

Development Control Committee



Title:	Agenda												
Date:	Wednesday 4 December 2019												
Time:	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)												
Venue:	Council Chamber College Heath Road Mildenhall IP28 7EY												
Full Members:	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group</u>(9)</td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>Spectrum Group</u> (3)</td> <td>John Burns Jason Crooks</td> <td>David Palmer</td> </tr> <tr> <td><u>The Independent Group</u>(3)</td> <td>Roger Dicker David Gathercole</td> <td>Don Waldron</td> </tr> <tr> <td><u>Labour Group</u>(1)</td> <td>David Smith</td> <td></td> </tr> </table>	<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>Spectrum Group</u> (3)	John Burns Jason Crooks	David Palmer	<u>The Independent Group</u> (3)	Roger Dicker David Gathercole	Don Waldron	<u>Labour Group</u> (1)	David Smith	
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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:	Six Members												
Site visit details overleaf...													

SITE VISITS WILL BE HELD ON MONDAY 2 DECEMBER 2019 AT THE FOLLOWING TIMES
(please note that given the number of site visits, the distance to be travelled, and the routes needed, the timings provide a rough guide only):

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

1. **Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath, IP27 9AB**
Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and construction of a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended)
Site visit to be held at 10.00am

PLEASE NOTE:

Planning Application DC/19/1392/VAR - Land off Briscoe Way, Lakenheath, IP27 9JB

Amendments to condition 20 (measures to mitigate noise impacts) of planning permission DC/13/0660/FUL for the 67no. Dwellings (including 20 affordable dwellings) together with public open space, as amended. The amendments proposed to condition 20 are full removal of sub-parts A (ii) and B

Whilst there is no specific site visit scheduled for this application Officers will endeavour to direct the coach to allow Members to see the site by way of a drive-by whilst on the way to/from the other Lakenheath site visit.

2. **Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe, IP31 1QW**
Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018
Site visit to be held at 10.45am
3. **Planning Application DC/19/0514/FUL - Offices, James Reinman Marine Ltd, The Broadway, Pakenham, IP31 2JG**
Planning Application - 2 no. dwellings (following demolition of existing work sheds) and associated works (as amended by email received 31.07.2019 to reduce the scheme from 3 dwellings to 2)
Site visit to be held at 11.10am
4. **Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham, IP30 9LU**
Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council
Site visit to be held at 11.30am
5. **Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds, IP33 3AH**
Planning Application - Construction of (i) 50no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)
Site visit to be held at 11.55am

The coach will then travel back to West Suffolk House in order to allow for a short comfort break and refreshments (approximately 12.30 – 1.00pm) before re-embarking and travelling to the following site:

6. **Planning Application DC/19/1019/FUL - Garages, Paske Avenue, Haverhill, CB9 8BX**
Planning Application - 9no. dwellings (Demolition of existing garages)
Site visit to be held at 1.35pm

On conclusion of the site visits, the coach will return to West Suffolk house by the approximate time of 2.30pm.

**Committee
administrator:**

Helen Hardinge

Democratic Services Officer

Tel: 01638 719363

Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
AGENDA NOTES**

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

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

Material Planning Considerations

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

Local Plans covering West Suffolk Council	
Joint Development Management Policies Document 2015	
Forest Heath Area Local Plan	St Edmundsbury Area Local Plan
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	St Edmundsbury Core Strategy 2010
Core Strategy Single Issue Review of Policy CS7 (2019)	Vision 2031 adopted 2014 <ul style="list-style-type: none"> - Bury St Edmunds - Haverhill - Rural
Site Allocations Local Plan (2019)	
Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.	

- 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 Council's website.

**DEVELOPMENT CONTROL COMMITTEE:
DECISION MAKING PROTOCOL**

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

Decision Making Protocol

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

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

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

Notes

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

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

Agenda

Procedural Matters Part 1 – Public

Part A

(commences at 10am)

Page No

- 1. Apologies for Absence**
- 2. Substitutes**

Any Member who is substituting for another Member should so indicate, together with the name of the relevant absent Member.
- 3. Minutes** **1 - 34**

To confirm the minutes of the meeting held on 6 November 2019 (copy attached).
- 4. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath** **35 - 178**

Report No: **DEV/WS/19/042**

Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and construction of a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended)
- 5. Planning Application DC/19/1392/VAR - Land off Briscoe Way, Lakenheath** **179 - 226**

Report No: **DEV/WS/19/043**

Amendments to condition 20 (measures to mitigate noise impacts) of planning permission DC/13/0660/FUL for the 67no. Dwellings (including 20 affordable dwellings) together with public open space, as amended. The amendments proposed to condition 20 are full removal of sub-parts A (ii) and B
- 6. Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds** **227 - 270**

Report No: **DEV/WS/19/044**

Planning Application - Construction of (i) 50no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)

On conclusion of the above items the Chairman will permit a short break

Part B

(commences not before 1pm)

	Page No
7. Planning Application DC/19/1019/FUL - Garages, Paske Avenue, Haverhill Report No: DEV/WS/19/045 Planning Application - 9no. dwellings (Demolition of existing garages)	271 - 292
8. Planning Application DC/19/0514/FUL - Offices, James Reinman Marine Ltd, The Broadway, Pakenham Report No: DEV/WS/19/046 Planning Application - 2 no. dwellings (following demolition of existing work sheds) and associated works (as amended by email received 31.07.2019 to reduce the scheme from 3 dwellings to 2)	293 - 316
9. Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe Report No: DEV/WS/19/047 Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018	317 - 344
10. Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham Report No: DEV/WS/19/048 Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council	345 - 368

(On conclusion of the agenda Members of the Development Control Committee will receive a short training seminar where Officers will deliver an update on West Suffolk appeals.)

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on
Wednesday 6 November 2019 at **10.00 am** in the **Council Chamber,**
College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Carol Bull	David Palmer
John Burns	David Roach
Jason Crooks	David Smith
Dawn Dicker	Peter Stevens
Roger Dicker	Don Waldron
Andy Drummond	Ann Williamson
Ian Houlder	

In attendance:

Richard Alecock – Ward Member: Mildenhall Great Heath

Andy Neal – Neighbouring Ward Member: Mildenhall Queensway

David Nettleton – Ward Member: Tollgate

50. Apologies for Absence

Apologies for absence were received from Councillors David Gathercole and Susan Glossop.

51. Substitutes

The following substitutions were declared:

Councillor Carol Bull substituting for Councillor Susan Glossop

Councillor Dawn Dicker substituting for Councillor David Gathercole

52. Minutes

The minutes of the meeting held on 2 October 2019 were confirmed as a correct record and signed by the Chair, subject to the following amendment as identified by Councillor John Burns:

Minute No. 45 (Planning Application DC/19/1010/RM - Land Adj Haverhill Business Park, Bumpstead Road, Haverhill):

“Councillor John Burns asked if it would be possible to:

- i. ~~Extend the footpath that was to run parallel with Icen Way along the frontage of the site;~~

Ensure the outline permission in Bumpstead Road was made good and the footpath was extended along the frontage of the site; and

ii. Extend the acoustic fencing to also include the perimeter of Unit 2."

53. **Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford (Report No: DEV/WS/19/032) **AGENDA ITEM WITHDRAWN****

The Chair advised that this item had been **WITHDRAWN** from the agenda.

54. **Planning Application DC/19/0505/FUL - Garage Areas, Pembroke Close, Mildenhall (Report No: DEV/WS/19/033)**

Planning Application - 6no. dwellings and 45no. parking spaces (following demolition of 60no. garages)

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 8 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme, set out the garage occupancy levels and explained that Suffolk County Council Highways had not raised objection.

Speakers: Ralph Shingfield (neighbouring resident) spoke against the application
Councillor Russell Leaman (Mildenhall High Town Council) made a joint statement against all four of the garage area applications on the agenda (Items 5, 6, 7 & 8)
Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke against the application
Nicole Wright (agent) spoke in support of the application

Councillor David Palmer opened the debate and advised his fellow Committee Members that he had visited the site in the evening of his own volition and

found the parking to be saturated with vehicles, including some on pavements.

A number of Members raised concern at the condition of some of the garage units which had seemingly not been maintained by Flagship.

Comments were also made by some of the Committee on the real need for affordable housing in the locality.

Further debate continued with the Committee posing other questions which were responded to by the Principal Planning Officer as follows:

Sewage – Members were advised that Anglian Water had not objected to the scheme in the basis that there was capacity for the dwellings proposed;

Site Allocations Local Plan (SALP) – The Officer explained that the application site was not included in the Council’s five year housing land supply and would therefore be classed windfall housing provision that was within the settlement boundary;

Electric Charging Points – The lack of electric charging points within the scheme was counted against the application in the planning balance, however, in view of the parking being unallocated it was also recognised that there could be logistical difficulties with accessing charging points;

Asbestos Removal – Whilst a Construction Management Plan was conditioned, Members were informed that the removal of asbestos fell outside of the planning process and had to be managed by contractors in line with legislation from the Health and Safety Executive; and

Aircraft Noise – Whilst recognising that the site was within an already established residential area, a condition had been included to ensure the acoustic insulation of the dwelling units did not exceed set levels.

The Service Manager (Planning – Development) also responded to specific comments made by Members:

Housing Register – The Committee was advised on how the housing register process worked and how this would be applied to the affordable housing provided by the scheme. The S106 Agreement connected with the application would ensure that the dwellings were maintained as affordable housing in perpetuity; and

Three Further Garage Areas Applications – Members were reminded that each application that came before them was to be considered on its own merits. Therefore, each of the four garage areas applications would be presented in full to the Committee by the Case Officer and debated separately.

Councillor Ian Houlder moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 9 voting for the motion, 6 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to:

- A. Completion of a S106 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; and
- B. The following conditions:
- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 - 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 - 3 No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
 - 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
 - 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
 - 7 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery

- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
- 9 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the

means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
The CDMP shall include, but not be limited to:
- parking provision for construction and other associated workers during the demolition and construction phases
 - storage of materials and equipment
 - routes for HGV traffic associated with the demolition and construction phases
 - means to ensure surface water, mud and other construction debris does not egress onto the highway
- No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, west and east elevations of plot 5, and in the east, south and west elevations of plots 1, 2, 3 and 4.

55. Planning Application DC/19/0506/FUL - Garage Areas, Newnham Close, Mildenhall (Report No: DEV/WS/19/034)

Planning Application - 6 no. dwellings and 30 no. parking spaces (demolition of 39no. lock-up garages) - (Previous Application DC/17/2587/FUL)

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 11 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme and drew attention to Paragraph 30 of Report No DEV/WS/19/034; Members were advised that the figures within this paragraph contained an inaccuracy and the calculation should have demonstrated an over-provision of 4 parking spaces (as opposed to 6), based on what the scheme would provide.

Speakers: Russell Richards (neighbouring resident) spoke against the application
The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)
Councillor Andy Neal (Neighbouring Ward Member: Mildenhall Queensway) spoke against the application
Nicole Wright (agent) spoke in support of the application

Councillor Don Waldron asked the Chair if it would be possible for Councillor Andy Neal to table some photographs which supported his public speaking statement. The Lawyer advised that this was not permitted under the Council's Public Speaking Policy which did not allow handouts or visual aids.

Councillor David Palmer opened the debate and again advised his fellow Committee Members that he had visited the site in the evening of his own volition and found the parking to be saturated with vehicles, including some on pavements.

Further debate continued with the Committee posing questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous application in respect of electric charging points and asbestos):

Flooding – A map showing surface water flooding was shown as part of the Officer's presentation and the proposed scheme was not considered to be

likely to exacerbate the problem. On the contrary, the replacement of some of the existing hardstanding with garden areas could assist;
Water Consumption – The Officer provided explanation on the figures referenced within the report; and
Uplift of Existing Properties/Grass Verge Parking – Comments had been made from some Members as to whether Flagship intended to renovate any of the existing properties and if some of the grass verges could have some form of natural surface laid in order to allow additional ‘unofficial’ parking spaces. The Committee were advised that they needed to consider the application that was before them that made no reference to the existing dwellings; a number of which were privately owned in any event. The Officer also explained that the grass verges in question varied in ownership; some by the District Council and some by the County Council.

In response to points raised with regard to the provision of disabled parking spaces, the Service Manager (Planning – Development) explained that should future tenants require disabled parking then this is something they would need to raise directly with Flagship, as landlord.

Councillor Peter Stevens moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 10 voting for the motion and 6 against it was resolved that

Decision

Planning permission be **GRANTED** subject to:

- A. Completion of a S106 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; and
- B. The following conditions:
 1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 3. No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 4. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of

- planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
- 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
 - 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
 - 7 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
 - 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

- 9 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. The CDMP shall include, but not be limited to:
- parking provision for construction and other associated workers during the demolition and construction phases
 - storage of materials and equipment
 - routes for HGV traffic associated with the demolition and construction phases
 - means to ensure surface water, mud and other construction debris

- does not egress onto the highway
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
 - 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
 - 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north (rear) elevations of plots 5 and 6.

56. **Planning Application DC/19/0507/FUL - Garage Areas, Emmanuel Close, Mildenhall (Report No: DEV/WS/19/035)**

Planning Application - 11no. dwellings and 57no. parking spaces (following demolition of 70no. garages) - Previous Application DC/17/2586/FUL

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 11 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement (which contained prescribed contributions in light of this application being classified as a major) and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme, displayed photographs of parking in Emmanuel Close in the evening and drew attention to Paragraph 32 of Report No

DEV/WS/19/035; Members were advised that the figures within this paragraph contained an inaccuracy and a total of 59 parking spaces would be provided within the new development (as opposed to 57).

Lastly, the Committee was advised that the Officer had been in further dialog with Suffolk County Council Highways who had verbally stated that they were now content that their concerns could be mitigated via conditions and, as such, withdrew their holding objection as made reference to in Paragraph 12.

