of the proposed works and liaise with the Company to ensure that protective measures and mitigation solutions are agreed in accordance with the Act.

Representations:

20. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.

21. Local residents – 20 individual letters of objection received

- Loss of privacy (no. 42 Downing Close)
- Aggravate an existing parking problem
- Garages should be refurbished and kept
- Access for ambulance and fire services is unsafe due to congestion
- Water utilities need updating
- Increased population will promote poor security and criminality
- Garages currently available to rent close to houses, alternative garages will be too far away to use
- Detrimental impact on amenity (no. 40 Downing Close)
- Too much pressure on an already overcrowded parking situation
- GP's not able to easily park near resident's homes
- Application is very unfair, unjust and unsafe.

22. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

23. 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 Core Strategy 2010

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS4 - Reduce Emissions, Mitigate and adapt to future Climate Change
- CS5 - Design Quality and Local Distinctiveness
- CS9 - Affordable Housing
- CS13 - Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- DM1 - Presumption in favour of sustainable development
- DM2 - Development Principles and Local Distinctiveness
- DM6 - Flooding & Sustainable Drainage
- DM7 - Sustainable Design & Construction
- DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- DM22 - Residential Design
- DM45 - Transport Assessments and Travel Plans
- DM46 - Parking Standards

Other Planning Policy:

24. National Planning Policy Framework (2012)

Emerging Development Plan Policy:

Proposed Submission Site Allocations Local Plan (January 2017):

25. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
26. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of this application on the basis that there are no outstanding objections which relate to the areas proposed for development.

27. The development plan documents, together with current national planning policy, are material considerations to be taken into account when assessing the above application.
28. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

Supplementary Planning Documents

29. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
30. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

Officer Comment:

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

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

32. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
33. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon. This lends further support to the principle of residential development on this site being acceptable.

Parking and Highway Impact

34. The application proposes to demolish the existing 43 no. lock-up garages across 3 sites within Downing Close, as well as the removal of associated off-street parking spaces. A total of 7 dwellings are proposed to be built in their place. A total of 25 off-street parking spaces are proposed. The applicant has provided information to show that of the 43 existing garages 11 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 11 rented garages are occupied by a motor vehicle. Effectively therefore, the 11 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking, and in this case there are 11 such parking spaces. Furthermore, a further 4 parking spaces will be lost to create an access.
35. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
36. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
37. In this case having regard to the SGP, a proposal of 7 dwellings (5 x 2 bed, and 2 x 3 bed) would require 14 parking spaces. This includes a requirement for 2 visitor spaces. Taken together with the requirement to replace the 26 existing parking (garage) spaces, SCC Highways have requested a total of 40 parking spaces to be provided (26+14).
38. This application proposes 23 parking spaces resulting in a parking shortfall of 19 spaces.
39. The applicant takes the view that the parking shortfall can be met within the existing on street parking laybys and states the parking surveys have ascertained existing unused spaces. SCC Highways do not share this view and consider that there is also significant kerb-side parking experienced on this road and it is not accepted that there is sufficient on-street spaces to safely mitigate the loss of off-street parking proposed. They maintain their position that the applicant should provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing

parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.

40. SCC Highways has concluded that were the proposed development be approved, it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
41. However, consideration should also be given to the fact that the resulting shortfall in parking is based on a worst case scenario where all 32 existing garages are used to park a motor vehicle in. It is known that far fewer garages are actually used for parking a motor vehicle in, however evidence has not been provided by the applicant to demonstrate exactly how many garages are used in this way. Without an accurate indication of how the garages are currently used a worst case scenario has to be considered.
42. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

Design and layout

43. Existing development in Downing Close is characterised by small two-storey terrace houses and town houses on small plots interspersed by small garage courts. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of brown brick some of which have tile hanging to the front elevations, with grey roofs. The garage blocks are single storey with flat roofs, again utilising brown brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays as well as layby parking.
44. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
45. Dwellings are proposed on 3 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. An exception to this would be plots 1 and 2 which back on to a row of three terraced bungalows. Appropriate separation distances have been achieved here and the layout of the dwellings in this context is acceptable. It is not proposed to replicate the look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is

proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. All dwellings address the street. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.

46. Originally, the scheme included two more dwellings, however in order to provide for better separation distances and to minimise overlooking issues, the amended plans were requested. The resulting amended scheme now proposes a layout that is more in-keeping in terms of scale and form.
47. Plots 1 to 4 comprise two pairs of semi-detached houses that are designed to have a dual aspect with a gable and front elevation addressing the street. Garden sizes are sacrificed to allow for provision of off-street parking.
48. Plots 6 and 7 provide for two houses at the entrance to Downing Close adjacent to no. 52. Although it is felt that the introduction of two houses in this location will have a positive contribution to the street scene, the required parking to the rear of the properties results in very small garden areas, one of which shares a boundary with an electrical sub-station. The separation distance to this sub-station would be 4 metres, and UK Power Networks has raised an objection to this, largely as a result of there being no communication with them. At the time of writing this report, the applicants are attempting to address this issue.
49. As currently shown it is felt that the amenity for plot 7 is considered poor, and this counts against the scheme.
50. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. However, the need to accommodate dwellings, garden areas, and off-street parking within a small site constrained by the presence of an electrical sub-station, has resulted in plot 7 having a cramped appearance with a lack of circulation space and poor levels of amenity. In this respect these plots perform poorly in terms of design and appearance. The loss of 4 street trees (discussed at paragraph 61 below) without replacement also counts against the scheme.

Residential amenity

51. Direct impacts on existing residential amenity have been considered as follows:
 - Plots 1 and 2 – no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings
 - Plot 3 - no harmful impact in terms of amenity
 - Plots 4 and 5 – shadow diagrams indicate that the proposed dwelling for plot 4 will have a significant detrimental overshadowing impact in March and September. Plot 5 will not have a harmful impact in terms of amenity
 - Plots 6 and 7 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings

52. Taking into account the above, due to the harmful overshadowing impact to no. 14 Downing Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

Ecology and open space

53. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and Becklund Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).
54. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within the Beckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
55. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the LPA's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to nightjar and woodlark, the qualifying species of the Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.
56. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.
57. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
58. 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 application proposals, if left unmitigated, would in combination with the likely increase in 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).

59. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
60. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards providing the above mitigation will be calculated having regard to the number of applications approved.)
61. The proposal does require the removal of 4 street trees. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise has poor canopy cover. No replacement street planting is proposed, and therefore this must weigh against the scheme when having regard to criterion (g) of Joint Development Management Policy DM2.

Planning Obligations

62. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014; there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. In this case, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the total floor space being created across all 8 plots is less than 1000sqm. Therefore on this occasion, there is no policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9).
63. However notwithstanding this, the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing is not required by policy and can not be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

Other matters:

64. Noise – The Council has, through a memorandum of understanding, agreed with the MOD that a “brief acoustic design statement” should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:

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

65. Officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council’s memorandum of understanding agrees that an informative be attached to any permission stating that *“The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties.”*

66. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.

67. Energy efficiency - JDM Policy DM7 states that

“All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”

68. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in “selected” materials, to be installed using “modern construction methods” in a “sustainable way”. The applicant states within their Design & Access statement that they are seeking to “reduce energy consumption”. However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant’s sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the

energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).

69. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.
70. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

71. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area it is felt that this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
72. Whilst generally the design and layout of the scheme is acceptable, plot 7 has a garden size that has been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. The presence of an electrical sub-station with a separation distance of only 4 metres from the rear elevation of the proposed dwelling further reduces the amenity levels. This plot performs poorly in terms of design and appearance and is contrary to the requirements of Joint Development Management Policies DM2 and DM22 in this regard.
73. Due to the harmful overshadowing impact to no. 14 Downing Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.
74. It is acknowledged that the proposal would provide for benefits in terms of the contribution towards housing supply, potential for job creation during the construction phase and enhanced local expenditure. However, these benefits do not outweigh the harm identified above and the application does not represent sustainable development and is contrary to Joint Development Management Policies DM2, and DM22. The application should therefore be refused.

Recommendation:

75. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF.
2. The design and layout of the scheme fails to meet the requirements of good and appropriate design as required by local policy and paragraph 63 of the NPPF. Plot 7 has a garden size that has been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. The presence of an electrical sub-station with a separation distance of only 4 metres from the rear elevation of the proposed dwelling further reduces the amenity levels for this dwelling. This plot performs poorly in terms of design and appearance and is contrary to the requirements of Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22, and paragraph 9 and 17 of the NPPF.
3. Due to the harmful overshadowing impact on no. 14 Downing Close, the proposal fails to accord with the design and layout requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF with respect to the consideration of neighbouring residential amenity.

Documents:

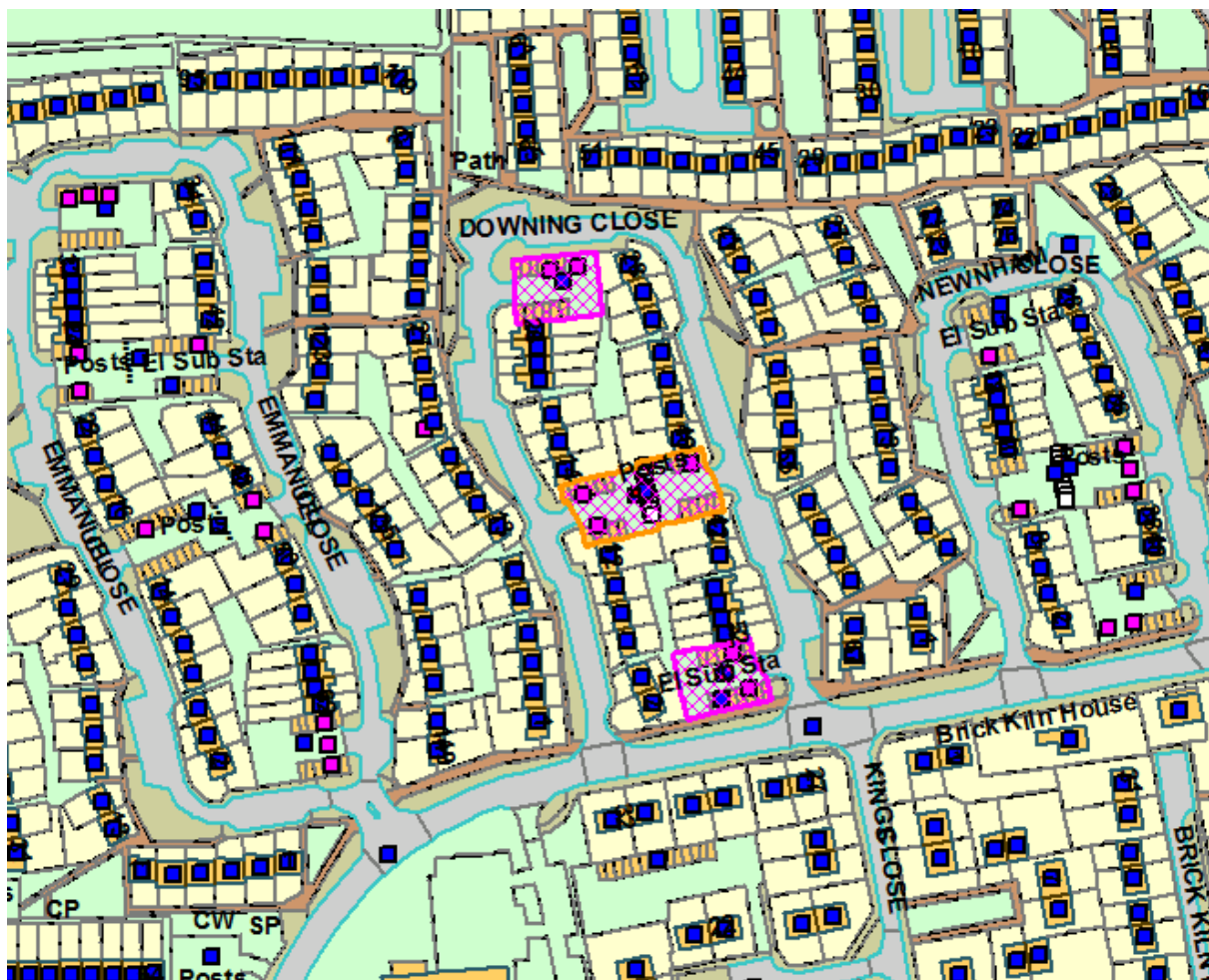
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2585/FUL](https://www.barnet.gov.uk/DC/17/2585/FUL)

DC/17/2585/FUL

Garage Areas

Downing Close

Mildenhall



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Existing Location Plan
1:1250

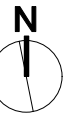


Proposed Site Plan
1:1250

Legend

- 2 Bed (4 Person) Dwelling
5 No.
- 3 Bed (5 Person) Dwelling
2 No.