Speakers: James Power (neighbouring resident) spoke against the application

The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)

Councillor Andy Neal (Neighbouring Ward Member: Mildenhall Queensway) spoke against the application

Nicole Wright (agent) spoke in support of the application

During the debate the Committee posed questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous applications in respect of electric charging points, disabled parking spaces and asbestos):

Location and Condition of Alternative Garages – the Officer read out the locations at which there were vacant garages that could be rented by tenants who had occupied those cited for demolition within the scheme. He presumed that these were of a similar size and condition as those within the four application sites;

Overlooking of No. 32 – The Committee was advised that whilst the overlooking of No 32 was a material consideration Members needed to be mindful that the property already experienced some degree of overlooking currently;

Withdrawal of Holding Objection – In response to some Members' concerns relating to the verbally advised withdrawal of the Suffolk County Council Highways holding objection, the Officer assured the Committee that he was very clear on the Highways Authority's current position with regard to the application.

Councillor Peter Stevens moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 7 voting for the motion, 7 against and with 2 abstentions it was resolved on the Chair's casting vote that

Decision

Planning permission be **GRANTED** subject to:

- A. Completion of a S106 Agreement to secure:
 - £36,543 (2019/20 costs) to spend on primary school provision
 - £56,617 (2019/20 costs) to spend on secondary school provision
 - £16,666 (2019/20 costs) towards pre-school provision
 - £176 towards enhanced library provision

- Contributions towards ecological 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
- B. And the following conditions:
- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 - 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 - 3 No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
 - 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
 - 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
 - 7 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery

- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
- 9 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the

means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
The CDMP shall include, but not be limited to:
- parking provision for construction and other associated workers during the demolition and construction phases
 - storage of materials and equipment
 - routes for HGV traffic associated with the demolition and construction phases
 - means to ensure surface water, mud and other construction debris does not egress onto the highway
- No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the east elevation of plot 3, the south elevation of plot 5 and the north elevation of plot 6.

57. Planning Application DC/19/0508/FUL - Garage Areas, Downing Close, Mildenhall (Report No: DEV/WS/19/036)

Planning Application - 5no. dwellings and 33no. parking spaces (following demolition of 43no. garages) - Previous Application DC/17/2585/FUL

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 7 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme and displayed photographs of parking in Downing Close in the evening.

Lastly, the Committee was advised that the Officer had been in further dialog with Suffolk County Council Highways who had verbally stated that they were now content that their concerns could be mitigated via conditions and, as such, withdrew their holding objection as made reference to in Paragraph 9.

Speakers: June Billings (neighbouring resident) spoke against the application
The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)
Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke against the application
Nicole Wright (agent) spoke in support of the application

During the debate the Committee posed questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous applications in respect of electric charging points, disabled parking spaces and asbestos):

Location of Sub-Station – Members were advised that the proximity of the sub-station to the proposed dwellings could be mitigated with boundary treatment and the sub-station would not generate noise;

Informal Access – The Members who attended the site visit had noted that 14 Downing Close appeared to have informal access to the rear of their property. The Officer explained that this was not addressed as part of the planning process and was civil matter between the owner of the property and the applicant; and

Vulnerable Resident – The Service Manager (Planning – Development) advised the Committee that West Suffolk Council had been made aware of a vulnerable resident in the vicinity with existing medical conditions. The

Council had contacted all relevant authorities (including Flagship) in order to make them aware of the situation.

Councillor John Burns raised specific concern at having to accept verbal assurance from Suffolk County Council Highways with regard to the withdrawal of their holding objection.

As such, he proposed that consideration of the application be deferred in order to allow a formal written response to be made by the Highways Authority. This was duly seconded by Councillor Roger Dicker.

The Service Manager (Planning – Development) suggested that in order to allow Officers time in which to seek assurance/clarity from the Highways Authority that rather than defer the application it would be possible, if Members were minded to, to approve the application subject to receiving the confirmation in respect of the withdrawn holding objection. This could be done in liaison with the Chair and Vice Chairs of the Committee.

Accordingly, Councillor John Burns withdrew his motion for deferral and Councillor Andy Drummond moved that the application be approved as per the Officer recommendation; subject to Officers, in consultation with the Chair and Vice Chairs, seeking confirmation from Suffolk County Council Highways of the withdrawal of their holding objection, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with 10 voting for the motion and 6 against it was resolved that

Decision

Planning permission be **GRANTED** subject to Officers, in consultation with the Chair and Vice Chairs, seeking confirmation from Suffolk County Council Highways of the withdrawal of their holding objection, and subject to:

- A. Completion of a S106 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; and
- B. The following conditions:
 1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 3. No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 4. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen

- walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
- 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 7 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- 8 The site demolition, preparation and construction works shall be carried

out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

- 9 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
The CDMP shall include, but not be limited to:
- parking provision for construction and other associated workers during the demolition and construction phases

- storage of materials and equipment
- routes for HGV traffic associated with the demolition and construction phases
- means to ensure surface water, mud and other construction debris does not egress onto the highway

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north elevation of plot 3.

(On conclusion of this item, and Part A of the agenda, the Chair permitted an interval before proceeding with Part B of the agenda at 1.20pm.)

58. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/WS/19/037)

(Councillor David Roach declared a non-pecuniary interest in this item in view of having already voted in favour of the primary school element of the scheme at a meeting of Suffolk County Council. He would remain in the meeting but would not take part in the debate and would abstain from the voting thereon.)

Prior to the Principal Planning Officer making their presentation to the Committee, Councillor Don Waldron proposed from the floor that consideration of this application be deferred in order to allow Members to undertake a site visit. This was duly seconded by Councillor Roger Dicker.

The Service Manager (Planning – Development) explained that Officers had not scheduled a site visit for this application as they considered that there was very little to gain by visiting the site in that the only full part of the application was in relation to the proposed road and there were no directly adjoining properties. However, if Members wished to defer in order to visit the site then they were able to do so.

Upon being put to the vote and with 11 voting for the motion and with 5 abstentions, it was resolved that

Decision

Consideration of the application be **DEFERRED** to an alternative meeting of the Development Control Committee in order to allow Members to undertake a site visit.

59. **Planning Application DC/19/0079/FUL & Application for Listed Building Consent DC/19/0080/LB - The Rutland Arms Hotel, 33 High Street, Newmarket (Report No: DEV/WS/19/038)**

**Planning Application - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building (iii) Detached garage adjacent Nell Gwynne House; and
Application for Listed Building Consent - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building**

These applications were referred to the Development Control Committee as Suffolk County Council Highways Authority objected to the scheme which was contrary to the Officer recommendations of approval, subject to conditions as set out in the supplementary 'late papers' circulated following publication of the agenda.

A Member site visit was held prior to the meeting.

Speaker: Noel Byrne (applicant) spoke in support of the application

Councillor Andy Drummond advised the meeting that he had taken part in Newmarket Town Council's consideration of the applications when they resolved to support the scheme. However, Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.

Considerable discussion took place in relation to the loss of the flying link/pedestrian bridge which currently connected the two buildings over Palace Street. Some Members raised safety concerns at pedestrians now having to cross the highway.

The Principal Planning Officer explained that there was to be refuge area by the door that opened onto Palace Street from the main building and the crossing would be denoted by a different surface, with an additional condition required for details of the materials to be submitted.

In response to comments made in connection with the loss of some spaces at the Council owned Rous Road Car Park, the Service Manager (Planning – Development) explained that this arrangement between the applicant and the Council as landowner was not a material planning consideration.

The Chair invited the Principal Conservation Officer to address the meeting in respect of her consultation response to the application. In answer to a question that was raised with regard to the windows of the main building (which did not form part of the application before Members) the Officer

outlined the many various ways in which heat loss could be reduced without the need for replacement glazing.

Councillor Drummond made reference to the 'soft crossing' that already existed nearby at the Clock Tower Roundabout, which he stated worked well. He moved that the applications be approved as per the Officer recommendations and this was duly seconded by Councillor Peter Stevens.

Upon putting the Listed Building Consent to the vote and with 15 voting for and 1 against, it was resolved that

Decision

Listed Building Consent be **GRANTED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than 3 years from the date of this notice.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
 - schedule of works to existing structure to include a detailed specification of repairsThe works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.
- 4 No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 5 No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 6 No development above ground level shall take place until details in

respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Samples of external materials and surface finishes

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 7 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Following the removal of the later finishes, final details of the proposed works to chimney breast and stack 1 shall be submitted to and approved in writing with the Local Planning Authority.

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 8 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Details of ornamental mouldings

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Upon putting the Planning Application to the vote and with 14 voting for and 2 against, it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Prior to first operational use of the annexe building, at least 25% of on site car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.
- 4 Before the development hereby permitted is commenced details of the travel arrangements to and from the site for employees and customers in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority and such approved arrangements shall be implemented before the development is first brought into use and thereafter adhered to.
- 5 All HGV and Construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes

defined in the Plan. The Plan shall include, but not be limited to:

- Routes for deliveries and other construction traffic.
- Means to ensure that no water, mud or debris will egress onto the highway.
- Means to ensure sufficient space is provided for the parking and manoeuvring of construction workers and delivery vehicles.
- Means to ensure sufficient space is provided on-site for the storage of materials and equipment.

- 6 The use of Nell Gwynnes Cottage shall not commence until the area(s) within the site shown on drawing 180101-3DR-SE-DR-D210 rev P4, for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 7 Before the development is commenced details of the areas to be provided for the loading, unloading manoeuvring and parking of vehicles including means to ensure a permanent access shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 8 Before the development is commenced details of the areas to be provided for the secure covered and lit cycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 9 All development works, including site demolition, enabling works in respect of the site entrance, preparation and construction works, including deliveries and the removal of waste and other material, shall be carried out between the hours of 0800 - 1800 hrs on Mondays - Fridays, and between the hours of 0800 - 1300 hrs on Saturday, and at no time on Sundays and Bank Holidays.
- 10 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 11 The annexe building shall not be occupied until the site investigation

- and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 12 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 13 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the annexe building; shall be used only as a hotel (C1 use); and for no other purpose.
- 14 No development above ground level shall take place until, an energy and sustainability statement for the development shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development has adhered to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of design, layout, orientation, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.
- 15 Prior to commencement of development details of the off-site highway works (pedestrian crossing between the main building and the annexe building on Palace Street and any other works associated with it) shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be laid out and constructed in its entirety prior to the first use of the crossing. Thereafter the crossing shall be retained in its approved form.

60. **Planning Application DC/19/1217/FUL - 5C Oak Tree Farm, Wildmere Lane, Holywell Row (Report No: DEV/WS/19/039)**

Planning Application - 1no. dwelling with detached garage

This application was referred to the Development Control Committee following consideration by the Delegation Panel and at the request of Councillor Don Waldron, one of the Ward Members for The Rows.

A Member site visit was held prior to the meeting. The Parish Council supported the application which was in conflict with the Officer recommendation of refusal, for the reasons set out in Paragraph 81 of Report No DEV/WS/19/039.

Speaker: Rebecca Young (applicant) spoke in support of the application

Councillor Don Waldron opened the debate and made reference to an adjacent plot which had received planning permission for a dwelling, he also

highlighted that the planning application in question had been submitted in June of this year with the Local Plan not having been adopted by West Suffolk Council until September 2019.

In response to which the Service Manager (Planning – Development) reminded the Committee that each application was to be considered on its own merit. Furthermore, with regard to the Local Plan, if the application had been before Committee at the time of submission then significant weight would have still been attributed to it as it had been in a very advanced stage by June. Members were also advised that planning law required applications to be determined against policies that are in force at the time of determination.

Whilst some Members expressed sympathy at the specific need/family circumstance as made reference to by the applicant under the public speaking, a number of the Committee were mindful that it fell outside of the settlement boundary and that the application did not qualify as an exception site.

In response to questions posed as to whether the applicant could resubmit the application identifying the site as an exception for gypsy and travellers, the Service Manager (Planning – Development) explained that whilst the applicant was at liberty to do this the permanent dwelling as applied for (as opposed to a mobile home or similar) fell foul of the Gypsies and Travellers Policy CS8.

Other Members asked if the applicant could put the site forward for development and/or the Parish Council could seek to move the settlement boundary as part of the Local Plan process. Again, the Service Manager responded and explained that both of these avenues could be pursued by the parties concerned, however, they needed to be mindful that the review of the Local Plan had only just commenced and any new sites/changes to settlement boundaries would not be implemented for some considerable time.

Lastly, a question was posed in respect of the L-shaped agricultural building that existed on the site and as to whether this could be converted into residential use under Class Q permitted development rights. Whilst being mindful that this did not form part of the proposal before Members, the Service Manager again advised that was something the applicant would be at liberty to explore.

Councillor Don Waldron made reference to the local support the application received and proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Andy Drummond.

The Service Manager advised that if Members were minded to approve the application, due to a differing interpretation of Policy DM27, contrary to the Officer recommendation then the Decision Making Policy would be invoked and a risk assessment would be produced for consideration by the Committee at their next meeting, prior to final decision being taken on the application.

Upon being put to the vote and with 7 voting for the motion, 8 against and with 1 abstention the Chair declared the motion lost.

Councillor Ian Houlder then moved that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 9 voting for the motion, 2 against and with 5 abstentions it was resolved that

Decision

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

1. The National Planning Policy Framework (NPPF) states that the planning system should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS10 of the 2010 FHDC Core Strategy and policy SA1 of the 2019 Site Allocations Plan establish the spatial strategy for the area and they dictate that unless special circumstances prevail, residential development in the countryside, beyond the settlement boundaries, should be strictly controlled. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out further strict circumstances where new dwellings will be permitted outside of settlement boundaries. The proposal does not meet the provisions of any of these policies and there are no material considerations that outweigh this very significant conflict with the Development Plan. The proposal therefore represents a conflict with Policies SA1, CS1, CS10, DM5 and DM27 of the Development Plan.
2. Policy DM2 provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
The proposal would give rise to a permanent dwelling which would be at odds with the prevailing nature and character of the immediate site. Whilst dwellings do exist to the South of the site, these are located within the settlement boundary whereas the site in question lies within the countryside from a planning perspective. If approved, this proposal would result in a formalised, permanent dwelling which, when compared to the current site, will appear as a stark contrast to the prevailing loosely developed grain of the wider, rural locality. In this location, noting the surrounding development's form, scale and design, a permanent brick dwelling would be out of character and therefore contrary to both national and local policy.

The introduction of a further, two storey dwelling would be visually harmful given the site's loose coalescence of non-permanent structures which are modest in scale and do not dominate the visual landscape. Furthermore, the locality is generally populated with modestly scaled, single storey dwellings which do not dominate their plot or appear as large, overly urban styled dwellings. The proposed dwelling is significantly larger and taller than the area's existing properties. The ridge height and footprint appear incongruous with the existing pattern of development which, given the location on the periphery of the settlement boundary is relatively loosely grained and modest in scale. This proposed dwelling would appear as a stark contrast to the prevailing semi-rural character already in situ. It dominates its plot in a way that the locality's smaller dwellings do not and the two front dormer windows are particularly prominent so as to conflict with the prevailing modest scale of development which defines the locality.

This results in a design and proposal which fails to respond to its surroundings and the prevailing urban fabric as required by point J of Policy DM2 of the Joint Development Management Policies Document (2015). The proposal also fails to accord with paragraph 124 of the 2019 NPPF which states that good design should be at the heart of all proposals to ensure that high quality buildings and environments are created.

3. The proposed dwelling would be positioned to the immediate south of the adjacent pitch and this, based on the plans submitted in support of the application, has the potential to adversely impact the amenity of the off-site pitch due to loss of light and the physical overbearing relationship it will have with the smaller, more transient in design mobile home. This overbearing relationship would prove contrary to the good design principles embedded within the NPPF, CS5 of the Core Strategy and DM2 and DM22 of the Joint Development Management Policies Document.

The North elevation also has a window installed to the 'upper' floor and this gives rise to direct overlooking into the adjacent pitch. This would be detrimental to the amenity of the off-site mobile home as direct, unrestricted views from an upper level would be possible. This would therefore be harmful to the neighbouring property's privacy and amenity to a sufficient extent for the proposal to represent a material conflict with part g of Policy DM2

4. The proposal would result in the permanent loss of a lawful traveller pitch and this represents a material conflict with the LPA's requirement to provide necessary sites for the travelling community pursuant to the 2015 Planning Policy for Traveller Sites.

The loss of this single pitch represents a net decline in the LPA's overall provision and whilst the LPA note it is a single pitch only, given the obligation to provide appropriate pitches for the travelling community, with no material factors to indicate that this pitch should be sacrificed, there are no relevant planning reasons which enable the LPA to conclude that the loss of this pitch would not be detrimental to the LPA's overall provision.

61. **Planning Application DC/19/1463/TPO - 85 Raynham Road, Bury St Edmunds (Report No: DEV/WS/19/040)**

TPO218(1972) - Tree Preservation Order - Beech T1 - Fell

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

The application was considered by the Panel in light of Councillor David Nettleton, one of the Ward Members for Tollgate, supporting the felling of the tree which was contrary to the Officer recommendation of refusal for the reason set out in Paragraph 30 of Report No DEV/WS/19/040.

A Member site visit was held prior to the meeting.

Speakers: Councillor David Nettleton (Ward Member: Tollgate) spoke in support of the application
Gary Fowler (applicant) spoke in support of the application

The Committee was largely sympathetic to the applicant, with Members commenting on the inappropriate size of the tree for a modest residential garden. However, if the tree was to be removed Members asked that a more appropriate replacement was planted within the garden in a better location.

Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 14 voting for the motion and with 2 abstentions, it was resolved that

Decision

Tree Preservation Consent for the T1 Beech Tree be **GRANTED** subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.
3. The 1no. Beech (*Fagus sylvatica*) tree, the removal of which is authorised by this consent, shall be replaced by 1no. Silver Birch (*Betula pendula*) tree(s) within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

(On conclusion of this item the Chair permitted a short comfort break at which point (3.25pm) Councillor Jason Crooks left the meeting.)

62. **Planning Application DC/19/1623/FUL - 17-18 Cornhill, Bury St Edmunds (Report No: DEV/WS/19/041)**

Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath

This application was referred to the Development Control Committee as West Suffolk Council is the applicant.

The Senior Planning Officer advised that the former Post Office site was an important town centre site on a critical link between the old market square on Cornhill and the new development along St Andrews Street South.

The site was purchased by West Suffolk Council in order to improve and enhance the public realm along this critical link and to conserve the heritage of the Post Office.

The proposal was subject to a design competition, had been developed through a process of public and stakeholder consultation and was subject to a pre-application enquiry with Planning Officers.

The Town Council supported the proposal which was recommended for approval by Officers, subject to the completion of a legal agreement and conditions as set out in Paragraph 110 of Report No DEV/WS/19/041.

For the sake of transparency, Councillors Andy Drummond and Carol Bull advised the meeting that they had been part of the decision making process when Cabinet considered the acquisition of the property.

In response to which, the Service Manager (Planning – Development) advised the Committee that a Council owned planning application was subject to the same process as all other applications made to the Planning Authority.

A number of Members spoke in support of the application and welcomed the provision of a commuted sum for 30% affordable housing, which the Service Manager provided further explanation on.

Councillor David Palmer raised a query with regard to the lack of electric vehicle charging points. The Planning Officer explained that irrespective of the site being Council owned any conditions to be attached to a planning approval had to meet the six tests under the NPPF. Given that the units would not have allocated parking where the charging points would be directly related to the proposal, Officers did not consider that charging points could be justified via the scheme proposed.

Councillor Andy Drummond moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

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

Decision

Planning permission be **GRANTED** subject to:

- A. The completion of a legal agreement to secure financial contributions towards enhanced education and library provision and the provision of a commuted sum for 30% affordable housing.

Heads of Terms:

- Primary school contribution £33,192
- Pre-School Provision £16,596
- Libraries £192
- Affordable Housing £454,000

- B. And the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
4. No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
5. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

6. Notwithstanding the submitted details of the existing loading bay adjacent to the development on St Andrews Street South details of the bay shall be submitted to and approved in writing by the Local Planning Authority before first occupation. The approved loading bay shall be laid out and constructed in its entirety prior to first occupation. Thereafter the bay shall be retained in its approved form.
7. Notwithstanding the submitted details of drainage and surface materials on adopted highway, no development above ground excluding demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means of surface water and surface treatment provision. The approved scheme shall be carried out in its entirety prior to first occupation and shall be retained thereafter in its approved form.
8. No above ground development excluding demolition shall take place until details of the provision to be made for parking for cycles to meet the current Suffolk Parking Guidance have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
9. One car parking permit per dwelling hereby approved shall be made available from first occupation in the arc underground car park owned/run by West Suffolk Council and shall be provided thereafter unless agreed otherwise.
10. No development above ground level excluding demolition shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
 - i) Samples of external materials and finishes
 - ii) details of the connection between the new building and the historic section of the adjoining building (W H Smith)The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
11. No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy by Pick Everard ref. MC/TJH/180128/17-2/R001 - Issue Number 02 (dated August 2019) unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to any below ground construction (excluding any works necessary to support existing structures including the basement, neighbouring properties and the retained façade), an investigation in to the presence

of any underground features associated with potential mining in the area shall be submitted to, and approved in writing by the Local Planning Authority. Any land instability encountered by the investigation shall be mitigated for within the design of the structure.

14. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- xi) Mechanical road sweepers

15. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays unless otherwise previously agreed in writing with the Local Planning Authority.

16. The development shall be implemented in accordance with the recommendations of the Acoustic Design Report by aja Adrian james acoustics limited ref. 11899 Report 2 (dated November 2018) to achieve the following Internal noise levels to the residential units:

- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
- iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
- iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise

from plant and services including ventilation systems must not exceed the above criteria.

17. Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in ECOLOGICAL IMPACT ASSESSMENT (June 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
19. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

The meeting concluded at 3.59pm

Signed by:

Chair

Development Control Committee 4 December 2019

Planning Application DC/14/2096/HYB – Land at Station Road, Lakenheath

Date: 24th November **Expiry Date:** 9th August 2019.
Registered: 2014

Case Officer: Gareth Durrant **Recommendation:** Approval

Parish: Lakenheath **Ward:** Lakenheath

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

Site: Land North of Station Road, Lakenheath

Applicant: The Cobbold Family and Pigeon Investment Management.

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

This application is referred to the Development Control Committee as it is a proposal for 'major' development. Furthermore the recommendation to grant planning permission is contrary to the views of Lakenheath Parish Council.

This application has been considered previously by the Development Control Committee of the now dissolved Forest Heath District Council. The Committee resolved to grant planning permission at its meeting on in September 2018.

The planning application is returned to Committee in the light of material changes in circumstances which have occurred since it reached its decision in 2017. These include the adoption into the Development Plan of two new Documents; the 'Single Issue Review of Core Strategy Policy CS7' and the 'Site Allocations Local Plan'. Furthermore, recent European case law and the Local Plan policy relevant to housing allocations at Lakenheath has compelled the Council to carry out a new 'Appropriate Assessment' under the provisions of the Habitats Regulations.

This is a comprehensive and stand-alone Committee report and no regard should be given to previous reports provided to the Development Control Committee of the now extinguished Forest Heath District Council the with respect to this planning application. Furthermore, the Committee must consider the planning application afresh and reach a new resolution. No weight is to be given to the resolution of the former Forest Heath Council committee to grant planning permission for the proposals.

The item was deferred from the November meeting of the Development Control Committee to enable a site visit to take place.

The application is recommended for conditional APPROVAL.

Proposal:

1. The planning application has been submitted in a 'hybrid' format meaning that full planning permission is sought for some elements of the scheme and outline planning permission is sought for other elements. Upon submission of the planning application in November 2014, the applicant sought full planning permission for all but 7 of the 375 dwellings (with the remaining 7 'self-build' homes submitted in outline).
2. The planning application was amended in September 2015. The proposals remain in a 'hybrid' form but the 375 dwellings proposed were changed from 'full' to outline with only the site access and a small length of the estate road behind it remaining in 'full'. References to community uses (other than the primary school) and 'self-build' homes were removed from the description. Opportunity was taken at this time to relocate the site of

the proposed primary school from the rear (north-west) to the front (south east) of the site. The amended planning application was accompanied by the following additional / amended documents:

- Concept Plan
 - Habitat Regulations Assessment
 - Addendum to the Design and Access Statement
 - Travel Plan
 - Ecology Report
 - 'Planning Responses' document (incorporating Drainage, Flood Risk and Highways information)
3. In November 2015 an amended version of the Habitats Regulations Assessment was received by the Council. The amendments were made in response to further concerns received from Natural England (these are set out and discussed later in this report).
 4. In December 2015, the Council received further information in response to comments and objections arising from public consultation in the form of an amended Travel Plan and amended Flood Risk Assessment. These documents were the subject of targeted consultation.
 5. In March 2016, the Council received a Tree Survey and Arboricultural Assessment. This has been the subject of public consultation.
 6. In April 2016 a bat survey of the trees proposed to be felled to make way for proposed vehicular access into the development was received and in June 2016 the applicant submitted 'Aviation Advice' with respect to the impact of aircraft movements associated with the RAF Lakenheath airbase upon the application site. These documents were the subject of a single public consultation from late June 2016.
 7. Also in June 2016, Suffolk County Council provided the District Council with a copy of the 'Lakenheath Cumulative Traffic Study' it had independently commissioned via its transport consultants. The study is not an 'application document' in the sense that it was not prepared and supplied by the applicants. The Study assists the District Council in its consideration of potential cumulative highway impacts arising from a number of potential development scenarios investigated. The document has also been the subject of separate public consultation.
 8. The amended planning application, which is predominantly for outline planning permission, is accompanied by Concept Plans which illustrate how the land uses would be distributed at later Reserved Matter stage/s. The plans illustrate:
 - 14.9 hectares of land for residential development (which would include policy compliant levels of public open space to serve the dwellings).
 - 3.1 hectares of land for a new primary school.
 - 4.7 hectares of land for 'ecology'. This land would have a dual use to act as mitigation sites for reptiles currently using the site and strategic public open space, over and above normal planning policy

requirements. The public open space provided here would function as an 'over-provision' of open space to off-set/reduce recreational pressure upon the Special Protection Area and the nearby Maidscross Hill Site of Special Scientific Interest (SSSI).

- Illustrative strategic footpath routes are shown
- Vehicular access to the site (which is proposed in detail as part of the planning application) is shown.
- An illustrative route for an internal distributor road is shown.
- How the 'SANG' land (Suitable Alternative Natural Greenspace) might be landscaped and provided.

9. In July 2018 the applicants submitted a noise assessment.

10. The dwellings would be developed at a nett density of just over 25 units per hectare (375 dwellings across a 14.9 hectare site).

Application Supporting Material:

11. The following documents were submitted to support this application when it was registered in November 2014:

- Forms and drawings including site location, house-type and example street scene elevations, Arboricultural Impact Assessment Plan, affordable housing and open space locations plans, tree and vegetation survey, proposed site levels plan and landscape masterplan.
- Planning, Design & Access Statement
- Landscape Strategy
- Extended Phase I Habitat Survey
- Transport Assessment
- Phase 1 (Desk Study) Ground Contamination Report
- Tree Survey and Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy
- Draft Proposed Heads of Terms Document

12. Much of the information received with the planning application in November 2014 has since been amended or withdrawn. The following additional documents have been submitted to accompany or amend the planning application since its registration in November 2016:

September 2015

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

November 2015

- Habitats Regulations Assessment (amended from the September 2015

version)

January 2016

- Flood Risk Assessment
- Residential Travel Plan

March 2016

- Tree Survey and Arboricultural Assessment (addendum)

May 2016

- Bat report.

June 2016

- Aviation Advice

August 2016

- Amended Tree Survey

July 2018

- Noise Assessment

October 2019

- Illustrative landscaping & layout proposals for the SANG land (to assist with the Council's Appropriate Assessment).