Total	7 No. Units
Parking Required	14 Spaces
Total Parking Indicated	23 Spaces



DO NOT SCALE THIS DRAWING - USE DIMENSIONS
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Revisions

- B -180223 - Plots 1&2 amended to be 2bed houses and repositioned to face west and Plot 3 set back 3m from foul drains
- C -180323 - Annotation hatch added to indicate existing vehicular entrance in highways ownership to be blocked up

Drawing Title
Existing and Proposed Site Plan

Project
Downing Close
Mildenhall
Suffolk

Client
Flagship Homes

Drawing Number
17-013-A-001 C

Scale
1:1250 @ A3

Date
Mar 2018
Drawn By
BMA

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Forest Heath
District Council

DEV/FH/18/011

Development Control Committee
1 August 2018

Planning Application DC/17/2586/FUL –
Garage Areas, Emmanuel Close, Mildenhall

Date Registered:	22.12.2017	Expiry Date:	16.02.2018 (EOT until 22.08.2018)
Case Officer:	Gary Hancox	Recommendation:	Refuse
Parish:	Mildenhall	Ward:	Great Heath
Proposal:	Planning Application - 11no. dwellings and 51no. parking spaces (following demolition of 70no. garages)		
Site:	Garage Areas, Emmanuel Close, , Mildenhall		
Applicant:	Mr Lee Webster - Flagship Housing Developments 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:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Background:

The application comes before the Development Control Committee as it is one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.

Mildenhall Parish Council object to the proposal and the application is recommended for REFUSAL.

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that

'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

Proposal:

3. This application proposes 11 new dwellings and 51 parking spaces across 3 closely related sites. The dwellings comprise nine 2 bed houses, one 3 bed house and one 4 bed house.

Application Supporting Material:

4. The following plans and documents have been submitted with this application:
 - Plans, elevations and layout drawings
 - Parking Surveys and reports
 - Ecology survey
 - Tree survey and AIA's
 - Site Investigation reports
 - Acoustic design statement
 - Design and access statement
 - Planning statement

Site Details:

5. Emmanuel Close is located off College Heath Road to the south of Great Heath Primary School and close to the Forest Heath District Council offices. The area comprises ex-local authority 2 storey terrace houses. The application covers 4 small sites containing a total of 70 single storey brick built lock-up garages. All the sites are surrounded by existing development.

Planning History:

6. None recent.

Consultations:

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage sites at Emmanuel Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Flood and Water – no objection subject to appropriate conditions.
13. SCC Highways – Refuse. The highway authority has requested the applicant provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. The applicant has not done this and therefore we feel if this application were to be approved it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians.
14. MOD (Noise) – No objection. Recommend appropriate conditions to ensure adequate amenity inside the dwellings.
15. Police Architectural Liaison Officer – make various comments on improving the security of the dwellings having regard to the principles of 'Secured by Design'.
16. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of

the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.

17. Ecology, Landscape & Tree Officer - No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.
18. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
19. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.

Representations:

20. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.

21. Local residents – 27 individual letters of objection received

- Loss of privacy (to nos. 32, 48 and 83 to 93 Emmanuel Close)
- Aggravate an existing parking problem
- The parking survey does not reflect the severity of the parking problems in the area. The proposed 105 spaces will only cover existing need.
- Parking during evenings and weekends is a big problem
- Access for ambulance and fire services is unsafe due to congestion
- Water utilities need updating
- Increased population will promote poor security and criminality
- Garages currently available to rent close to houses, alternative garages will be too far away to use
- Too much pressure on an already overcrowded parking situation
- More households with more cars is not going to be socially positive for the existing and established community
- Emmanuel Close is filled to capacity with residents vehicles
- Other land available to build on
- No benefit to local residents
- Additional traffic will cause safety issues for local residents

22. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

23. 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 Core Strategy 2010

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS4 - Reduce Emissions, Mitigate and adapt to future Climate Change
- CS5 - Design Quality and Local Distinctiveness
- CS9 - Affordable Housing
- CS13 - Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- DM1 - Presumption in favour of sustainable development
- DM2 - Development Principles and Local Distinctiveness
- DM6 - Flooding & Sustainable Drainage
- DM7 - Sustainable Design & Construction
- DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- DM22 - Residential Design
- DM45 - Transport Assessments and Travel Plans
- DM46 - Parking Standards

Other Planning Policy:

24. National Planning Policy Framework (2012)

Emerging Development Plan Policy:

Proposed Submission Site Allocations Local Plan (January 2017):

25. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
26. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of

this application on the basis that there are no outstanding objections which relate to the areas proposed for development.

27. The development plan documents, together with current national planning policy, are material considerations to be taken into account when assessing the above application.
28. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

Supplementary Planning Documents

29. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
30. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

Officer Comment:

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

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

32. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
33. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon.

This lends further support to the principle of residential development on this site being acceptable.

Parking and Highway Impact

34. The application proposes to demolish the existing 70 no. lock-up garages across 4 sites within Emmanuel Close, as well as the removal of associated off-street parking spaces. A total of 11 dwellings are proposed to be built in their place. A total of 51 off-street parking spaces are proposed. The applicant has provided information to show that of the 70 existing garages 18 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 18 rented garages are occupied by a motor vehicle. Effectively therefore, the 18 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking, and in this case there are 9 such parking spaces. A further 8 parking spaces are lost in the creation of an access. A total of 35 existing parking spaces will be removed.
35. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
36. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
37. In this case having regard to the SGP, a proposal of 11 dwellings (9 x 2 bed, 1 x 3 bed and 1 x 4 bed) would require 22 parking spaces. This includes a requirement for 3 visitor spaces. Taken together with the requirement to replace the 35 existing parking (garage) spaces, SCC Highways have requested a total of 57 parking spaces to be provided (35+22).
38. This application proposes 51 parking spaces resulting in a parking shortfall of 6 spaces.
39. The applicant takes the view that the parking shortfall can be met within the existing on street parking laybys and states the parking surveys have ascertained existing unused spaces. However, even the applicant's own parking survey indicates that there is not enough parking available on street to cater for the shortfall. SCC Highways consider that there is also significant kerb-side parking experienced on this road and it is not accepted that there is sufficient on-street spaces to safely mitigate the loss of off-street parking

proposed. They maintain their position that the applicant should provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.

40. SCC Highways has concluded that if the proposed development was to be approved, it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
41. However, consideration should also be given to the fact that the resulting shortfall in parking is based on a worst case scenario where all 35 existing garages are used to park a motor vehicle in. It is known that far fewer garages are actually used for parking a motor vehicle in, however evidence has not been provided by the applicant to demonstrate exactly how many garages are used in this way. Without an accurate indication of how the garages are currently used a worst case scenario has to be considered.
42. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

Design and layout

43. Existing development in Emmanuel Close is generally characterised by small two-storey terrace houses on small plots interspersed by small garage courts. There are also some town houses with ground floor garages. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of brown/red brick some of which are clad with tile hanging to the front elevations, with brown/grey roofs. The garage blocks are single storey with flat roofs, again utilising brown/red brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays as well as layby parking on street.
44. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
45. Dwellings are proposed on 4 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. An exception to this would be plots 1 to 3, where two storey houses are

proposed close to single storey bungalows. It is not proposed to replicate the look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. All dwellings address the street. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.

46. Plots 1 to 3 comprise two storey houses with a gable end and a front elevation addressing the street frontage. The rear of these properties faces south and overlook the rear gardens of nos. 24 to 32 Emmanuel Close. Separation distances are marginal and plots 2 and 3 will have windows that overlook nos. 32 and 30, and to a lesser extent nos. 24 to 28 Emmanuel Close. (This is discussed further below.) Acceptable garden sizes have been achieved.
47. Plots 4 and 5 are a pair of semi-detached houses that front on to the road and follow the existing building line. Garden sizes are tight, due to the requirement to provide parking spaces on the remainder of this garage site.
48. Plot 7 (plot 6 having been omitted) is a detached dwelling although larger in span, continues the building line of the existing development and also successfully addresses the street frontage.
49. Plots 8 and 9 is a pair of semi-detached houses and again although larger in span, continues the building line of the existing development and also successfully addresses the street frontage.
50. Plots 10, 11 and 12 is a terrace of 3 houses with small gardens to the rear that also continues the building line of the existing development as well as successfully addressing the street frontage.
51. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. However, the need to accommodate dwellings, garden areas, and off-street parking within a small site has resulted in overlooking issues from plots 1 to 3. This is discussed below. The loss of 7 street trees (discussed at paragraph 62 below) without replacement also counts against the scheme.

Residential amenity

52. Direct impacts on existing residential amenity have been considered as follows:
 - Plots 1 to 3 – the orientation of these plots means that the gardens and rear windows of nos. 32 and 30 Emmanuel Close will be overlooked by windows in the rear elevations of plots 2 and 3. The overlooking to no.32 is considered to be more significant. Although nos. 30 and 32 are already overlooked by houses to the rear, the proposed dwellings introduce additional overlooking, further reducing

the amenity levels. This element of the proposal is contrary to Joint Development Management Policies DM2 and DM22 in this regard, and this counts against the scheme.

- Plots 4 and 5 – no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings.
- Plots 7 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings. The applicant has also prepared shadow diagrams that show there will be no additional significant overshadowing.
- Plots 8 and 9 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings. Issues of levels and party walls raised by no. 48 is acknowledged, however details of boundary treatments can be agreed by condition.
- Plots 10, 11 and 12 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings.

53. Taking into account the above, due to the harmful overshadowing impact to no. 32 Emmanuel Close, and to a lesser extent no. 30 Emmanuel Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity. This impact counts against the scheme.

Ecology and open space

54. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and Beckland Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).
55. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within the Beckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
56. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the LPA's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to nightjar and woodlark, the qualifying species of the Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.
57. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that

there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.

58. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
59. 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 application proposals, if left unmitigated, would in combination with the 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).
60. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
61. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards providing the above mitigation will be calculated having regard to the number of applications approved.)
62. The proposal does require the removal of one street tree. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise has poor canopy cover. No replacement street planting is proposed, and therefore this must weigh against the scheme when having regard to criterion (g) of Joint Development Management Policy DM2.

Planning Obligations

63. A development of 11 dwellings triggers the policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9). This policy sets a target of 30% of the new dwellings being affordable. In this case the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive

of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing above that required by Policy CS9 (30%), can not be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

64. A development of this size also requires an assessment to be made of the impact on local schools and library facilities. The County Council have requested contributions towards enhanced education facilities based on 41 dwellings. However, these contributions are only triggered for major development proposals, and therefore this application for 11 dwellings is the only one subject to this obligation. At the time of writing this report the amount of financial contribution towards enhanced education provision and libraries required by the County Council is still awaited. Once this has been clarified it would be secured through an appropriately worded S106 legal agreement.

Other matters:

65. Noise – The Council has, through a memorandum of understanding, agreed with the MOD that that a "brief acoustic design statement" should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:

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

66. Officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council's memorandum of understanding agrees that an informative be attached to any permission stating that *"The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties."*
67. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.

68. Energy efficiency – JDM Policy DM7 states that

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the

Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

69. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in "selected" materials, to be installed using "modern construction methods" in a "sustainable way". The applicant states within their Design & Access statement that they are seeking to "reduce energy consumption". However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant's sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).
70. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.
71. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

72. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area it is felt that this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
73. However, this shortfall (6 parking spaces) is not significant and represents a worst case scenario.
74. Due to the harmful overlooking impact to no. 32 Emmanuel Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

75. However, it is acknowledged that the proposal would provide for the following benefits:

- contribution towards the affordable housing supply (3 dwellings + financial contribution as required by policy CS9).
- contribution towards the general needs housing supply.
- potential for job creation during the construction phase.
- enhanced local expenditure.

76. It is also acknowledged that the development of brownfield sites accords with para. 111 of the NPPF.

77. However, on balance, these benefits do not outweigh the harm identified above and the application does not represent sustainable development and is contrary to Core Strategy Policy CS5, Joint Development Management Policies DM2, and DM22 and paragraphs 9 and 17 of the NPPF. The application should therefore be refused.

Recommendation:

78. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF.
2. Due to the harmful overlooking impact to no. 32 Emmanuel Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF with respect to the consideration of neighbouring residential amenity.

Documents:

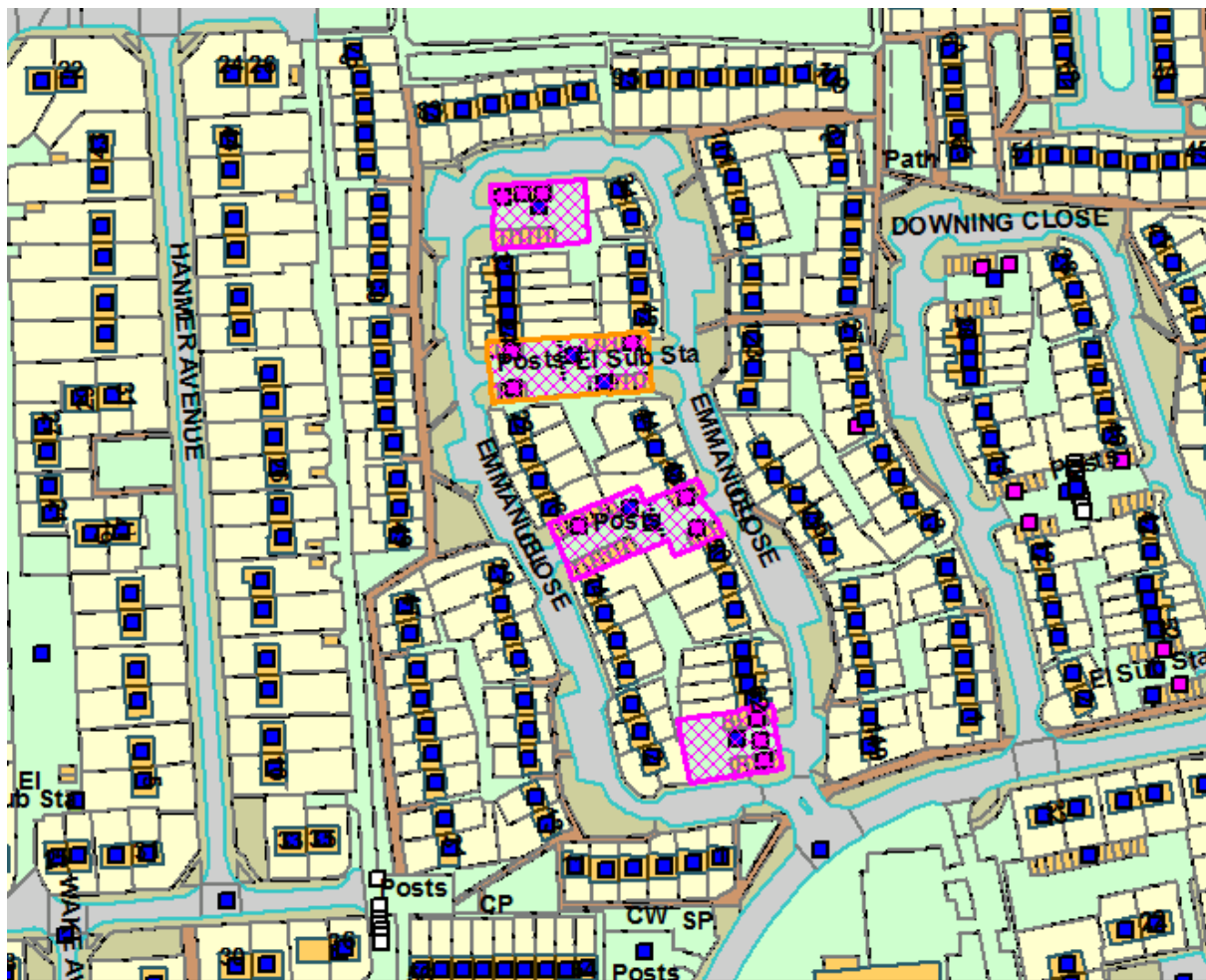
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2586/FUL](https://www.planningportal.co.uk/permissions/planning-portal/DC/17/2586/FUL)

DC/17/2586/FUL

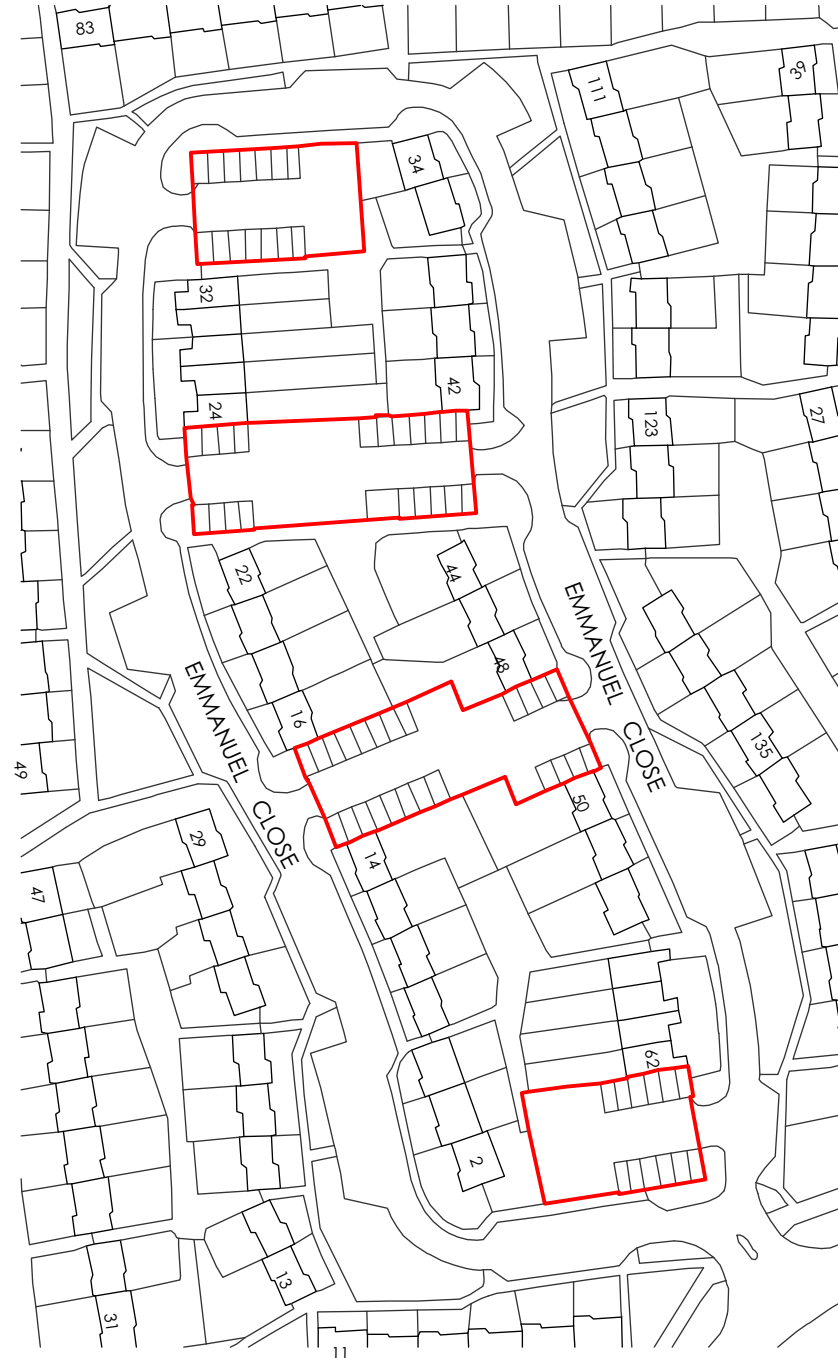
Garage Areas

Emmanuel Close

Mildenhall



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1 Existing Location Plan
Scale: 1:1250



Legend

	4 Bed (6 Person) Dwelling 1 No.
	2 Bed (4 Person) Dwelling 9 No.
	3 Bed (5 Person) Dwelling 1 No.
Total	11 No. Units
Parking Required	22 Spaces
Total Parking Indicated	51 Spaces

2 Proposed Site Plan
Scale: 1:1250



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Revisions
E-180503 - Amendments include removal of layby parking spaces indicated adjacent plots 1-3 and 10-12

Drawing Title
Existing & Proposed Site Plan
Project
Emmanuel Close
Mildenhall
Suffolk
Client
Flagship Homes

Drawing Number
17-015-A-001 E
Scale
1:1250 @ A3
Date
May 2018
Drawn By
BMA

PLANNING

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Forest Heath
District Council

DEV/FH/18/012

Development Control Committee
1 August 2018

Planning Application DC/17/2587/FUL –
Garage Areas, Newnham Close, Mildenhall

Date Registered: 15.12.2017 **Expiry Date:** 09.02.2018 (EOT until 22.12.2018)

Case Officer: Gary Hancox **Recommendation:** Approve

Parish: Mildenhall (EMAIL) **Ward:** Great Heath

Proposal: Planning Application - 7no. dwellings and 28no. parking spaces (following demolition of 39 garages)

Site: Garage Areas, Newnham Close, Mildenhall

Applicant: Mr Lee Webster - Flagship Housing Developments 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:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Background:

The application comes before the Development Control Committee as it one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.