Site Details:

13. The site is situated to the north of Lakenheath. It is approximately 22.8 hectares in size, is presently in agricultural use (Grade 3) with two small groups of farm buildings. It has a tree-belt lined frontage onto the highway of Station Road. A further belt of trees is situated alongside part of the western site boundary. The tree belt to the west of the site (together with trees on the side and front boundaries of the adjacent land, outside the application site) are protected by Tree Preservation Orders.
14. The site is allocated for mixed use development (housing and primary school) in the recently adopted Site Allocations Local Plan. The Plan also includes the site into the housing settlement boundary of Lakenheath village. Prior to the adoption of the plan (September 2019) the site was regarded 'countryside'.
15. The site frontage has the benefit of a mature landscaped frontage of mixed species, including pines. Some low density housing abuts part of the west boundary. The rear (north) and part west boundaries (the rear most part of the west site boundary) face open countryside. The north boundary is straddled by a banked cut-off channel. Part of the north-west corner of the application site is within the identified floodplain to the channel (predominantly Zone 3 with some Zone 2). The bulk of the village settlement and all key village facilities (except for the rail station which sits to the north) are located to the south of the site.

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

Planning History:

17. Other than an approval in the 1990’s for the erection of an agricultural building and a refusal in the mid 1970’s for an agricultural workers’ dwelling, there are no historic planning applications relevant to this site.
18. In October 2018, the planning department at Suffolk County Council granted full planning permission for the phased delivery of a 420 place primary school and a pre-school facility. The site of the school is within the application site boundaries of the current proposals (the subject of this report) and is consistent with the location for a school on the illustrative concept plan.
19. The decision to grant planning permission was the subject to judicial review proceedings brought by Lakenheath Parish Council. Following a hearing, the Court found in favour of Suffolk County Council and confirmed its decision to grant planning permission was lawful. The Parish Council subsequently resolved that it did not wish to appeal against the Court’s decision but a third party has instead submitted a claim to the Court of Appeal. The Court of Appeal has granted permission for the appeal to proceed to a hearing. The County Council is presently awaiting dates for this. In the meantime, the planning permission granted by Suffolk County Council for the construction of a primary school at the application site stands (SCC reference: SCC/0021/18F, WS reference: DC/18/0644/CR3).
20. In June 2018, planning permission was granted for the construction of a new access road for proposed primary school (DC/18/0246/FUL). The proposals included the felling of trees in order to provide the accesses. These trees have since been felled.
21. There are a number of other proposals for large scale residential development around the village which (with the exception of the proposals which are the subject of this report) have been granted planning permission. These applications are considered relevant to the consideration and determination of this planning application insofar as their combined (or cumulative) impacts require consideration. The planning applications are set out in the table below:

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	Application is the subject of this Committee report.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Outline planning permission has been granted.
C	F/2013/0394/OUT	Land west of	Up to 140	Outline planning permission

		Eriswell Road, Lakenheath		has been granted.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Full planning permission has been granted.

Consultations:

22. The planning application has been the subject of five separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015, iv) June 2016 and v) in July 2018. Other targeted consultation was carried out in January 2016 following receipt of an amended Travel Plan and Drainage Strategy and again in March 2016 following receipt of arboricultural information. Further (and separate) public consultation was carried out in June 2016 following receipt of the 'Lakenheath Cumulative Traffic Study'. The following is a summary of all responses received;
23. **Environment Agency** (January 2015) – **no objections** – and comment that the submitted Flood Risk Assessment demonstrates the proposed development could be achieved without the risk of flooding, that surface water run off rates will be restricted so they do not increase post development and that there is sufficient space on the site to provide the required attenuation capacity.
24. The Agency were, however, disappointed that underground tanks beneath the public open space have been utilised with what appears to be no consideration of more sustainable methods (e.g. detention basins, bio-retention basins, etc.). The Agency suggests the Flood Risk Assessment should include more detail on how the design has been reached, including any constraints faced. The Agency is particularly disappointed that no SUDS drainage system is apparently proposed for the school drainage scheme.
25. The Agency concluded there is nothing technically wrong with the submitted drainage scheme, but the Flood Risk Assessment fails to demonstrate the applicants have attempted to make the most of what SuDS can offer and thus reduces the sustainability of the development. The Agency recommends the Flood Risk Assessment is re-visited to provide greater clarity on why higher hierarchy SuDS have not been included.
26. Further advisory comments are provided for the benefit of the applicant/developer and conditions are recommended to address i) surface water run off rates, ii) precise details of the surface water drainage scheme, iii) remediation of any contamination present, and iv) protection of ground waters during construction (controlling techniques for providing the building foundations).
27. In October 2015, following a second round of consultation (including a revised Flood Risk Assessment), the Agency commented they were pleased to see that a wider selection of SuDS options had been considered and repeated its previous (January 2015) request for conditions.

28. **Anglian Water Services** (January 2015) – **no objections** and comment that the sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development. They also point out that development will lead to an unacceptable risk of flooding downstream and therefore a drainage strategy will need to be prepared to determine mitigation measures. A condition is requested to this effect. Anglian Water also advises it has assets close to or crossing the site and request inclusion of an advisory note on the Council's decision notice.
29. **Natural England** (January 2015) – officers interpreted their comments as **objections** to the planning application. Natural England are concerned the consultation material does not include a Habitats Regulations Assessment that includes consideration of impacts of the development upon the nearby Breckland Special Protection Area (direct and indirect impacts).
30. Further comments were received in June 2015 after Natural England had given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 21 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maids Cross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
31. Following re-consultation on a Habitats Regulations Assessment, Natural England (October 2015) maintained its **objections** to the proposals on the grounds the submitted Assessment did not take account of nesting records in sufficient detail and recreational disturbance is not appropriately detailed. Natural England recommended further specialist analysis is carried out and reported.
32. Following a further re-consultation on an amended version of the Habitats Regulations Assessment, Natural England confirmed (in December 2015) the revised document had adequately addressed their concerns and confirmed it **no longer objects** to the proposals. In particular, Natural England commented that:
 - In our response of 27 January 2015 we noted that the proposed development sits partly within the Breckland SPA stone curlew nest attempts buffer and therefore nest records would need to be obtained and assessed in order to obtain sufficient information to inform a habitats regulations assessment. Following receipt of the HRA supporting information, we subsequently advised (in our response of 16 October) that the report did not analyse the nest attempts data or the information from the Habitats survey to a sufficient degree.

Furthermore we explained that the section on recreational disturbance was not sufficiently detailed, either in terms of effects to the birds within the nest attempts area or in terms of in-combination effects to the SPA. Therefore on the basis of information provided, Natural England advised that there was insufficient information to rule out the likelihood of significant effects.

- However following review of the updated HRA document we are now satisfied that sufficient detail has been provided on all of the above points. The report now contains more detail on the locations and age of the data, as well as further discussion on potential effects to birds and habitats in these locations. It also contains further discussion concerning the habitats survey, recreational effects and the measures put in place to encourage residents to use the application site and the strategic green infrastructure for recreation. We are also satisfied that in-combination and cumulative effects to Breckland SPA have now been covered in sufficient detail. Natural England also reviewed a draft of the HRA report prior to its submission to your authority and all our advice concerning necessary changes to the document were taken into account; therefore we now consider that all our concerns have been addressed.
- Natural England is mostly concerned with records up to 5 years old within 1km of an application site. It was clear after reviewing the updated document, and following useful discussion with the Ecology team, that the nearest records to the application site were old, and furthermore that nests at a greater distance would not be likely to be affected due to the position of the nests and measures put in place to encourage residents to use alternative areas for recreation. It is also, in our view, sufficiently far from Breckland SPA to be unlikely to lead to direct effects to the SPA, and we are satisfied that it is not likely to lead to a significant rise in visitors to the SPA following review of the updated HRA report.
- Therefore, taking all the above into account, Natural England is now satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. We therefore have no further issues to raise regarding this application and do not consider that an appropriate assessment is now required.

33. On 15th March 2016 **Natural England** wrote to the Council to advise the following:

- *We would like to review the nest records again as our bird specialist has been reviewing all the cases in the east of Lakenheath following further information on the two Broom Road sites. Since there is still so much uncertainty concerning the reduction in stone curlew nesting density near built development we haven't yet reached a conclusion on those proposals. With this in mind the bird specialist team, with Footprint Ecology, have been working on a planning tool to calculate whether a development is likely to have an effect on stone curlews*

associated with Breckland SPA and if so whether mitigation may be appropriate. We think it would be beneficial to put all three applications, including this application, through the model to make sure that our advice is consistent between the three applications and so we can provide advice on the potential for cumulative and in-combination effects in Lakenheath. With this in mind, I hope you will be able to delay a decision regarding Land North of Station Road until we have input all three proposals into the planning model and reached a conclusion.

34. In May 2016, **Natural England** confirmed “we’ve looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA. Accordingly, Natural England reverted back to the position it took in December 2015 (paragraph 32 above).
35. **Suffolk Wildlife Trust** (December 2014) – comments (interpreted by the case officer as **objections**) – the Trust did not consider potential impacts upon European/National designated sites, but on protected species at the application site only and, having considered the ecological survey report, noted that parts of the site were considered suitable for reptiles and amphibians and recommends further surveys are undertaken for these species groups. The Trust considers the outstanding ecological information should be obtained prior to the determination of the planning application. Furthermore, the Trust consider that any development at this site should deliver ecological enhancements as part of the design, layout and landscaping. The Trust concludes by stating that the combined impact of all the developments proposed at Lakenheath, such as in the case of green infrastructure, needs to be adequately considered by the Local Planning Authority in determining the planning applications. It should be ensured that sufficient provision of green infrastructure is secured in order to enhance the village.
36. In December 2015, following re-consultation, the **Suffolk Wildlife Trust** considered the Phase 2 Ecological Survey Report (September 2015) and returned with **no objections** to the amended proposals, subject to the imposition of conditions. The Trust note the discovery of a medium population of common lizard and a low population of grass snake and comment that, without mitigation, the development would have an adverse effect upon these species. Given the findings of the survey, the Trust recommends that a Reptile Mitigation Plan is provided for the development and is secured via a suitably worded planning condition. The Trust repeats its view that the development should also secure ecological improvements (no just mitigation of impacts) and that strategic green infrastructure provision for the village needs to be considered given the number of planning applications for significant development currently under consideration.
37. **RSPB** (January 2016) – **objects** to the planning application on the grounds that the built development would stray into the 1.5km buffer which protects recorded Stone Curlew nests outside of the Special Protection Area. The Charity suggests their objections would be addressed

if none of the built development were to be provided within the buffer, by retaining those parts of the site which are situated within the buffer as green infrastructure.

38. **Defence Infrastructure Organisation** (January 2015) – **no objections**, but suggests the Local Planning Authority (and applicants) note that due to the location of the dwellings residents will see and hear aircraft.
39. In July 2016, following receipt of the 'Aviation Advice' document from the applicants and the 'Lakenheath Cumulative Traffic Study' on behalf of Suffolk County Council (Highways), the **Defence Infrastructure Organisation** again raised **no objections** to the planning application and provided the following additional comments;
- The application site occupies aerodrome height, technical and bird strike statutory safeguarding zones surrounding RAF Lakenheath and is approximately 2.97km to the north west of the centre of the runway.
 - The site also occupies aerodrome height and bird strike statutory safeguarding zones surrounding RAF Mildenhall.
 - We have reviewed the additional information and I can confirm that this information does not alter our safeguarding position; we have no statutory objections to this application.
 - In our original response we advised that the proposed properties will be exposed to military aviation noise. Whilst we have no statutory safeguarding concerns, my colleagues in the town planning and Safeguarding Department noise policy areas of the MOD are reviewing the Aviation Advice report and will be submitting separate comments.
40. Shortly after the above summarised comments were received from the **Defence Infrastructure Organisation** (DIO) on behalf of the Ministry of Defence, the following comments were received from the planning team within the DIO;
- Please be advised that this email represents a holding response in connection with this application.
 - I am aware that the DIO Safeguarding Department submitted representations in connection with this application on 19th January 2015. Whilst the Ministry of Defence (MoD) did not raise any safeguarding objections to the proposed development, this would not imply that the MoD do not have any concerns regarding the proposed development. Indeed, despite of the Safeguarding Department's statutory position, they did identify that noise would represent a material consideration in this case.
 - I believe that the Applicant has recently submitted an 'Aviation Advice' report (dated 7th June 2016) in support of his/her application; however, this does not satisfactorily address the issue of noise.

- Accordingly, the DIO, on behalf of the MoD, would like to request that a Noise Impact Assessment is submitted in support of this application. This is to ensure that the Local Planning Authority are in a position to fully consider the impact of noise from RAF Lakenheath on the proposed development, in which case they can objectively assess any concerns that might be raised on such grounds, including those of the MoD.
- Following the submission of the requested Noise Impact Assessment, the MoD would appreciate the opportunity to review its content and be afforded with an opportunity in which to provide comments on this document.
- In advance of the above undertaking, the MoD would respectfully request that the Applicant, or their appointed noise consultant, engage further with the MoD in order to confirm the scope and methodology (and timing) of the Noise Impact Assessment. Accordingly, it is advised that the Applicant or noise consultant contacts me in the first instance and I will co-ordinate this on behalf of the MoD.
- Notwithstanding the above, at this time I cannot comment as to whether or not the MoD has any further concerns with regard to the proposed development. I will need to review the proposals in detail with DIO/MoD colleagues before a formal opinion can be made in this regard

41. **Defence Infrastructure Organisation (DIO)** on behalf of the **Ministry of Defence** – submitted further representations in August 2016. The DIO **objected** to the application. Their comments are summarised as follows:

- In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include: the potential noise levels that the future occupants of the proposed dwellings and school children will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.
- Around civilian airports, there have been numerous reports prepared that demonstrate that aircraft noise can have a detrimental effect on a child's learning capacity.
- The application site is located directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. The operational flying activity undertaken at RAF Lakenheath will likely constitute a source of noise disturbance to the local area for a number of reasons. The issue of noise should constitute a material planning consideration in respect of the Local Planning Authority's assessment of the proposed development.
- The planning application is not accompanied by a Noise Impact Assessment, but instead relies upon an Assessment prepared in

support of planning application DC/13/0660/FUL (Land at Briscoe Way, Lakenheath). The DIO sets out a number of criticisms in regard to the noise assessment. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath and fails to address the issue of noise in connection with the application site and proposals. The DIO suggests the planning application should be accompanied by a site-specific noise assessment.

- The DIO also criticises the 'Aviation Advice' report (7th June 2016) and its addendum, dated July 2016, and challenges the credibility of its author.
 - The DIO do not believe the Local Planning Authority are currently in a position where it can fully consider the impact of noise associated with the operational aircraft flying activity associated with RAF Lakenheath on the proposed development. It is suggested that planning permission should be refused as a consequence, but the DIO are prepared to leave this consideration to the Local Planning Authority.
 - With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO asks that the applicant is requested to undertake a vibration assessment and submit this with the planning application, before it is determined.
 - The DIO also asserts that, if planning permission is granted, the occupants of the proposed dwellings and the school children would be at greater risk of 'incursion' in the event of an aircraft emergency, in comparison to the existing agricultural land use.
 - It is the contention of the Ministry of Defence that any proposals which would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
42. 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. 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.
43. **NHS Property Services** (March 2015) – **no objections** to the planning application and no request for a contribution to be used towards health infrastructure. These comments were repeated in October 2015 upon re-consultation.

44. **NHS Property Services** (February 2016) – upon reviewing the planning application considered the proposals would place additional pressures upon local NHS services beyond their capacity and requested a developer contribution of £123,420 to be used towards increasing the capacity of the local GP surgery.
45. **Lakenheath Internal Drainage Board** (December 2014) - **no objections** on the basis of the submitted SW drainage strategy.
46. **West Suffolk (Environmental Health)** (January 2015) – **no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, and ii) to investigate and mitigate potential cumulative impacts upon air quality. Further comments were included regarding sustainable construction and design with a conclusion that an application for development of this scale should be accompanied by an energy and water strategy/statement within or separate to the design and access statement.
47. **West Suffolk (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms and attic rooms, hours of construction, construction management and restricted hours for use of generators.
48. In August 2016, the Council’s **Public Health and Housing** officers prepared an advice note. The following comments were included:
 - PHH were consulted and in January 2015 raised no objections. The potential for noise complaints during development of the site was reduced by conditions for the hours of construction, construction management and restricted hours for use of generators.
 - Our comments were repeated in July 2016 following consultation with respect to the applicant’s ‘Aviation Advice’.
 - The approach that PHH has taken is to consider the (noise level information available in the survey available for RAF Lakenheath) Aviation advice available and a noise assessment report from a nearby development. The contours relating to RAF Lakenheath for more excessive noise from aircraft activity do not cover the area of land being proposed for development through this application. It was considered appropriate at this time to require compliance with the WHO guidance and the BS8233 standards on maximum noise levels, to be achieved through design and construction, and this would suffice in protecting the residents of the new development. Furthermore, there are estates in the nearby vicinity that are exposed to similar levels of aircraft noise and with possibly less attenuation through their construction.
 - Whilst Richard Buxton [*on behalf of the Parish Council*] is stating precedent in terms of a previous planning decision being quashed, because it was determined without all of the available information, we believed at the time of consultation that sufficient noise information

was available to make our comments. It is my understanding the appeal decision [*discussed in Mr Buxton's letter on behalf of the Parish Council*] relates to the very large, busy, commercial airport of Manchester International airport where numerous flights to and from the airport are undertaken throughout the day. Flights to and from RAF Lakenheath are significantly lower in number and a comparison of noise arising from the two may not be reasonable.

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

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

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

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

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

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

50. In July 2018, following consultation on the applicants noise assessment,

the Council's **Public Health and Housing Officers** raised **no objections** to the planning application and provided the following comments:

- Subject to the advice provided below and adoption of appropriate conditions at full application and development stages I could support the outline applications.
- I accept the updated noise assessment in respect of the methodology and time periods for noise monitoring of existing road and aircraft impacts.
- With respect to road and aircraft noise in response to any planning approval conditions are required (sound insulation and a demonstration that sound reduction has been achieved).
- With respect to mitigation options for road traffic on the B1112 I agree with the proposal for a 1.8m close boarded fence along this boundary and the requirement to appropriately orientate bedrooms of dwellings along this boundary away from direct line of sight of the road. This should be conditioned.
- Further conditions requiring a construction method statement, including hours/restrictions for construction activities and generator use are recommended.

51. **West Suffolk (Leisure, Culture and Communities)** (January 2015) – **no objections** – and commented upon the open spaces shown on the submitted layout drawings (recommending amendments and standards). The layout has since been withdrawn from the planning application (dwellings converted from 'Full' to 'Outline') so these comments have become redundant.
52. **West Suffolk (Strategic Housing)** – **supports** the planning application given it will provide much needed affordable housing. The team are content the proposals are in accordance with Core Strategy policy CS9 (30% affordable housing, 70% of which would be for rent). The precise mix would need to be agreed at Reserved Matters stage.
53. **West Suffolk (Ecology, Tree and Landscape Officer)** – (February 2016) **objects** to the planning application in the light of incomplete information with which to properly consider the potential 'in-combination' impacts of the development upon nature conservation interests. Once full information is received and can be assessed, consideration will be given to whether the objection could be withdrawn. *[The representations included a lengthy advice and comment which has not been included within this report, given the comments have since been superseded in the light of the receipt of an EIA Screening Direction from the Secretary of State and the Lakenheath Cumulative Traffic Study.]*
54. In July 2016, the Council's **Ecology, Tree and Landscape Officer** provided further commentary with respect to the planning application. The previous objections expressed in February 2016 were withdrawn. The

officer has **no objections** to the proposals, subject to various mitigation measures being secured by condition and/or S106 Agreement. At this time the Ecology, Tree and Landscape Officer screened the proposals under the provisions of the Habitats Regulations and concluded 'Appropriate Assessment' of the implications of the project upon the features of the European protected sites is not required in this case. This has since been overtaken by events and an appropriate assessment of the project has been undertaken (attached as Working Paper 1). The following comments were received:

Vehicular Access

- Access will need to be created through the existing protected tree belt located to the north of Station Road. The trees along with other significant trees on the site are protected by TPO 003(2016). The order was served to protect the trees from precipitous removal as a result of the proposed development proposals. The trees are important because these mature tree belts and pine lines on the edge of Lakenheath are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value and form a gateway to the village when approaching along Station Road.
- Revised arboricultural information has been submitted which shows the impact of the proposed new access into the site. There will be a loss of approximately 11 trees, shown in the survey to be category C trees. There are no details of the tree works required to secure the entrance sight lines and this information should be conditioned along with further information on arboricultural method statements and tree protection.
- The woodland belt bordering the site has been noted as being important for bats and section 2.27 of the phase 1 report notes that some trees have been noted to contain features attractive to bats. The biodiversity study assumes that the woodland is to be retained however this is not totally accurate.
- The trees to be removed were further screened to determine their bat roost potential. Although the risks are assessed to be low, recommendations were made on a precautionary approach to any tree works to further reduce any risks of harm to bats or breeding birds.
- Recommend that:
 - details of the tree works required to secure the entrance sight lines be conditioned along with further information on arboricultural method statements and tree protection.
 - The recommendations of the bat assessment (Applied Ecology letter of 6 May 2016) are implemented in full.

Outline for wider site

Biodiversity

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

Bats

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

Maidscross Hill SSSI

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

Impact of the proposals on Breckland SPA and SAC

- The application site is in close proximity to a European designated site (also commonly referred to as a Natura 2000 site) which is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Breckland Special Protection Area (SPA). This includes Breckland Farmland Site of Special Scientific Interest (SSSI) which is notified at a national level. The site is also close to Breckland SAC
- Breckland Special Protection Area (SPA) supports internationally important populations of Stone Curlew, Woodlark and Nightjar. Breckland Special Area of Conservation (SAC) is designated for the habitats supported which in this case are heathland and calcareous grassland.
- The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2010 (as amended).
- Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
- The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI. This site is within the fenced airbase with no access for the public and no risk of impacts from fly tipping, trampling or other anti-social behaviour.
- The development is located outside of the SPA and is outside of the 400m constraint zone for Woodlark and Nightjar and the 1500m Stone

Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with Stone Curlew survey of the development site and surrounding farmland.

- The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.
- In his report prior to the adoption of the FHDC Core Strategy, the Inspector who examined the document in public confirmed that the constraint zones are not 'no development' buffers; he stated in paragraph 10.6 relating to development within the constraint zones that if development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable. In Paragraph 10.7 he goes on to say that evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be taken to help maintain or even increase bird populations. This may not be scientifically robust but it reinforces the point made by some that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species.
- There is some flexibility in detailed design to avoid built development in the constraint zone although this would need to be balanced against the need to also provide informal supervision of the open space by overlooking dwellings for user safety. The southern section within the constraint zone would fall within the area set aside for the school development. There will also be flexibility to plan this element of the development to potentially avoid built development in favour of other land uses such as playing fields, however this will need to be balanced against other issues such as the noise attenuation that would be provided by the school building. This matter will be assessed in detail as part of the HRA to support the reserved matters and the HRA to support the planning application for the school.
- The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The concept plan for the site shows an ecology buffer located to the north and east of the development site; there is potential for this land to be designed such that it provides suitable alternative natural green space which would divert the public from travelling to use the SPA as their local

green space. The buffer would also support pedestrian access and link to other footpaths. This would provide opportunities for dog walking routes within the site; such routes are indicated on the concept plan; a walk around the periphery of this site and the adjacent Rabbit Hill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity and delivery program of all the public open space to be delivered must form part of the remedial matters secured by condition.

- The site is connected to the Public Rights of Way (PRoW) network by Sandy Drove; located to the south east of the site. This PRoW connects to Poshpoors Fen and the farmland beyond. An obvious circular walk which would be attractive to dog walkers leads to Maidscross Hill SSSI and LNR and potentially returns via village roads; a distance of approximately 5km which is somewhat longer than would normally be regarded as a daily walk. There is currently no footpath link between the site and the village centre as the existing footpath on Station Road terminates close to Drift Road; however it is anticipated that a walking route to the village would be part of the proposals and could be secured by condition or legal agreement.
- The concept plan shows a pedestrian link into the agricultural land to the north west of the site however there is currently no PRoW in this area and connectivity here cannot be relied on. An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill could be created if a footpath was secured along Station Road to the Cut Off Channel and then using the existing PRoW on Whitefen Track and via Sharpes Corner. This route would need to be secured by a legal agreement. An additional link to Lakenheath Fen would also be beneficial if it were achievable.
- The in-combination effects of the project have been considered. Planning applications registered with the local planning authority and being considered in Lakenheath at the current time including projects published for consultation but prior to application:
 - a) Rabbit Hill Covert, (81 dwellings)
 - b) Land West of Eriswell Road, Lakenheath (140 dwellings)
 - c) Land off Briscoe Way (67 dwellings)
 - d) Land North of Broom Road (132 dwellings)
 - e) Land adjacent to 34 Broom Road (120 dwellings)
 - f) Land North of Station Road (375 dwellings and a school)
 - g) Land at Little Eriswell (550 dwellings and a school)
- The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an

impact; for this number of dwellings within the settlement, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.

- Natural England's internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.
- The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by stone curlew; for the application site this has been assessed and measures identified therefore in-combination effects on this matter need no further consideration. The main concern is that residents from all of the sites drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation and in particular to exercise their dogs in the absence of accessible local green space. Natural England has recommended that the provision of additional natural green space in the settlement which is well connected to the existing PRow network would divert residents from using the SPA in this way. The proposals will make a significant contribution to the availability of green space in the northern part of Lakenheath and there is potential, because of the size and location of this green space adjacent to the Cut Off Channel, and because there is potential for it to be well linked (by improvements to the footpath network) that these measures will contribute to an overall strategy to reduce recreational pressure on the SPA.
- FHDC Core Strategy proposes a total of 6400 homes in the district for the period 2001-2021 and this was tested in the HRA which recommended measures to avoid in-combination effects with other plans including a mitigation and monitoring strategy. This strategy is being considered alongside the current local plan Single Issue Review and Site Allocations Local Plan. In the absence of this supporting information the proposals have been considered in-combination with other plans which include development plans for those authorities around Breckland SPA and SAC (St Edmundsbury, Kings Lynn and West Norfolk, Forest Heath and Breckland). In-combination impacts are largely concerned with Woodlark and Nightjar given that there is limited access to farmland where Stone Curlew breed and in other areas such as heathland and grassland sites, CRow access restrictions will be in place and enforced. Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest.

However taking a precautionary approach and in accordance with the requirements of Article 6(2) of the Habitats Directive to take a proactive approach to avoiding the deterioration of populations of species for which the SPA is classified, and the habitats upon which the bird interest features rely, before that deterioration is actually found to be occurring. There is currently no strategic monitoring strategy in place however monitoring associated with this development would be appropriate. Monitoring the success of the site as a suitable alternative natural greenspace would inform future decision making in respect to strategic mitigation.

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

Recommendations and conditions:

- It is recommended that the following measures are secured, either committed in the proposals for the development, by condition or by legal agreement.
 - A buffer on the eastern side of the site as shown on the submitted concept plan as an ecology zone, where no built development would take place.
 - Ecology buffer located to the north and east of the development site to be designed to provide suitable alternative natural green space. The buffer must also support pedestrian access and link to other footpaths to provide dog walking routes within the site including a walk around the periphery of this site (approximately 2km).
 - A proportion of the natural green space must be available when the first dwellings are occupied.
 - In addition to the ecology buffer, the development must also deliver public open space as required by the FHDC open space SPD.