Mildenhall Parish Council object to the proposal and the application is recommended for APPROVAL.

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that;

'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

Proposal:

3. This application proposes 7 new dwellings and 28 parking spaces across 3 closely related sites. The dwellings comprise one 1 bed bungalow and six 2 bed houses.

Application Supporting Material:

4. The following plans and documents have been submitted with this application:
 - Plans, elevations and layout drawings
 - Parking Surveys and reports
 - Ecology survey
 - Tree survey and AIA's
 - Site Investigation reports
 - Acoustic design statement
 - Design and access statement
 - Planning statement

Site Details:

5. Newnham Close is located off College Heath Road to the south of Great Heath Primary School and close to the Forest Heath District Council offices. The area comprises ex-local authority 2 storey terrace houses. The application covers 3 small sites containing a total of 39 single storey brick built lock-up garages. All the sites are surrounded by existing development.

Planning History:

6. None recent.

Consultations:

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage sites at Emmanuel Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Highways – No objection to amended plans, subject to conditions.
13. MOD (Noise) – No objection. Recommend appropriate conditions to ensure adequate amenity inside the dwellings.
14. Police Architectural Liaison Officer – make various comments on improving the security of the dwellings having regard to the principles of 'Secured by Design'.
15. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.
16. No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.

17. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
18. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.

Representations:

19. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.

20. Local residents – 18 individual letters of objection received

- Loss of privacy (to nos.2 and 28 Newnham Close)
- Aggravate an existing parking problem
- The parking survey does not reflect the severity of the parking problems in the area. The proposed 105 spaces will only cover existing need.
- Parking during evenings and weekends is a big problem
- Access for ambulance and fire services is unsafe due to congestion
- Water utilities need updating
- Increased population will promote poor security and criminality
- Garages currently available to rent close to houses, alternative garages will be too far away to use
- Other land available to build on
- Additional traffic will cause safety issues for local residents

21. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

22. 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 Core Strategy 2010

CS1 - Spatial Strategy

CS2 – Natural Environment
CS4 – Reduce Emissions, Mitigate and adapt to future Climate Change
CS5 – Design Quality and Local Distinctiveness
CS9 – Affordable Housing
CS13 – Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

DM1 - Presumption in favour of sustainable development
DM2 - Development Principles and Local Distinctiveness
DM6 – Flooding & Sustainable Drainage
DM7 – Sustainable Design & Construction
DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
DM22 - Residential Design
DM45 - Transport Assessments and Travel Plans
DM46 - Parking Standards

Other Planning Policy:

23. National Planning Policy Framework (2012)

Emerging Development Plan Policy:

Proposed Submission Site Allocations Local Plan (January 2017):

24. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
25. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of this application on the basis that there are no outstanding objections which relate to the areas proposed for development.
26. The development plan documents, together with current national planning policy, are material considerations to be taken into account when accessing the above application.
27. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

Supplementary Planning Documents

28. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
29. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

Officer Comment:

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

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

31. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
32. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon. This lends further support to the principle of residential development on this site being acceptable.

Parking and Highway Impact

33. The application proposes to demolish the existing 39 no. lock-up garages across 3 sites within Newnham Close, as well as the removal of associated off-street parking spaces. A total of 7 dwellings are proposed to be built in their place. A total of 28 off-street parking spaces are proposed. The applicant has provided information to show that of the 39 existing garages 9 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 9 rented garages are occupied by a

motor vehicle. Effectively therefore, the 9 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking, and in this case there are 5 such parking spaces. A total of 14 existing parking spaces will be removed.

34. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
35. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
36. In this case having regard to the SGP, a proposal of 7 dwellings (1 x 1 bed, and 6 x 2 bed) would require 12 parking spaces. This includes a requirement for 2 visitor spaces. Taken together with the requirement to replace the 14 existing parking (garage) spaces, a total of 26 parking spaces should be provided (14+12).
37. This application proposes 26 parking spaces which meets the off-street parking requirement.
38. SCC Highways consider that there is significant kerb-side parking experienced on this road, hence they maintain their position that the applicant should provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.
39. However, as there should be no deficit in parking provision with the required amount of parking being provided off-street, there should be no significant harmful impact on the highway network. On this basis the application accords with Joint Development Management Policies DM2 and DM22.
40. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

Design and layout

41. Existing development in Newnham Close is generally characterised by small two-storey terrace houses on small plots interspersed by small garage

courts. There are also some town houses with ground floor garages. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of brown/red brick some of which are clad with tile hanging to the front elevations, with brown/grey roofs. The garage blocks are single storey with flat roofs, again utilising brown/red brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays as well as layby parking on street.

42. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
43. Dwellings are proposed on 3 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. An exception to this would be plot 6, where a small 1 bed bungalow is proposed. It is not proposed to replicate the look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. All dwellings address the street. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.
44. Plots 1 and 2 comprise two storey houses with a front elevation addressing the street and sited at the end of a row of terrace properties. Satisfactory levels of amenity for both existing and future residents has been achieved.
45. Plots 3 to 5 is a row of three terrace houses that front on to the road and follow the existing building line. Garden sizes are tight, this being due to the requirement to provide parking spaces on the remainder of this garage site. However, on balance, satisfactory levels of amenity for both existing and future residents has been achieved.
46. Plots 6 and 7 include a small 1 bed bungalow and a 2 bed house that together form a pair of semi-detached properties. Plot 6 has been amended to a bungalow so as to minimise the impact on the amenity of no. 2 Newnham Close. Satisfactory levels of amenity for both existing and future residents has now been achieved.
47. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. The application therefore accords with Joint Development Management Policies DM2 and DM22 in this regard.

Residential amenity

48. Direct impacts on existing residential amenity have been considered as follows:

- Plots 1 and 2 – Adequate rear window to window separation distances (21 metres) have been achieved and the existing amenity levels to the neighbouring dwellings have been retained.
- Plots 3 to 5 – no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings. Although plot 5 projects 5 metres beyond the rear elevation of no. 38 Newnham Close, the dwelling is to the north and adequate separation distance has been achieved. With respect to plot 3, although this dwelling is to the south of no. 36 Newnham Close, a separation distance of 4 metres between the dwellings has been achieved, helping to minimise any overbearing or overshadowing impact.
- Plots 7 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings. The applicant has also prepared shadow diagrams that show there will be no additional significant overshadowing.
- Plot 6 – This dwelling is now proposed to be single storey, minimising its impact on the amenity of no. 2 Newnham Close.
- Plot 7 – This two storey dwelling will result in rear windows facing north and towards the rear garden of no. 40 Newnham Close. There will be a separation distance of 11 metres to the boundary. This will result in some loss of privacy from a single first floor bedroom window, however taking into account the separation distance this impact is not considered to be significant.

49. Taking into account the above, the proposals accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

Ecology and open space

50. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and Becklund Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).

51. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within the Beckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.

52. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the Council's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest

elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to nightjar and woodlark, the qualifying species of Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.

53. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.
54. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
55. 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 application proposals, if left unmitigated, would in combination with the 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).
56. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
57. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards providing the above mitigation will be calculated having regard to the number of applications approved.)
58. The proposal does require the removal of 4 street trees. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise

has poor canopy cover. No replacement street planting is proposed, and therefore this must weight against the scheme.

Planning Obligations

59. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014; there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. In this case, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the total floor space being created across all 8 plots is less than 1000sqm. Therefore on this occasion, there is no policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9).
60. However notwithstanding this, the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing is not required by policy and cannot be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

Other matters:

61. Noise – The Council has, through a memorandum of understanding, agreed with the MOD that that a "brief acoustic design statement" should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:
- "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 bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs."*
62. Officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council's memorandum of understanding agrees that an informative be attached to any permission stating that *"The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties."*
63. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.

64. Energy efficiency – JDM Policy DM7 states that

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

65. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in "selected" materials, to be installed using "modern construction methods" in a "sustainable way". The applicant states within their Design & Access statement that they are seeking to "reduce energy consumption". However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant's sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).
66. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.
67. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

68. The proposed dwellings are within the settlement boundary where the principle of residential is acceptable.
69. Based on a worst case scenario, and having regard to the submitted parking surveys and analysis of the existing parking situation, the application has demonstrated that the development can provide for sufficient off-street parking to ensure that there would be no detrimental impact on the highway

network. The application accords with Joint Development Management Policies DM2, DM22 and DM46 in this regard.

70. The proposal would not have a significant harmful impact on the amenity of neighbouring dwellings and accords with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22.
71. Overall the development would have a positive contribution to the street scene and the design attributes of the scheme accords with the requirements of Joint Development Management DM2 and DM22 and the NPPF in this regard. However, the loss of trees without replacement means that the proposal performs poorly when assessed against criterion (g) of Policy DM2.
72. Subject to appropriate conditions, the scheme can be made to accord with Joint Development Management Policies DM2 and DM7 with respect to noise and energy efficiency. Furthermore, subject to a S106 legal agreement to secure mitigation for potential off-site impacts on the SPA, the application accords with Joint Development Management Policies DM10 and DM13.
73. It is acknowledged that the proposal would provide for benefits in terms of the contribution towards housing supply, potential for job creation during the construction phase and enhanced local expenditure. These benefits outweigh the harm caused by the loss of trees referred to above.
74. The application accords with the development plan in all other regards, represents sustainable development and can be approved.

Recommendation:

75. It is recommended that planning permission be **APPROVED** subject to the following conditions and a S106 legal agreement to secure contributions towards mitigation to take the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close:
 1. 3 year time limit for implementation
 2. Approved plans
 3. Materials (samples to be provided)
 4. Boundary treatments
 5. Land contamination site investigation
 6. Construction Method Statement – pre-commencement
 7. Hours of construction
 8. Acoustic insulation - noise levels with windows closed do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs.
 9. Compliance with above (condition 8) pre-occupation
 10. Landscaping (tree planting)
 11. Details of access – pre-commencement
 12. Details of estate roads TBA
 13. No occupation until roads constructed to base level
 14. Parking/manoeuvring to be provided pre-occupation
 15. PD removed for new openings/windows – plots 1, 2 & 5, plot 3 north elevation, south elevation, plot 6 west elevation

Documents:

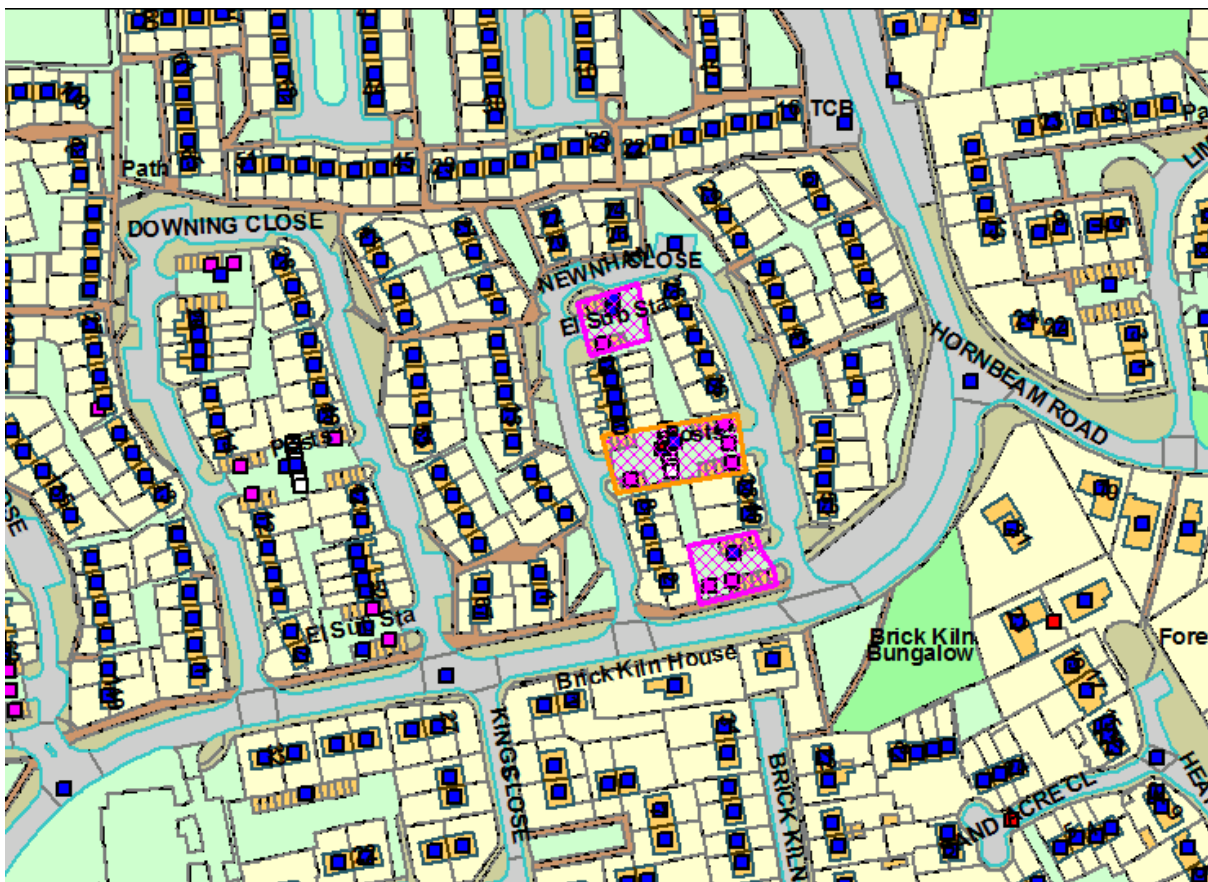
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/17/2587/FUL>

DC/17/2587/FUL

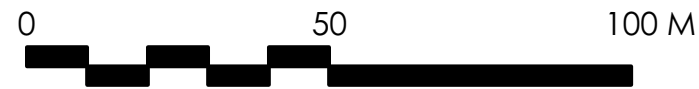
Garage Areas

Newnham Close

Mildenhall



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1 Existing Location Plan
Scale: 1:1250

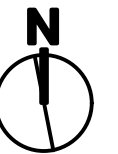


Legend

- 2 Bed (4 Person) Dwelling
6 No.
- 1 Bed (2 Person) Bungalow
1 No.

Total	7 No. Units
Parking Required	12 Spaces
Total Parking Indicated	26 Spaces

2 Proposed Site Plan
Scale: 1:1250



DO NOT SCALE THIS DRAWING - USE DIMENSIONS
The Contractor is to check and verify all dimensions on site before starting work and report any omissions or errors. This drawing is to be read in conjunction with all relevant consultants and specialists drawings. This Drawing is Copyright

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Revisions

- A -180223 - 2no parking spaces adjacent to Plots 3,4&5 removed, Plot 6 amended to be 2B3P bungalow
- B -180323 - Annotation hatch added to indicate existing vehicular entrance in highways ownership to be blocked up
- C -20.06.18 - Plot 6 revised to be 1B2P Bungalow

Drawing Title
Existing & Proposed Site Plan
Project
Newnham Close
Mildenhall
Suffolk
Client
Flagship Homes

Drawing Number
17-016-A-001 C
Scale
1:1250 @ A3
Date
June 2018
Drawn By
BMA

PLANNING

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Forest Heath
District Council

DEV/FH/18/013

Development Control Committee
1 August 2018

Planning Application DC/17/2588/FUL –
Garage Areas, Peterhouse Close, Mildenhall

Date Registered:	22.12.2017	Expiry Date:	16.02.2018 (EOT until 22.08.2018)
Case Officer:	Gary Hancox	Recommendation:	Refuse
Parish:	Mildenhall	Ward:	Great Heath
Proposal:	Planning Application - 8no. dwellings and 53no. parking spaces (following demolition of 61no. garages)		
Site:	Garage Areas, Peterhouse Close, Mildenhall		
Applicant:	Mr Lee Webster - Flagship Housing Developments 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:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Background:

The application comes before the Development Control Committee as it one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.

Mildenhall Parish Council object to the proposal and the application is recommended for REFUSAL.

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that;

'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

Proposal:

3. This application proposes 8 new dwellings and 53 parking spaces across 3 closely related sites. The dwellings comprise four 1 bed houses, two 2 bed houses and two 3 bed houses.

Application Supporting Material:

4. The following plans and documents have been submitted with this application:
 - Plans, elevations and layout drawings
 - Parking Surveys and reports
 - Ecology survey
 - Tree survey and AIA's
 - Site Investigation reports
 - Acoustic design statement
 - Design and access statement
 - Planning statement

Site Details:

5. Peterhouse Close is located off College Heath Road close to the Forest Heath District Council offices. The area comprises ex-local authority 2 storey terrace houses. The application covers 3 small sites containing a total of 61 single storey brick built lock-up garages. All the sites are surrounded by existing development.

Planning History:

6. None recent.

Consultations:

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage site at Peterhouse Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Highways – Refuse. The highway authority has requested the applicant provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. The applicant has not done this and therefore we feel if this application were to be approved it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians.
13. MOD (Noise) – No objection. Recommend appropriate conditions to ensure adequate amenity inside the dwellings.
14. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.

15. Ecology, Landscape & Tree Officer - No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.
16. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
17. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.

Representations:

18. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.
- Potential for overflowing sewerage does not appear to have been addressed.

19. Local residents – 28 individual letters of objection received

- Loss of privacy (to no. 43 Peterhouse Close)
- Aggravate an existing parking problem
- The parking survey does not reflect the severity of the parking problems in the area. The proposed 105 spaces will only cover existing need.
- Cars parked on pavements and precariously on corners
- Parking during evenings and weekends is a big problem
- Garages should be refurbished and kept
- Access for ambulance and fire services is unsafe due to congestion
- Water utilities need updating
- Increased population will promote poor security and criminality
- Garages currently available to rent close to houses, alternative garages will be too far away to use
- Too much pressure on an already overcrowded parking situation

20. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

21. 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 Core Strategy 2010

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS4 - Reduce Emissions, Mitigate and adapt to future Climate Change
- CS5 - Design Quality and Local Distinctiveness
- CS9 - Affordable Housing
- CS13 - Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- DM1 - Presumption in favour of sustainable development
- DM2 - Development Principles and Local Distinctiveness
- DM6 - Flooding & Sustainable Drainage
- DM7 - Sustainable Design & Construction
- DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- DM22 - Residential Design
- DM45 - Transport Assessments and Travel Plans
- DM46 - Parking Standards

Other Planning Policy:

22. National Planning Policy Framework (2012)

Emerging Development Plan Policy:

Proposed Submission Site Allocations Local Plan (January 2017):

23. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
24. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of this application on the basis that there are no outstanding objections which relate to the areas proposed for development.

25. The development plan documents, together with current national planning policy, are material considerations to be taken into account when accessing the above application.
26. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

Supplementary Planning Documents

27. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
28. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

Officer Comment:

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

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

30. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
31. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon. This lends further support to the principle of residential development on this site being acceptable.

Parking and Highway Impact

32. The application proposes to demolish the existing 61 no. lock-up garages across 3 sites within Peterhouse Close, as well as the removal of associated off-street parking spaces. A total of 8 dwellings are proposed to be built in their place. A total of 53 off-street parking spaces are proposed. The applicant has provided information to show that of the 61 existing garages 35 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 35 rented garages are occupied by a motor vehicle. Effectively therefore, the 35 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking, and in this case there are 16 such parking spaces. A total of 51 existing parking spaces will be removed.
33. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
34. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
35. In this case having regard to the SGP, a proposal of 8 dwellings (4 x 1 bed, and 2 x 2 bed and 2 x 3 bed) would require 13 parking spaces. This includes a requirement for 2 visitor spaces. Taken together with the requirement to replace the 51 existing parking (garage) spaces, SCC Highways have requested a total of 64 parking spaces to be provided (51+13).
36. This application proposes 23 parking spaces resulting in a parking shortfall of 12 spaces.
37. The applicant takes the view that the parking shortfall can be met within the existing on street parking laybys and states the parking surveys have ascertained existing unused spaces. However, even the applicant's own parking survey indicates that there is not enough parking available on street to cater for the shortfall. SCC Highways consider that there is also significant kerb-side parking experienced on this road and it is not accepted that there is sufficient on-street spaces to safely mitigate the loss of off-street parking proposed. They maintain their position that the applicant should provide

sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.

38. SCC Highways has concluded that were the proposed development be approved, it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
39. However, consideration should also be given to the fact that the resulting shortfall in parking is based on a worst case scenario where all 35 existing garages are used to park a motor vehicle in. It is known that far fewer garages are actually used for parking a motor vehicle in, however evidence has not been provided by the applicant to demonstrate exactly how many garages are used in this way. Without an accurate indication of how the garages are currently used a worst case scenario has to be considered.
40. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

Design and layout

41. Existing development in Peterhouse Close is characterised by small two-storey terrace houses on small plots interspersed by small garage courts. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of buff brick some of which have tile hanging or timber/pvc cladding to the front elevations, with grey roofs. The garage blocks are single storey with flat roofs, again utilising buff brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays as well as layby parking on street.
42. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
43. Dwellings are proposed on 3 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. An exception to this would be plots 1 to 4, a group of 1 bed maisonettes. Appropriate separation distances have been achieved here and the layout of the dwellings in this context is acceptable. It is not proposed to replicate the

look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. All dwellings address the street. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.

44. Plots 1 to 4 comprise maisonettes gable end on to the rear gardens of nos. 6 to 12 Peterhouse Close. Plots 1 and 2 will be very visible from College Heath Road. The separation distance between the gable end and rear windows of the existing dwelling meets the minimum required.
45. Plots 5 and 6 are a pair of semi-detached houses and again will be visible from College Heath Road. Although the scale of development is appropriate for the street scene, these two-storey dwellings are set well forward of the existing building line to no. 43 Peterhouse Close. This results in the majority of the south aspect of the garden to no. 43 being dominated by the gable end of plot 6, causing significant over bearing and over shadowing. There is also the potential for overlooking from a first floor side window serving a landing area (although this could be conditioned to be obscure glazed). The overbearing and overshadowing nature of this plot is considered poor design and is contrary to Joint Development Management Policies DM2 and DM22 in this regard.
46. Plots 7 and 8 although larger in span, continue the building line of the existing development and also successfully address the street frontage.
47. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. However, the need to accommodate dwellings, garden areas, and off-street parking has resulted in plots 5 and 6 causing significant over bearing and over shadowing impacts. In this respect these plots perform poorly in terms of design and appearance. The loss of 3 street trees and a small group of trees (discussed at paragraph 58 below) without replacement also counts against the scheme.