- A walking route to the village centre.
- An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill, along Station Road to the Cut-off Channel and then using the existing PRow on Whitefen Track and via Sharpes Corner.
- Monitoring of the ecology buffer as a suitable alternative natural greenspace.

Application for access

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

Outline

- Open space plan to be submitted prior to/or alongside the reserved matters and prior to any phase of the development coming forward in detail. Plan to show pedestrian and cycle linkage including a periphery walk around the site and be supported by details of signage and resident information. The plan should show clearly the ecology buffer where no development shall take place.
- A proportion of the suitable alternative natural greenspace to be delivered prior to first dwellings being occupied and the applicant to submit a delivery program and implement it. Information pack to be provided to new residents promoting alternative greenspace and village walks to the new residents.
- Reptile mitigation strategy (including elements highlighted by SWT) to be approved and implemented.
- Further and detailed ecological survey to be submitted to support each phase of the development and to inform further phases/details.
- Arboricultural survey to be updated to reflect any planning layout and be accompanied by an arboricultural method statement and tree protection and details to be implemented.
- Landscape and ecology management plan including review periods to allow results of monitoring to inform future management prescriptions.
- Soft and hard landscaping details to be submitted and implemented.

- Lighting strategy for bats.
- Monitoring strategy for the ecology buffer to be submitted for approval and implemented.

55. In April 2017, the Council's **Ecology and Landscape** Officer provided additional comments to reflect changes in circumstances on ecological matters that had occurred following the August 2016 meeting of the Development Committee. These are as follows:

- These comments are made further to previous comments made in July 2016. They are to highlight changes that have occurred since that time.

Stone Curlew Buffers in the Brecks - 21st July 2016

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

Emerging Single Issue Review and Site Allocations Local Plan

- The Council has submitted the emerging 'Single Issue Review' and 'Site Allocations Local Plan' documents to the Planning Inspectorate for examination. The plans were submitted on Thursday 23rd March 2017. This means that increased weight can be attributed to the provisions of the policies contained in those documents given the next stage in the process of preparing the Plans has been reached.

- Policy SA8 of the Site Allocations Document allocates sites for housing development at Lakenheath including Land north of Station Road. The policy requires: measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to both Maidscross Hill and the Breckland SPA; strategic landscaping and open space; a substantial buffer next to the Cut Off Channel providing semi-natural habitat next to the water course; and retention of the area of grassland to the east of the site. This adds further weight to the need for the proposals, if allowed, to provide the requested strategic green infrastructure.
56. In July 2018, the 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.
 57. In October 2019 the **Ecology and Landscape Officer** updated her advice and, in particular, presented a fresh 'Appropriate Assessment' of the project, carried out in the light of new planning policy requirements set out in policy SA8 of the Site Allocations Local Plan. The Appropriate Assessment concludes that no likely significant effects on the Breckland Special Area of Conservation or the Breckland Special Protection Area have been identified and no significant effects are likely in relation to the implementation of road improvements required as a cumulative traffic in combination with other plans and projects. The Assessment also concludes the avoidance and reduction measures set out are sufficient to avoid and reduce recreation pressure such that there would be no adverse effect on the integrity of the Breckland Special Protection Area alone and in combination with other plans or projects.
 58. **Suffolk County Council (Highways – Development Management)** (February 2015) – raises **objections** to the planning application based upon various concerns about the residential layout included (n.b. these comments have been neutralised by later amendments made to the planning application that withdrew layout from the proposals).
 59. **Suffolk County Council (Highways – Development Management)** (July 2016) considered the application in the light of all amendments made to the application to date and the outcome of the 'Lakenheath Cumulative Traffic Study' they commissioned in response to the submission of multiple planning applications for development at Lakenheath. The Authority provides comment with respect to the future internal layout and visibility requirements being dependent upon the speed restriction being extended beyond the site access. Further comments are also provided with respect to access for public transport vehicles (a matter to be designed in to the layout of the site at reserved matters stage) and that further amendments are required to the travel plan. The Authority raises **no objections** to the planning application on the understanding the Travel Plan will be brought up to an approvable standard and recommend conditions with respect to the design and construction of the access (including visibility), bin storage, SW drainage, further details and timing of provision of the estate roads,

footpaths and parking/turning areas, travel planning, management of deliveries during construction. The Authority is also seeking developer contributions towards off-site sustainable transport routes, and mitigation with respect to the cumulative highways impact.

60. In January 2018, **Suffolk County Council Highway Authority** took the opportunity to review its advice about the application proposals. **No objections** were raised and the following comments were made:

- Lack of internal detailed or indicative design means that no detailed response can be given.
- At this time the speed limit adjacent to the site is still 60mph, hence the visibility condition being at 215m. This can be amended to 120m once the speed limit extension has been provided (subject to the location of the main estate access).
- The internal layout of the site will require meeting the current SCC design standards in order for the site to be considered for adoption by the highway authority, if it is not, then an APC notice may be served upon the site.
- It is difficult to comment upon a design with very little detail and I would encourage the developers to enter into conversations with the highway authority before detailed applications are submitted.

61. The following comments were received in relation to public transport:

- For a development of this size the layout should include either an in/out route or a suitable turning area to allow a bus to enter the site. Buses here already divert off Station Road to Woodlands to the south so popping in and out of the new estate would not be a problem for them.
- I request that the [applicant] submits a revised layout that allows bus access and we can then work to define suitable stops inside the estate, each to be provided with Equality Act compliant kerbs, shelters and RTPI screens. These would by preference be close to the School site and the Community/Retail hub.
- Also we would need two new stops creating on Station Road – these would be best sited between the main and pedestrian accesses near the area marked as Community/Retail hub. Both stops should be equipped with suitable hard standing and shelters – total £20k. RTPI screens should be provided. If the developer can provide power across the hub area then we could certainly put one in on the north side for £10k. One would be need on the other side (providing power across the road is supplied by the applicant and the RTPI would cost another £10k for that side.
- There would also need to be a safe crossing between the stops and site entry.

62. The **Highway Authority** went on to discuss what is likely to be required to satisfy them subsequently with regard to travel planning measures and recommend the imposition of a number of planning conditions (laying out & construction of the access and provision of visibility splays, bin storage details, highway drainage, road, turning, parking & footpath details and timing of their provision, travel planning, deliveries management plan (during construction) and improvements to the Sparkes Farm junction (prior to occupations). Finally, a S106 developer contribution of £118,523.76 (or £316.07 per dwelling) was requested to be used towards the provision of sustainable transport routes to local amenities. 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
63. **Suffolk County Council (Highways – Travel Planner)** – in December 2014, **objected** to the planning application in the absence of an interim residential travel plan and commented this should be submitted for approval before the planning application is determined (not appropriate to leave to conditions given the size of the development). In October 2015, following further consultation (including submission of a Travel Plan to accompany the planning application), the **Travel Plan Officer** maintained **objections** to the application. In particular the officer was concerned about the quality of the submitted Travel Plan and suggested major improvements would be required to bring the document up to acceptable standards. A request was included that further information be submitted prior to the application being determined (as opposed to being left to planning conditions).
64. In February 2015 the **Travel Plan Officer** provided the following additional comments (precised) following a further consultation on an amended Travel Plan;
- The revised travel plan has made quite a few improvements as it took into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard [a number of improvements were suggested].
 - Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.
65. In May 2016, the **Travel Plan Officer** provided interim comments on the revised travel plan, pending the outcome of a wider cumulative traffic study being carried out in the village on behalf of Suffolk County Council:
- The revised travel plan has made quite a few improvements as it took

into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard.

- One of the main issues is around the travel plan is one of the forms of baseline data to work the interim targets around. The interim targets in the travel plan are based upon the DFT National Travel Survey instead of the 2011 Census data for the Lakenheath area. This DFT survey is based on a small sample of residents across England and the results are an average of this sample. Therefore the results will take into account urban areas with very good sustainable transport links and not fully take into account rural areas such as Lakenheath. The interim travel plan targets will need to be based around the 2011 Census data for the Lakenheath area, as the current targets are unlikely to be achieved. The targets may also go beyond a five year period as the development may not be completed within five years of the agreed monitoring trigger point. The travel plan must make reference to this. Also the travel plan does not identify any remedial measures if the travel plan targets are not achieved. This must be included in a revised travel plan.
- Further amendments needed to be made to the travel plan to include the value of the bus and cycle vouchers that will be provided to each dwelling. The value of the voucher should cover the cost of two monthly tickets (ideally in multi-trip smartcard format) to travel to the main employment destinations that were identified by the 2011 Census travel to work data for the Lakenheath area. If the resident requests a cycle voucher instead of the bus voucher it should be of equivalent value. Also the references to the "Suffolk County Council Smarter Travel Choices" needs to be removed, as I cannot find any evidence of the county council operating such scheme at present. The smarter choices measure that was asked as part of the previous travel plan response involves the developer carrying out their own smarter choices scheme by providing some light travel plan measures for the existing dwellings that are in the vicinity of the proposed development to further mitigate the impact the development is likely to have on the existing highway infrastructure. More clarification of what Smarter Choices involves can be provided by myself to the applicant if needed.
- Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.
- Also the Section 106 requirements that I provided as part of my initial response (dated 13th October 2015) still remain.

66. In July 2016, the **Travel Plan Officer**, raised **no objections** and provided

the following comments (précised)

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

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

68. The Archaeological Service advise the preliminary assessment has demonstrated that there are no grounds to consider refusal of planning permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and full extent of these assets requires closer definition by a second phase of field evaluation and mitigation as necessary. Two conditions are recommended.

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

70. **Suffolk County Council (Development Contributions Manager) – in December 2014** provided the following comments (précised):

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

Education (Primary).

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village

is almost at capacity and it is clear that the constrained nature of the site does not allow this to be used as a long term solution for additional accommodation requirements.

- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. However at present a number of uncertainties remain:
 - The size and configuration of the sites in relation to the school requirements;
 - Whether the sites are likely to be available in the next couple of years;
 - Their relationship to access and services;
 - Environmental, flooding, aircraft noise and other constraints on the site;
 - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site;
 - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
 - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
 - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community. However, it is noted that this development proposal includes land for a primary school which is welcome news considering the inability to further expand the existing primary school. Whilst the county council welcomes the inclusion of the school site, at present it has not concluded its review on the best location for a new primary school to serve the local community. Further consultation with local stakeholders will be essential and this is due to happen in the early New Year.
- Notwithstanding this a minimum site size of 2 hectares will need to be identified, reserved and secured via a S106A for a freehold transfer of £1. This site will need to be fully serviced including an access road built to adoptable standard. Further discussion is required about the

proposed location of the school site and community facilities within the development as there are concerns that it could be sat in 'isolation' away from housing; it would be far more preferable to have the school site within the heart of a new community.

- In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.
- It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context it is left to the district council to draw the planning balance considering these and all other relevant matters.
- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value if an alternative site to this one is chosen as the most appropriate location), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 375 dwellings.
- The estimated cost of providing a new 315 place primary school (excluding land costs) is £17,778 for each school place. It is forecast that this development would generate 95 pupils of primary school age. The contribution to be secured from this development is therefore £1,688,910 (95 places x £17,778 per place).
- With regard to site acquisition costs (if this location is not chosen as the best place for a new primary school) we can assume a maximum of, say, £350,000 per acre (£864,850 per hectare) which gives a total cost of £1,729,700 for a 2 hectare site and equates to £5,491 per pupil place. This gives a land contribution of 95 places x £5,491 per place = £521,645.
- Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently

estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).

Education (Secondary and Vith form)

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

Education (pre-school)

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

Play space provision.

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

Transport issues

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

- As a result of the anticipated use of the Public Rights of Way network and as part of developing the health agenda to encourage people to walk more, this service would be looking for funding to improve and enhance this route.
- The total s106 contribution requested towards footpath improvements is £29,890.00
- Finally, the development does not address the need to facilitate safe cycling to Lakenheath station and the need to encourage sustainable and healthy lifestyles. The application should not be determined until further information on this aspect is provided.

Libraries.

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

Waste.

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

Supported Housing.

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

Sustainable Drainage Systems.

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

Fire Service.

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

High-speed broadband.

- SCC would recommend that all development is equipped with high speed broadband (fibre optic).
71. In September 2015, following re-consultation, the **Development Contributions Manager** repeated comments submitted in December 2014, but included following material additions:
- The proposal to include a primary school within this scheme is our preferred option (subject to certain criteria being met).
 - The school site will need to be fully identified, reserved and secured via a S106 Agreement for a freehold transfer of £1 and required to be fully serviced, including access.
 - The land option should be capable of being triggered as soon as a planning permission is issued for the hybrid proposals.
72. **Suffolk County Council (Development Contributions Manager)** in January 2017 took opportunity to review and update their requests for developer contributions. The following contributions (to be secured via S106 Agreement) were requested:
- Primary Education - £1,560,755 towards build costs and £122,930 towards land acquisition costs.
 - Secondary Education – capacity available, no contribution.
 - Pre-school provision - £400,821.
 - Libraries - £81,000.
73. 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 £1,780,490. 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 £341,066 with a further contribution towards land acquisition for the pre-school setting (£22,963).
74. **Suffolk County Council (Floods Team)** (October 2015) **object** to the planning application on the following grounds:
- Concerned about the inclusion of a rising main and pump to dispose of water to the cut-off channel given the overriding costs and maintenance over the lifetime of the development. A gravity system should be used in favour of a pumped system.
 - A contour plan showing elevations of the site will be required (prior to

the application being determined). This will be used to determine which (if any) parts of the site require a pumped system.

- Concerned there are no statements regarding discussions or initial agreements with Anglian Water regarding adoption of the surface water system. SCC guidance states that underground SuDS are not acceptable and are unlikely to be adopted by Anglian Water.

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

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

77. **Suffolk County Council – (Suffolk Fire and Rescue Service) (February 2018) – 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.

Representations:

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

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

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

- The development is in the Countryside and encroaches on the wildlife "buffer" zone and is contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment.
- The visual impact of the development will be adversely affected by the sight of houses before you even enter the Village. The proposal contradicts Core Strategy policy CS4.
- It is agreed that 800 houses are expected in Lakenheath between 2010

and 2031. But this needs to be arranged with a Master Plan for collective development and infrastructure which must happen simultaneously – not years later as in the case of the Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has now been granted and the further 674 for which permission is now being sought. This application covering 375 dwellings. The job for planning now is not to dictate who lives where it is to guard the public interest.

- The long outstanding single issue review has not been addressed therefore all developments should be plan led not developer led, especially as the 5 year land supply for FHDC issue is presently resolved with the required 5% buffer. Until the single issue review is completed all planning cases should be considered premature.
- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential / retail dwellings.
- There are no plans to increase or improve public transport, indeed it was only in September 2014 that a direct link to Bury St Edmunds (bus route 955) was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further. Road calming measures near the site as suggested cannot be applied as this is a major road, a lorry route and a bus route. Similarly the railway (3 miles from the centre of the Village and with no car parking facilities) has had its service severely axed. A solution will have to be found. This is contrary to Policy CS4 not encouraging additional car usage. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. There have been 43 accidents in the last 5 years in the area.
- If there is a Fire in the main road towards the proposed school the main road will be blocked potentially with fire appliances with no way of movement. Why cannot there be a further entrance perhaps on the North West boundary?
- How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwelling including infill and the proposals already in the pipeline. The attitude at FHDC is that it is SCC obligation to educate they have to find a solution whether it is bussing to available schools with places or provide temporary classes at other schools till our second school is available. On this point alone any approval should be delayed until the new school is provided.
- All nursery places in the Village are taken up with no capacity for expansion either.
- Suffolk County Council have agreed that a new school is to be provided but a site is still not yet agreed and they do not propose in any rate

that it will be ready for occupation until September 2017.

- In the school provision, should this be the acceptable site, more parking facility needs to be provided. A cycle route via the main road direct to the school too. Playing fields on a potential flood zone is not ideal especially as it is proposed that a swale will exist on one side. How safe is that for children?
- Sewage. As highlighted in the Forest Heath Local Development Framework, March 2009 'Limited current and future capacity exists to accommodate levels of planned growth. Lakenheath can accommodate 169 dwellings within existing headroom'. Anglian water will always say there is sufficient capacity, they want the extra customers. They are a commercial concern. It will only be when new problems arise that they will be dealt with. On this site the foul sewerage is to discharge into the main sewers Currently in Station Road. To assist this, a pumping system is to be introduced which will be offered for adoption by Anglian Water at the end of the development. What if they refuse it? Who will maintain this Pumping station?
- Water must go into the ground to be extracted so why will the developer not consider soakaways in their proposals? Approximately three quarters of the site is in a major aquifer area which is highly permeable and the other quarter in an intermediate area being less permeable.
- The cut was provided in the area as a relief channel from Denver sluice where the little Ouse meets the Great Ouse. This has prevented regular flooding to our area. Should flooding occur higher up the channel, however, it will affect the area. Therefore to drain surface water into it is risky to say the least. The local area is geologically susceptible to ground water flooding due to the low lying nature of the land particularly in the area near the relief channel. There has been no recorded incident of flooding since the relief channel was provided, however, with so much proposed hard standing how will this be affected in the future? Again take into account that should an incident occur lower or higher up the relief channel at Tuddenham, Denver or even Kings Lynn? In addition it is proposed for the surface water eventually to discharge into the relief channel via swales. At certain times of the year this will become particularly smelly as vegetation decomposes. Is this an area we really want beside a proposed school playing field where children will play? Policy DM6 and DM7 refers.
- If the pumping station pumps water into the swale why did they not consider continued installation of a pipe and pump directly into the relief channel thereby removing a possible danger to Children and the potential for creation of smelly decomposing material? Swales and aircraft do not mix, this is well documented.
- Who will occupy the affordable homes? If senior citizens (who are the most likely candidates for the one bedroom properties) they very often do not have their own transport therefore will become prisoners of their

homes being too far from Village facilities. Many in this village do still walk to events / or facilities. If it is youngsters they would have to have cars to get to work which in the main is in the Southerly direction of the village creating more congestion running through Eriswell, the adjoining Village in accessing the A1065. The developers suggest Wangford Road to access the A1065 however this is unlikely due to the congestion at peak times around gate 1 of RAF Lakenheath. Policy CS10 suggests there is a requirement that local services will be supported by appropriate development in order to make them more sustainable.

- The site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft. The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that the Noise assessment surveys were carried out at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? Far more relevant as closer to the flight line therefore noisier.
- This development is against Policy CS2 which seeks to protect areas of landscape biodiversity geo-diversity but more importantly local distinctiveness. Policy CS3 says to preserve and where possible enhance the landscape character of the local area. This development certainly would not achieve this.
- It is very often a 2 week wait for a regular appointment at the doctors' surgery. With all the extra proposed residents this will only worsen. The NHS suggests that the surgery is under capacity! They suggest that with the current number of doctors covering Lakenheath they should be able to cater for 6300 patients. Currently with 5031 patients on the register this means that a further 1266 patients could be added to the roll.

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

- The site forms part of a detailed FHDC water cycle study which has shown that "upgrades to approx. 700 metres of existing sewerage network through the town". If such work is undertaken, it would only be cost effective in upgrades in two other sites (L14 & L28) were to be carried out at the same time. Such work would require a 1- 3 year time frame. No major building works should be contemplated until this is sorted per core strategy which commencement would not be until later this year by Anglian Water.
- For the development proposal consider a second access onto the estate as only one new access to 375 dwellings and a possible school seems totally inadequate.
- An independent specialist, noise and vibration survey of the area should be commissioned by the Council. This is because this site particularly

is too close to the return flight path for the nearby base at RAF Lakenheath which sees the arrival and occasional departure of many NATO aircraft. This should include a full Environmental Impact Assessment screening as required by UK planning law, and the impact of noise and vibration from ground and aerial flight path impacts. This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village. It is noted that triple glazing is proposed for the dwellings to alleviate the nuisance by noise nevertheless windows will be open particularly in the summer months. Nuisance by noise will also be affected by the adjacent industrial units.

- The developer should be asked to provide a community Notice Board for the Estate to match others within the village and sufficient Dog Bins to serve the estate at appropriate points as more households now have dogs as pets.
- If the site for the school is accepted, without doubt additional parking will have to be insisted upon.
- As far as transport is concerned the only thing we can see that will make Lakenheath more viable is a much improved rail service. The bus hub is Mildenhall, not good news for Lakenheath but a regular bus service from Mildenhall connecting and turning at the station would surely make it better. Parking and a turning circle would have to be provided. This could be included within any S106 agreement.
- Guarantees are needed that the whole development will be completed.
- Finally, the key principle of the core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.

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

- There are still no plans to increase or improve public transport. The travel plan accompanying this application is flawed. It does not mention that the bus service only operates 6 days a week (not on Sundays) or bank holidays. It is a service whereby you can travel only to Mildenhall, Brandon or Thetford and normally a good waiting time is needed to meet a link to employment areas in Bury St Edmunds, Cambridge or Norwich. The service we currently have is heavily subsidised and there is no guarantee that it will remain in being. To use the buses to get to school is just not going to happen. South to north of the Village in the morning there are no buses between 7.20 until 9.30. In the afternoon the reverse journey no buses from 2.43 till 4.43. A totally unrealistic expectation of its use.

- The Road network within the proposed estate is unknown as the residential element only allows for outline consent without specific detail. No new roads outside the new proposed estate are envisaged, residents from the proposed site will still enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further.
- Safe passage to and from the school is paramount and everyone transiting the school by cycle and walking should be protected from the dangers of the heavy goods vehicles, buses, huge tractors and tractor trailer combinations which all travel extremely close to the road kerb. The travel plan says that the development will provide improved and safe footpaths and cycling links to the village centre with a formal pedestrian crossing to Station Road. However, the proposed 3m wide cycleway/footpath would cease at No 81 Station Road and join a reduced width footpath which is not acceptable. This proposed 3m cycleway/footpath should extend to at least Briscoe Way. As third party land will be involved S106 financial contributions should be arranged. There is no pavement access on the opposite side of the road to the proposed development which should be arranged and cost covered by S106 agreement.
- If the proposal is accepted any traffic calming proposals should be SIGNIFICANT and FREQUENT between the two corners on Station Road (the B1112 between Sharps Corner and the East end corner of Station Road) and incorporate a Pelican Crossing (rather than a formal pedestrian crossing) at the North East end of Woodlands. How can the High Street be widened to accommodate a cycle route to encourage more non car modes?
- Many children will be driven to school; they won't be walked, thus compounding the traffic issue.
- There is no argument on the need for a new Primary and Pre-school predominantly to serve Lakenheath. There has been no consultation yet with the village as still early stages on adoption of the school site. The developer in proposing the new school site possibly assumes a second school serving the Northern section of the village only. Suffolk County Council made it clear at a recent meeting that their preference with new schools is to start at the bottom and possibly adopt a two tier system running in conjunction with the existing school. I.e. a single school operating from 2 sites. This is the Parish Councils preferred option.
- The flight path of USAF aircraft must also be addressed as a significant criterion. It is well known locally, and no doubt documented, that there are many incidents of aircraft straying off the designated flight paths. The aircraft noise levels are quite intolerable Children should not be exposed unnecessarily to the extreme decibel levels. The buildings may well be 'noise insulated' but children and adults will still be vulnerable when outside 'in the play areas'. Aircraft flights will inevitably be

detrimental to the preservation of Environmental Air Quality, Noise Pollution and potentially human safety in and around the school.

- With the school provision, should this prove to be the acceptable site, a parking facility needs to be provided. Consideration as such a large site is available would be a one way service road serving the school alone with an ample parking facility. If parents park on Station Road it is right on the bend which will be dangerous to both stationary vehicles and general traffic. As Pre School facilities are at capacity these too should be included (not just as a possibility) within the site as ample space even allowing for further school growth in the future.
- The NHS potential capacity figure of a further 1263 patients fails to reflect the current situation of an aging population in Lakenheath. This has a knock effect onto hospital appointments. The car park at the surgery already cannot cope and this will lead to more cars parking on the High Street adding to even further congestion.
- Suds systems incorporating swales for drainage which can become clogged and smelly particularly in autumn with leaf fall and can cause bird strike which could create problems for aircraft. I hope that the developer will incorporate, if approval is granted, surface water soakaways for dwellings as it is suggested that the new residential layout will have large gardens. It is still suggested that a surface water pumping station is likely to be provided to drain into the cut off channel. The phase 2 sewers and surface water pumping station will be offered to Anglian Water for adoption. What if they do not accept that? What then occurs when the pumps fail? What is plan B?
- This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village.
- The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that no new Noise assessment surveys were carried out and the original application details were taken at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? It would have been far more relevant as closer to the flight line therefore noisier.
- If planning consent is approved we would request as part of the S106 agreement that consideration should be given to contributions for some of the following community good causes to be functional and include successful public spaces:
 - Extension and improvement to current skate-park and additional facility on new development
 - Extension and improvement to PC Children's Play Area
 - New Children's Play Area on new development such as football / Netball areas and BMX bike tracks etc. for older children

- Public Toilet (and maintenance) to serve extension to village (nearest will be Wings Road)
 - Peace Memorial Hall / People's Project Funding
 - Pavilion Project / Extension Funding
 - Flood-Lighting for Senior Football Club
 - Support for Playing-fields
 - Support for Library
 - Adult 'keep fit' area
 - Dog Bins (including emptying)
 - Litter Bins (including emptying)
 - Noticeboards to match those now being provided to the Village with funding help from SCC
 - Funding for future extensions to Cemetery (increased population will create greater demand on existing facility)
 - Funded transport facility (such as good neighbours) to take elderly/needy resident from new development to doctors co-op etc.
 - Benches / Seating in the open space area
 - Noise Level Reduction Scheme
- The proposals are contrary to a number of policies in the NPPF (2012 version) (the Parish Council refers to paragraphs 7, 10, 17, 29, 34, 35, 37, 38, 55, 151, 152 and 172).

82. **Lakenheath Parish Council** (January 2016) – submitted further comments in response to a further consultation carried out following receipt of an amended Habitats Regulations Assessment report. The Parish Council noted the latest comments of Natural England (December 2015). The Parish Council also agrees with the views and requests of the Suffolk Wildlife Trust (December 2015).

83. The Parish Council also provided a copy of noise information relevant to flights connected to the Lakenheath air base which had been published by the Ministry of Defence pointing out the noise contours for the village had been expanded from that published previously. The Parish also note the limitations of that report being a computed modelled study as opposed to a field study. The Parish Council re-affirms its request that the Council commissions an independent noise and vibration survey of the area and uses the information to conclude the application site is inappropriate for housing and a school. The Parish goes on to suggest there is an increased risk of accidents given the development would sit beneath/close to the return flight path (with jets occasionally carrying live munitions).

84. **Lakenheath Parish Council** – (late January 2016) 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 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 [*the Committee will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information*].
- 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.

85. **Lakenheath Parish Council** – on the morning of 2nd March 2016, the day the planning application was due to be considered by the Development Control Committee, the Council received a legal letter prepared on behalf of the Parish Council. The letter claimed the officer recommendation (2nd March) would, if adopted by the Committee, be unlawful and contrary to the Council's Constitution.

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

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

87. **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”.