Residential amenity

48. Direct impacts on existing residential amenity have been considered as follows:
 - Plots 1 to 4 – no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings
 - Plots 5 and 6 – significant harm in respect of overbearing and overshadowing to no. 43 Peterhouse Close
 - Plots 7 and 8 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings
49. Taking into account the above, due to the harmful overbearing and overshadowing impact to no. 43 Peterhouse Close, the proposal fails to accord with the relevant requirements of Joint Development Management

(JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

Ecology and open space

50. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and the Breckland Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).
51. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within the Breckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
52. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the Council's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to Nightjar and Woodlark, the qualifying species of the Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.
53. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.
54. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
55. 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 application proposals, if left unmitigated, would in combination with the 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).

56. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
57. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards providing the above mitigation will be calculated having regard to the number of applications approved.)
58. The proposal does require the removal of 3 street trees and two small groups of trees. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise has poor canopy cover. No replacement street planting is proposed, and therefore this must weight against the scheme when having regard to criterion (g) of Joint Development Management Policy DM2.

Planning Obligations

59. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014; there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. In this case, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the total floor space being created across all 8 plots is less than 1000sqm. Therefore on this occasion, there is no policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9).
60. However notwithstanding this, the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing is not required by policy and cannot be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

Other matters:

61. Noise – The Council has, through a memorandum of understanding, agreed with the MOD that that a “brief acoustic design statement” should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:

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

62. Officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council’s memorandum of understanding agrees that an informative be attached to any permission stating that *“The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties.”*

63. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.

64. Energy efficiency - JDM Policy DM7 states that;

“All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”

65. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in “selected” materials, to be installed using “modern construction methods” in a “sustainable way”. The applicant states within their Design & Access statement that they are seeking to “reduce energy consumption”. However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant’s sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the

energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).

66. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.
67. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

68. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area it is felt that this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
69. Due to the harmful overbearing and overshadowing impact to no. 43 Peterhouse Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.
70. It is acknowledged that the proposal would provide for benefits in terms of the contribution towards housing supply, potential for job creation during the construction phase and enhanced local expenditure. However, these benefits do not outweigh the harm identified above and the application does not represent sustainable development and is contrary to Joint Development Management Policies DM2, and DM22. The application should therefore be refused.

Recommendation:

71. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF.

2. Due to the harmful overbearing and overshadowing impact to no. 43 Peterhouse Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF with respect to the consideration of neighbouring residential amenity.

Documents:

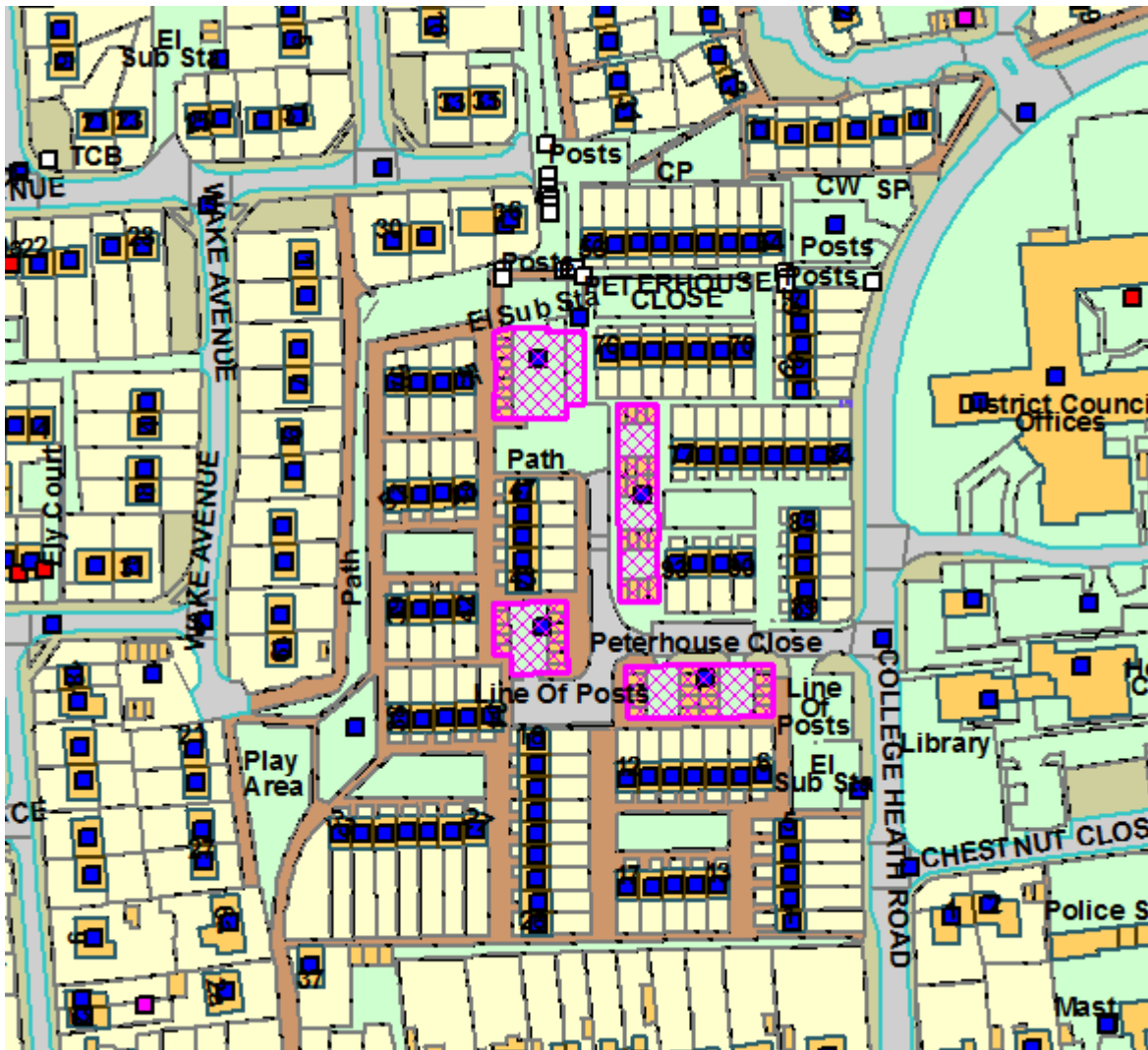
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/17/2588/FUL>

DC/17/2588/FUL

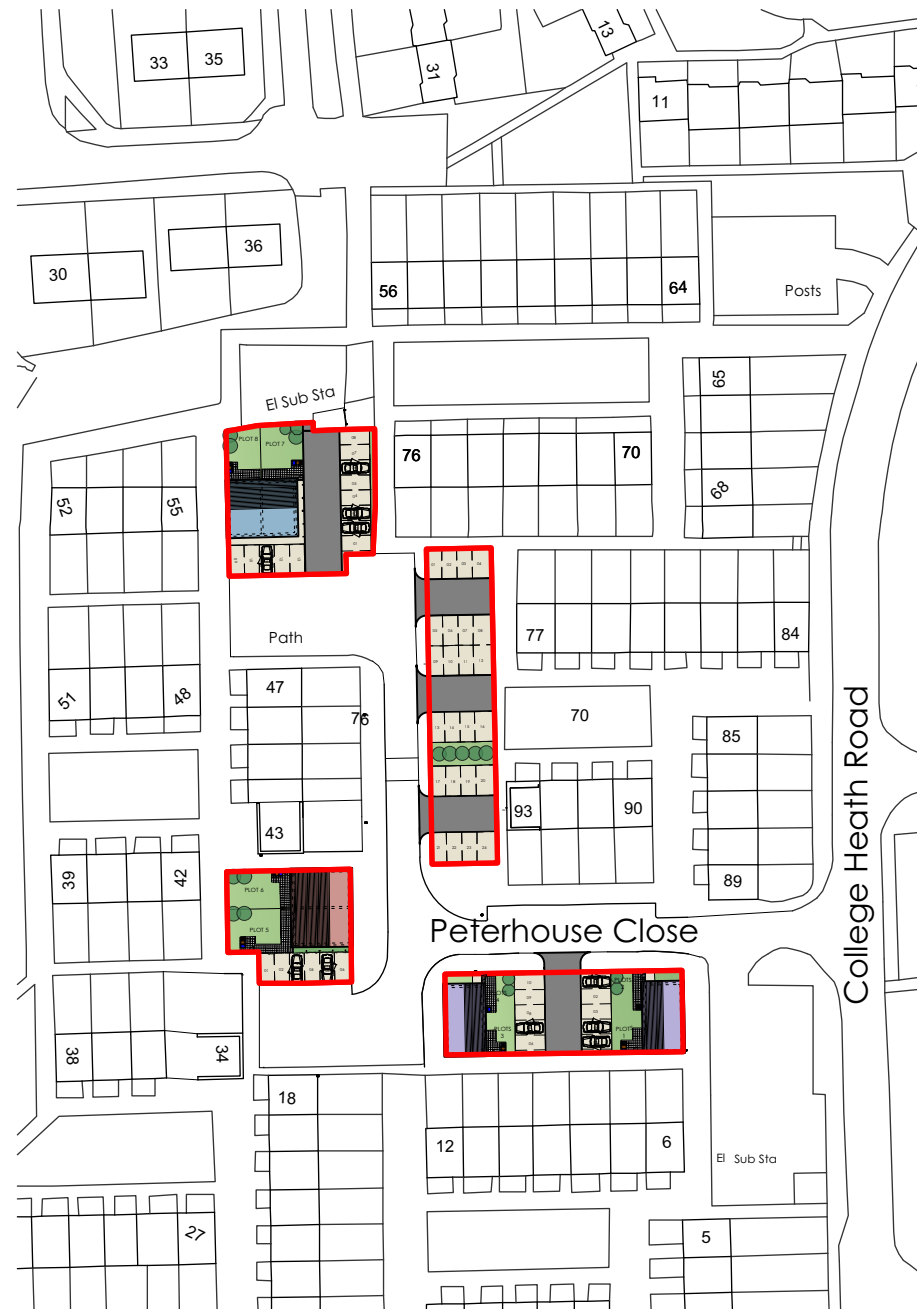
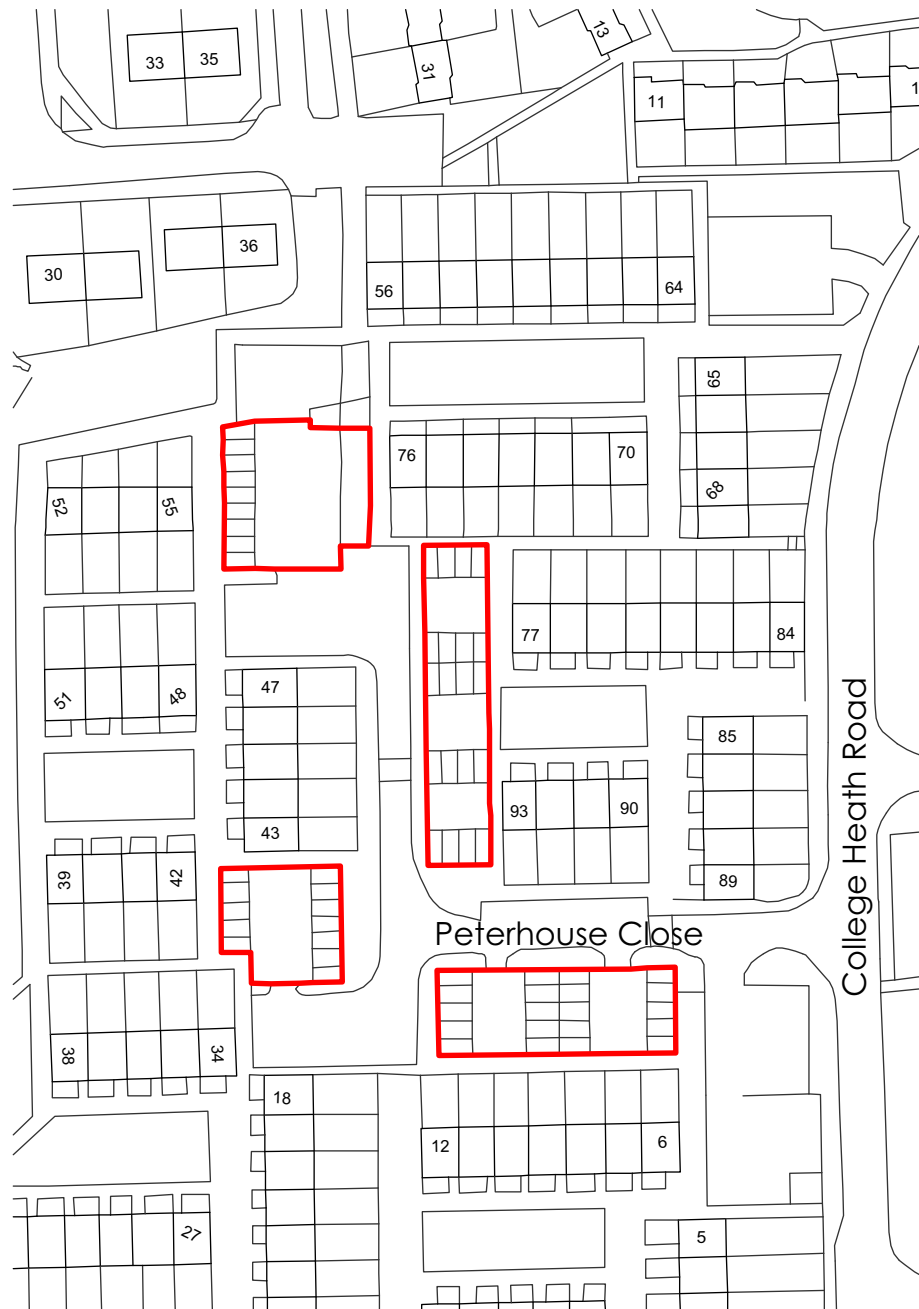
Garage Area Adjacent To 73 & 93

Peterhouse Close

Mildenhall



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Legend

- 1 Bed (2 Person) Maisonette
4 No.
- 2 Bed (4 Person) Dwelling
2 No.
- 3 Bed (5 Person) Dwelling
2 No.

Total	8 No. Units
Parking Spaces Required	13 Spaces
Parking Spaces Indicated	53 Spaces



1 Existing Location Plan
Scale: 1:1250

2 Proposed Site Plan
Scale: 1:1250



DO NOT SCALE THIS DRAWING - USE DIMENSIONS
The Contractor is to check and verify all dimensions on site before starting work and report any omissions or errors. This drawing is to be read in conjunction with all relevant consultants and specialists drawings. This Drawing is Copyright

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Revisions

Drawing Title
Existing and Proposed Site Plan

Project
Peterhouse Close
Mildenhall
Suffolk

Client
Flagship Homes

Drawing Number
17-014-001

Scale
1:1250 @ A3

Date

Nov 2017

Drawn By
IV

PLANNING

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Chartered Practice

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Forest Heath
District Council

DEV/FH/18/014

**Development Control Committee
1 August 2018**

**Planning Application DC/17/2589/FUL –
Garage Areas, Pembroke Close, Mildenhall**

Date Registered:	22.12.2017	Expiry Date:	16.02.2018 (EOT until 22.08.2018)
Case Officer:	Gary Hancox	Recommendation:	Refuse
Parish:	Mildenhall	Ward:	Great Heath
Proposal:	Planning Application - 8no. dwellings and 35no. parking spaces (following demolition of 60no. garages)		
Site:	Garage Areas, Pembroke Close, Mildenhall		
Applicant:	Mr Lee Webster - Flagship Housing Developments 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:

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Background:

The application comes before the Development Control Committee as it one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.

Mildenhall Parish Council object to the proposal and the application is recommended for REFUSAL.

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that;

'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

Proposal:

3. This application proposes 8 new dwellings and 35 parking spaces across 4 closely related sites. The dwellings comprise one 2 bed bungalow, four 1 bed maisonettes, two 3 bed houses and one 4 bed house.

Application Supporting Material:

4. The following plans and documents have been submitted with this application:
 - Plans, elevations and layout drawings
 - Parking Surveys and reports
 - Ecology survey
 - Tree survey and AIA's
 - Site Investigation reports
 - Acoustic design statement
 - Design and access statement
 - Planning statement

Site Details:

5. Pembroke Close is located off Scott Avenue and to the east of the A1101 and to the south of Great Heath Primary School. The area comprises ex-local authority 2 storey terrace houses. The application covers 4 small sites containing a total of 60 single storey brick built lock-up garages. All the sites are surrounded by existing development.

Planning History:

6. None recent.

Consultations:

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage site at Pembroke Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Highways – Refuse. The highway authority has requested the applicant provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. The applicant has not done this and therefore we feel if this application were to be approved it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians.
13. MOD (Noise) – Request that a noise survey is undertaken to inform an appropriate condition ensuring minimum internal noise levels are achieved.
14. Suffolk Fire and Rescue – No objection.
15. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.

16. Ecology, Landscape & Tree Officer - No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.
17. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
18. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.

Representations:

19. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.

20. Local residents – 15 individual letters of objection received

- Pembroke Close has existing parking issues, with cars parked on the roads and pavements.
- Loss of parking and storage.
- No available on-street parking at peak times.
- Emergency access is already obstructed by parked cars.
- Alternative garages located too far away.
- Overlooking of no.37 (from original proposal)
- Can existing infrastructure cope?

21. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

22. 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 Core Strategy 2010

CS1 - Spatial Strategy

CS2 – Natural Environment
CS4 – Reduce Emissions, Mitigate and adapt to future Climate Change
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Other Planning Policy:

23. National Planning Policy Framework (2012)

Emerging Development Plan Policy:

Proposed Submission Site Allocations Local Plan (January 2017):

24. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
25. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of this application on the basis that there are no outstanding objections which relate to the areas proposed for development.
26. The development plan documents, together with current national planning policy, are material considerations to be taken into account when accessing the above application.
27. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

Supplementary Planning Documents

28. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
29. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

Officer Comment:

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

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

31. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
32. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon. This lends further support to the principle of residential development on this site being acceptable.

Parking and Highway Impact

33. The application proposes to demolish the existing 60 no. lock-up garages across 4 sites within Pembroke Close, as well as the removal of associated off-street parking spaces. A total of 8 dwellings are proposed to be built in their place. A total of 35 off-street parking spaces are proposed. The applicant has provided information to show that of the 60 existing garages 32 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 32 rented garages are occupied by a

motor vehicle. Effectively therefore, the 32 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking.

34. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
35. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
36. In this case having regard to the SGP, a proposal of 8 dwellings (5 x 1 bed, 3 x 2 bed and 1 x 4 bed) would require 14 parking spaces. This includes a requirement for 2 visitor spaces. Taken together with the requirement to replace the 32 existing parking (garage) spaces, SCC Highways have requested a total of 46 parking spaces to be provided (32+14).
37. This application proposes 35 parking spaces resulting in a parking shortfall of 11 spaces.
38. The applicant takes the view that the parking shortfall can be met within the existing on street parking laybys and states the parking surveys have ascertained existing unused spaces. SCC Highways do not share this view and consider that there is also significant kerb-side parking experienced on this road and it is not accepted that there is sufficient on-street spaces to safely mitigate the loss of off-street parking proposed. They maintain their position that the applicant should provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.
39. SCC Highways has concluded that were the proposed development be approved, it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
40. However, consideration should also be given to the fact that the resulting shortfall in parking is based on a worst case scenario where all 32 existing garages are used to park a motor vehicle in. It is known that far fewer garages are actually used for parking a motor vehicle in, however evidence has not been provided by the applicant to demonstrate exactly how many

garages are used in this way. Without an accurate indication of how the garages are currently used a worst case scenario has to be considered.

41. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

Design and layout

42. Existing development in Pembroke Close is characterised by small two-storey terrace houses on small plots interspersed by small garage courts. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of buff brick some of which are half timber clad, with grey roofs. The garage blocks are single storey with flat roofs, again utilising buff brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays. (e.g. adjacent plot 8 to the west of no. 46 Pembroke Close)
43. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
44. Dwellings are proposed on 4 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. It is not proposed to replicate the look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. Where possible dwellings have been designed to address the street, particularly at the southern most site which is highly visible on entering the Close. The exception to this is proposed plot 7, which, due to the narrowness of the site and the need to provide sufficient replacement parking, a single house is proposed with only one high level window to the elevation facing the road. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.
45. Originally, plot 8 was proposed to be a 4 bed house, however, Officers considered that this scale and form to be too overbearing on the neighbouring property, no. 37. The dwelling proposed for this plot has now been amended to a 1 bed single storey bungalow, which is considered more appropriate in this respect. A single storey dwelling in this location will arguably look out of keeping with the surrounding two-storey houses, however Officers have had regard to the fact that the scale and form of development on this plot is similar to that of the existing garage block.

46. Plots 1 to 4 comprise two pairs of semi-detached houses that are designed to have a dual aspect with a gable and front elevation addressing the street. Garden sizes are sacrificed to allow for provision of off-street parking.
47. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. However, the need to accommodate dwellings, garden areas, and off-street parking has resulted in plots 1-4 having a cramped appearance with a lack of circulation space. In this respect these plots perform poorly in terms of design and appearance. The loss of 7 street trees (discussed at paragraph 58 below) without replacement also counts against the scheme.

Residential amenity

48. Direct impacts on existing residential amenity have been considered as follows:
- Plots 1 to 4 – These properties are gable end onto the neighbours nos. 71 to 77 and separation distances of 12.5 metres have been achieved. This is considered to be on the cusp of what is acceptable.
 - Plots 5 & 6 are two-storey houses, one of which will be adjacent and set back from the side and rear elevation of no. 50. The applicants have submitted a shadow analysis that indicates that the impact in this respect will be limited to early mornings around 9am, with limited additional shading to the dwelling in March, June, September and a small amount of additional shading to the garden of no 50 in December. This amenity impact is not considered significant, although any loss of amenity does count against the scheme.
 - Plot 7 – There is no direct overlooking or loss of privacy from the development of this plot.
 - Plot 8 – the dwelling on this plot has been amended from a house to a bungalow. This avoids any overbearing, overlooking or shadowing issues.
49. Taking into account the above, the proposal accords with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

Ecology and open space

50. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and the Breckland Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).
51. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within

the Breckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.

52. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the Council's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to Nightjar and Woodlark, the qualifying species of the Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.
53. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.
54. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
55. 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 application proposals, if left unmitigated, would in combination with the 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).
56. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
57. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards

providing the above mitigation will be calculated having regard to the number of applications approved.)

58. The proposal does require the removal of 7 street trees. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise has poor canopy cover. No replacement street planting is proposed, and therefore this must weigh against the scheme when having regard to criterion (g) of Joint Development Management Policy DM2.

Planning Obligations

59. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014; there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. In this case, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the total floor space being created across all 8 plots is less than 1000sqm. Therefore on this occasion, there is no policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9).
60. However notwithstanding this, the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing is not required by policy and can not be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

Other matters:

61. Noise – Roughly half of the plots proposed under this application fall within the 66db noise contour for RAF Mildenhall. The remaining application sites and proposed plots are not affected. Within this noise contour it should be demonstrated that new dwellings can achieve acceptable internal noise levels with doors and windows closed. The MOD (DIO) have assessed the proposal and comment that the development falls within an area which would normally be expected to present a medium risk of adverse noise effects (without mitigation). In the absence of a comprehensive noise report accompanying any application in this area, the presumption would be to object to the application on grounds of adverse noise effects from nearby RAF Lakenheath and Mildenhall. It is recommended that the developer should submit a suitably comprehensive noise assessment.
62. The Council has, through a memorandum of understanding, agreed with the MOD that that a "brief acoustic design statement" should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:

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

63. Although it is acknowledged that no recent noise survey data exists for Pembroke Close that takes into account the more recent operation of the CV-22 Osprey aircraft from RAF Mildenhall, officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council's memorandum of understanding agrees that an informative be attached to any permission stating that *"The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties."*
64. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.
65. Energy efficiency - JDM Policy DM7 states that;
- "All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."*
66. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in "selected" materials, to be installed using "modern construction methods" in a "sustainable way". The applicant states within their Design & Access statement that they are seeking to "reduce energy consumption". However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant's sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).
67. Although the above lack of evidence of energy efficiency is not it itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake

of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.

68. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

69. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area it is felt that this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
70. Whilst generally the design and layout of the scheme is acceptable, plots 1-4 have garden sizes that have been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. These plots perform poorly in terms of design and appearance and this counts against the scheme.
71. It is acknowledged that the proposal would provide for benefits in terms of the contribution towards housing supply, potential for job creation during the construction phase and enhanced local expenditure. However, these benefits do not outweigh the harm identified above and the application does not represent sustainable development and is contrary to Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF. The application should therefore be refused.

Recommendation:

72. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF.
2. Whilst generally the design and layout of the scheme is acceptable, plots 1- 4 have garden sizes that have been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. These plots perform poorly in terms of design and

appearance and this aspect of the scheme is contrary to the requirements of Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22, and paragraph 9 and 17 of the NPPF.

Documents:

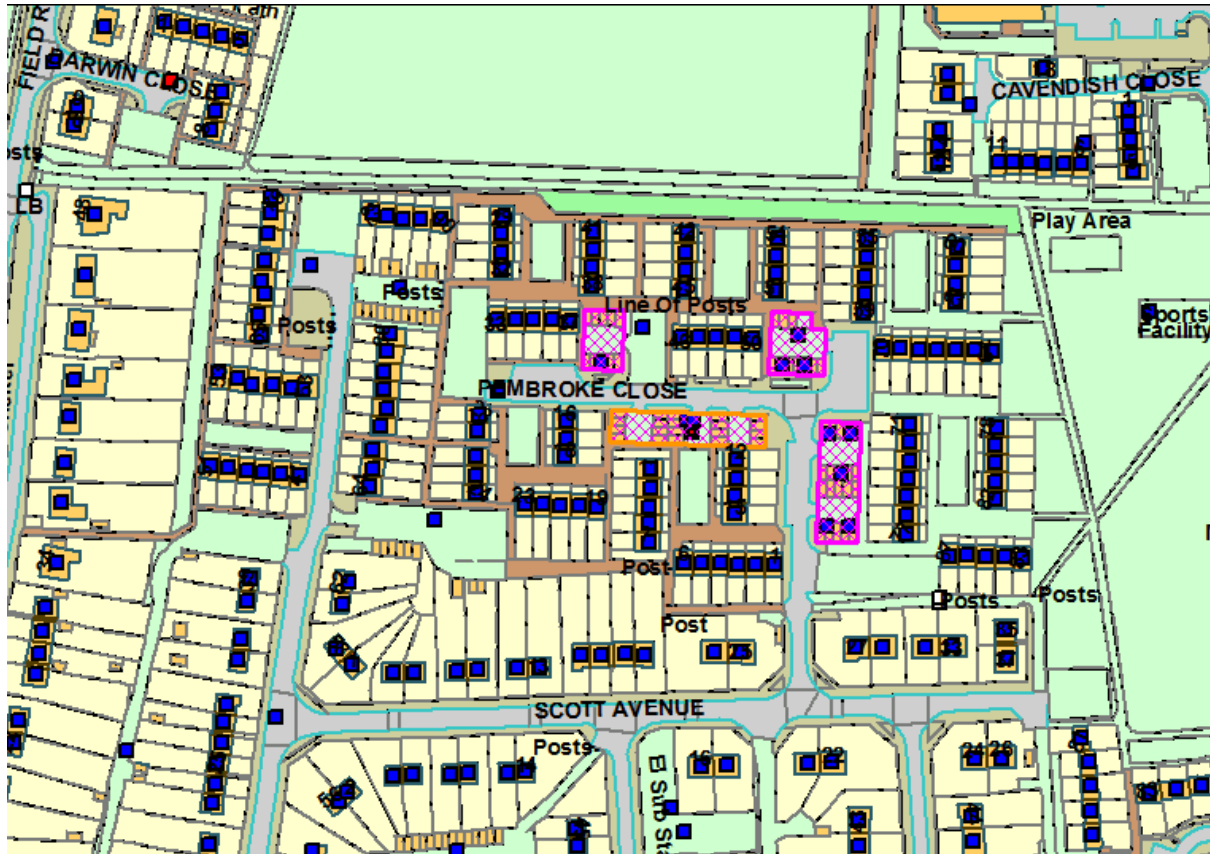
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2589/FUL](#)

DC/17/2589/FUL

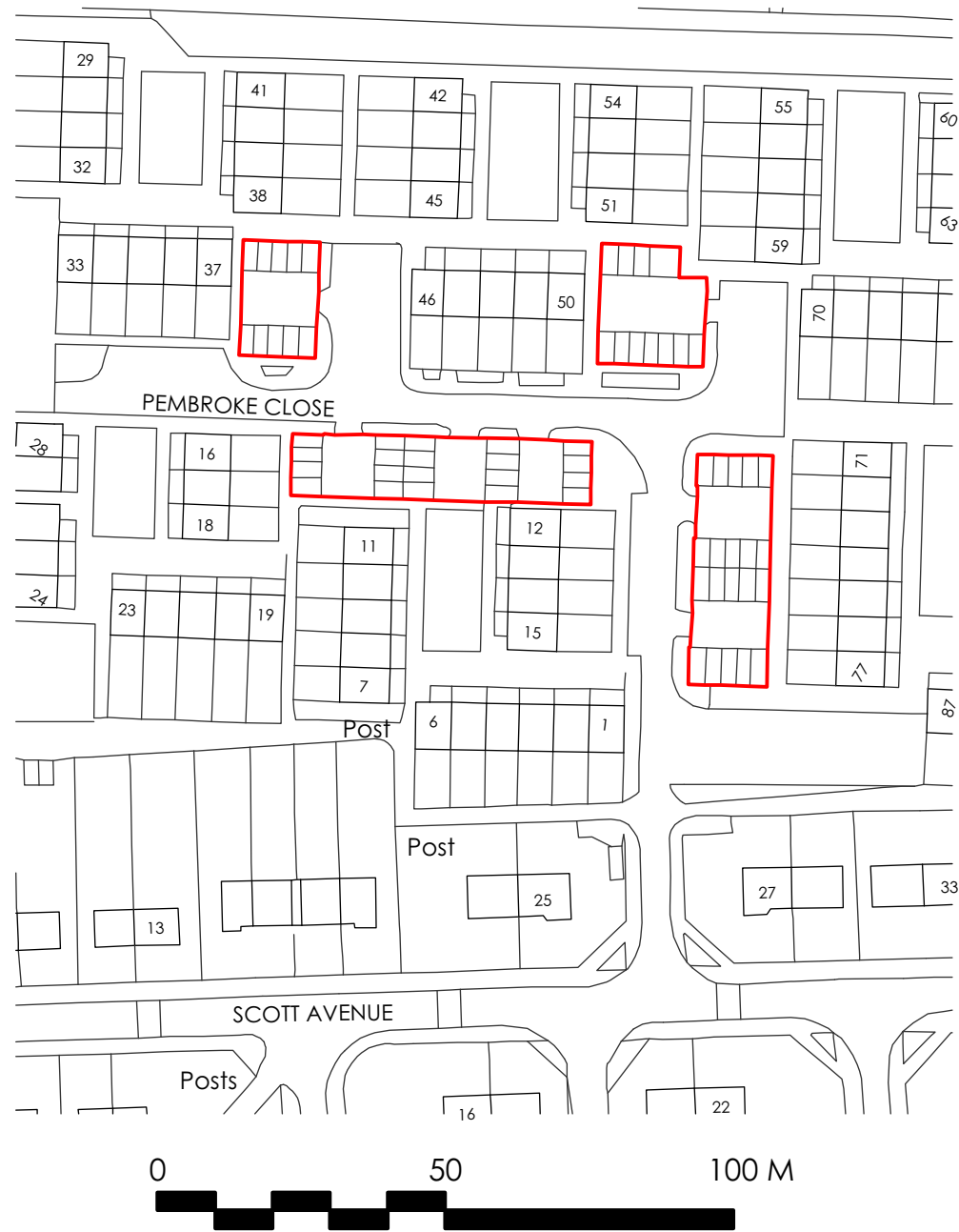
Garage Areas

Pembroke Close

Mildenhall



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1 Existing Location Plan
Scale: 1:1250



2 Proposed Site Plan
Scale: 1:1250

Legend	
	2 Bed (3 Person) Bungalow 1 No.
	1 Bed (2 Person) Maisonette 4 No.
	3 Bed (5 Person) Dwelling 2 No.
	4 Bed (6 Person) Dwelling 1 No.
Total	8 No. Units
Required Parking	15 Spaces
Total Parking Indicated	35 Spaces



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Revisions
A-180223 - Plots 5&6 moved over 0.5m to east, Plots 8 is amended to be a 2B3P bungalow, with two less parking spaces to rear, Plots 1&2 positioned with min 2m distance away from gas mains

Drawing Title
Existing Site Plan & Proposed Site Plan
Project
Pembroke Close
Mildenhall
Suffolk
Client
Flagship Homes

Drawing Number
17-017-A-001A
Scale
1:1250 @ A3
Date
Feb 2018
Drawn By
BMA

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