88. The Parish Council also appended comments from their appointed Transport consultant. The following points were raised:
- Improvement of the B1112/Eriswell Road junction is essential to accommodate any significant development in Lakenheath without a severe highways impact.
 - There remains uncertainty as to the deliverability of the proposed highways improvements.
 - There are inconsistencies in the data set out in the cumulative study which brings into question its reliability.
 - The cumulative study does not address traffic generated by the Tesco retail store approved in the village which would generate trips equivalent to around 436 dwellings. The traffic study therefore underestimates the impact of development in the area.
 - The identified shortcomings of the cumulative traffic study bring into question decisions made with respect to the Site Allocations Local Plan.
89. **Lakenheath Parish Council** (July 2016) with respect to the Aviation Advice submitted with the planning application) declined to provide detailed comment in the light of the MoD’s recent request for the submission of further noise information.
90. **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”.
91. In August 2016 the **Lakenheath Parish Council** (via their Lawyers) submitted further **objections** against the planning application proposals. The letter was circulated to Members in advance of the Committee meeting and was reported verbally to the meeting on 5th August. The issues and objections raised by the Parish Council are summarised as follows:
- Significant gaps in outstanding information which the appellant has refused to provide, despite the MoD’s requests in relation to noise impacts from operations at RAF Lakenheath.
 - The Suffolk County Council planning department, in concluding an Environmental Statement is required to accompany a stand-alone application for the school, has requested site specific noise survey information.
 - The reasoning for the continuing concern about noise impact is referenced to return flight paths used by military jets returning in

proximity to the proposed residential housing and the school site. The route would also be used by the F-35's from 2020.

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

92. In June 2017, **Lakenheath Parish Council** submitted further **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 the report to the July 2017 Committee meeting is no longer relevant to the determination of the planning application, the particular points raised by the Parish Council are not reported here (to

avoid confusing or misleading the Committee). The Parish Council concludes its comments by summarising its objections to the planning application, primarily on noise grounds and, in their view, the absence of adequate noise assessment. They also allege that the Committee [June 2017] was being misled by the content of the officer report and that it gave rise to the decision [to approve] being challenged in the High Court. They also refer to an appeal decision where an inspector determined that aircraft noise was inconsistent with residential development where the output noise exceeded 60 dB(A) and included extracts of the appeal decision with their letter.

93. In February 2018, the **Lakenheath Parish Council** provided further comments about four planning applications (F/2013/0345/OUT, F/2013/0394/OUT, DC/13/0660/FUL 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.
94. 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.
95. 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.
96. 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 supporting technical memo [AJA School memo] provides information on a noise survey conducted at the proposed school development site; the memo explicitly states that it does not include an assessment. There is no information presented in relation to the residential aspect of the development (375 dwellings), and a site specific assessment is required to be carried out of the residential aspect of this development in relation to potential internal and external noise impacts.
 - The suitable current methodology to assess the residential element would be ProPG: Planning & Noise – New Residential Development (Published May 2017), including the consideration of operations 24 hours a day, throughout the week.

- These limitations should be apparent to any competent planning authority, who we would expect to require a more thorough noise impact assessment to consider the possibility of granting consent.
- The DIO indicate that this site is located directly under the approach flight path to RAF Lakenheath from the 'Point Charlie' recovery point.
- The noise survey was 20th–27th March 2017, but no summary of the full dataset is included in the memo, nor is information on the LAeq,16hr noise level measured on site which could have been compared with the predicted noise contours of RAF Lakenheath in 2017.
- The summary of measured noise levels is limited to school hours (08:00 – 17:00), with the LAeq, 30mins during this period ranging between 50 – 71 dB, and LAF 1, 30mins ranging between 55 – 85 dB. The highest LAF 1, 30mins level were 78 – 85 dB due to multiple F-15E operations (mainly take offs).
- The survey duration may have been suitable to represent variations in noise levels at the proposed development site (notwithstanding the same caveats identified above), but the data presented does not provide sufficient detail to verify this. The validity of the noise data in relation to typical operations of RAF Lakenheath cannot be confirmed, and future assessments should consider potential changes in relation to operations of RAF Lakenheath.
- Due to the elevated noise levels at the proposed development, detailed noise mitigation will be required to achieve internal noise levels complying with the building regulations, as detailed within BB93 (BB93: acoustic design of schools - performance standards) (e.g. Primary school: classrooms - LAeq, 30mins 30 dB). Given the sample of noise levels measured, the required mitigation would be significant and would impact the building's construction and ventilation strategy. It would also need to minimise the low frequency impact of jet noise sources.
- In relation to outdoor areas BB93 states; 'Noise levels in unoccupied playgrounds, playing fields and other outdoor areas should not exceed 55 dB LAeq,30min and there should be at least one area suitable for outdoor teaching activities where noise levels are below 50 dB LAeq,30min.
- If this is not possible due to a lack of suitably quiet sites, acoustic screening should be used to reduce noise levels in these areas as much as practicable, and an assessment of predicted noise levels and of options for reducing these should be carried out.'
- Data from the AJA memo indicates that for periods during the day, the LAeq, 30mins level is up to 71 dB and significant mitigation would be required. Screening methods to reduce these levels to below 55 dB LAeq,30min will not be feasible with enclosing the space completely, let alone a reduction to the optimal value of below 50 dB LAeq,30min.

- The school building will need to satisfy the current building regulations, and in relation to acoustics the requirements of BB93. It appears that no detailed assessment has been undertaken to establish whether this is feasible and how it might be achieved. Fully mechanically ventilated solutions for schools buildings are very unusual in the current economic climate, and are unlikely to be an attractive financial option to the Local Education Authority.

97. In July 2017 (following consultation on the applicant's noise assessment) the **Lakenheath Parish Council** maintained their **objections** to the planning application and commented as follows:

- The previous position of Lakenheath Parish Council is still extant and the following comments merely apply to the applicants' noise assessment.
- First and foremost, it is just yet another eight-day survey covering a period of less jet movement activity than normal from RAF Lakenheath. (PCS season or change in station is upon us). The Parish Council has repeatedly called for a survey of a much longer duration (one month minimum), to give a better and more accurate reflection of the noise profile in our locality.
- A noise survey for a longer duration would cover the variability of aircraft activity which has so far been distorted by all the previous surveys which have always been restricted to one week. Other important parameters need to be measured in conjunction with noise measurements. Most importantly wind speed, wind direction and the degree of cloud cover. These weather conditions have a dramatic effect on the noise perception and experience in this locality. As an example, we have had more northerly winds recently and as the jets take off into wind it has been in the opposite direction to normal creating a different noise nuisance.
- In the last paragraph of section 2.2 AJA make the valid point that "Both the WHO Guidelines and BS 8233 are really only appropriate for "impersonal noise" such as continuous road traffic. Noise which is attributable to a particular source or which has a tonal or intermittent characteristic may cause annoyance at lower levels than these and in such cases an assessment linked to background noise levels may be more appropriate." But then go on to use the 16hr daily average levels in the assessment, rather than comparing aircraft with background level to show how intrusive this noise is. They even say at the end of 5.4 "However, given the short duration of overflights and the low residual ambient level, we do not expect the amenity of external areas to be significantly reduced." Suggesting the large difference between ambient and aircraft noise levels is a mitigating factor, rather than the reason for it being especially intrusive.
- Flight activity on the day of the assessment was 30 movements, which AJA scale up to the 90 movements described as typical by Sqn Ldr Neild

from 45 aircraft. Even if “each jet undertakes three further overshoots and additional circuits prior to a full stop landing” (as Lakenheath Parish Council have had confirmed by the Ministry of Defence) – which seems like a lot of activity for an average single sortie, 45 aircraft could only give rise to 225 movements at most, when the average assumed for the scoping comparison (confirmed again to us by the MOD, as above mentioned) was 242.

- Additionally, in 5.4 it states “There are no effective practicable methods of reducing aircraft noise in external amenity areas. We have therefore not specifically considered noise mitigation measures against aircraft noise for the external amenity areas of individual residences”. How can this be ignored? Especially as it refers to domestic housing and more importantly what about the school/preschool? Ofsted continually push for more outdoor learning and there is NO MITIGATION FOR THE EXTERNAL NOISE FROM MILITARY JETS. It is true that at times the noise is of a short duration but many times it can be continual for 30 minutes or even an hour when touch and go exercises occur. Alarm bells should ring here? This report renders the external areas unusable. Surely having a garden should be an amenity to enjoy an outside space it is just not acceptable providing outdoor spaces which become unusable. This is especially so in relation to the school and preschool facility.
 - In section 6. Conclusions – final paragraph “While average daytime noise levels in external amenity areas are expected to regularly exceed 60dB LAeq,16hr during weekdays” is a statement based on current noise levels of the F-15s No account has been made for the F-35s which it is known will be considerably noisier. We still ask how this compares to other areas - is there any precedent to accept this for giving planning permission for housing and a school? Where in the UK has this happened as we have been unable to find any precedent for this type of area for development?
 - There is nothing in this report to address the issues raised by the DIO in their representation 2nd August 2016 for land North of Station Road and of 22nd September 2016 for Rabbithill covert. These early representations surely still apply?
 - Finally, we would just remind you that AJA agree that the playground igloos are pointless. That the 60dB+ levels are sometimes tolerated from road traffic noise – from a steadier continuous source, but in this case the 16hr average is made up of much higher short events which would be extremely disturbing and distressing to residents or pupils.
98. A letter was received from the Head teacher of the **Lakenheath Community Primary School**. The school was particularly interested in the proposals given that it proposed a site for a new primary school. The letter requested **deferral** of the planning application pending the submission of further information (noise impact assessment). The letter was circulated to the Committee Members by the Parish Council in advance

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

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

99. In September 2018 solicitors working on behalf of **Lakenheath Parish Council** submitted further representations, shortly in advance of the Committee considering the proposals. The following comments were received:

- Not all DIO representations have been made available on the planning register and are not therefore available to the Committee. This could be highly misleading. It is also disputed that the DIO have formally withdrawn their objection(s).
- It is suggested that the inability of the proposals to mitigate external noise levels to World Health Organisation guideline values and (as a consequence) would likely detract from residents/occupants quality of life would warrant refusal of the application. Policy DM2(h) is cited in support of the advice.
- The noise assessment submitted with the planning application relates solely to the residential component of the planning application. The noise assessment submitted with the planning application for the construction of a primary school (determined by Suffolk County Council) should be made available to the Committee as this evidence is highly pertinent to the suitability of a primary school at the site.
- The EIA Screening Opinion should be re-considered in light of changed circumstances (including the publication of a new Noise Contour Plan by the Ministry of Defence in January 2017, since the EIA Screening Opinion decision was reached by the Council).

100. At the same time in September 2018, representations were also received from an acoustic consultant on behalf of the Parish Council. The following claims were made:

- Deployment of the F35 Lightning jet fighter II will not result in lower levels of disturbance.
- External noise levels at the proposed school site would exceed design criteria by a huge margin.
- The external shelters proposed for the school will provide token mitigation at best.
- The assessments which describe average noise impact on residential amenity are not appropriate for this type of noise source.

101. In November 2019, the Parish Council wrote again in connection with the planning application and, in particular, to pass comment on the content of the officer report which had been published in advance of the November 2019 meeting of the Development Control Committee. The following relevant comments were received (summarised):

- New Members [of the Committee] will be unaware of the location for proposed housing and new school positioned directly under a flight path

for RAF Lakenheath. There has been no other known development granted in a similar location in modern times.

- The Concept plan does not make adequate provision for cyclists and bridges that lead to nowhere. The existing footpath has been blocked by overgrowth and locked gates for many years, so is it a realistic route for pedestrians?
- The suggested route via Station Road, White Fen Track and Sharpes Corner is in an area of a working livestock farm, not ideal for dogs and children.
- A connection to Sandy Drove would be unconscionable without a toucan crossing. The route is a long (circa 1km) rough track used by farm machinery, impassable when muddy and not safe for pedestrians.
- Why is safe access required to the station? It is a request stop operating only at weekends. It cannot be extended to full service because there is no car park. There is no bus service to the station and the road (60mph limit) is not safe for cyclists.
- The advocacy of 'SUDS' is curious given the acknowledgement of poor drainage on the site.
- There is nothing in the S106 Agreement for the existing village; it does not address already needed improvements to the village centre.
- The development should be considered as greenfield land, giving rise to adverse landscape impact as the settlement expands into the countryside. It also encroaches onto the wildlife buffer zone. NPPF requirements with respect to these issues appear to have been discounted.
- There is no evidence of safe connectivity to the village centre. The pavement on Station Road is not suitable for pedestrian use as large farm vehicles using the road often overhang the footpath. There are insufficient bus services, with only one route operating six days per week (none on Sundays or Bank Holidays).
- The B1112 is the only road running through Lakenheath and is congested at times. The expansion of RAF Lakenheath will increase car volumes and exacerbate issues around peak times (particularly the roundabout at Gate 2). Adding in excess of 3000 daily car movements from new developments, the situation becomes wholly untenable. The roads are a 'low priority' for Suffolk County Council.
- The school is not currently full (292 registered pupils – 315 pupil capacity). It is true that if the developments gain approval, additional facilities will be required to accommodate pupils. The proposed school is bigger than required (164 places are required for new developments). Will additional pupils be brought in from other villages, creating even more traffic on the congested road system)?

- The British Standard for acceptable noise levels is referred to in the officer report. On this site, the standard is exceeded by a huge margin.
- There is no publication from the MoD quantifying the expected noise increase, only computer modelling. Without hard data, it is unacceptable to build a school and housing under the flightpath. The proposal takes no account of the increase in number and type of aircraft, flying times and a factorial increase in noise levels. At the recent High Court hearing the judge repeatedly stated that this is the worst site for a school in the village.
- Whilst the existing school (which is used for comparison) is subject to a slightly higher noise contour it is not on a direct overflight route. It does not suffer from high peaks of sudden overflight noise. No one should underestimate the difference between noise from a civil passenger airport and the intense noise of a military fighter jet airbase.
- SCC and FHDC both considered certain guidance documents on noise and found the proposed school did not meet with the standards set in relevant guidance. The outdoor noise levels at the proposed school far exceeds recommended levels. Crucially, there has been no consideration given to the health effects of this on children with special educational needs. Given that the early years curriculum is heavily dependent on outdoor play, this is a serious omission. Mere reference to guidelines is no answer to Personal Social and Emotional Development (PSED).
- With so many issues to be investigated and addressed it would be irresponsible to grant approval.

102. A letter was received in January 2016 on behalf of Elveden Farms, the promoter of other planning applications in the area. The letter raised concerns about the adequacy of the material included with the Habitats Regulations Assessment received in November 2015. The following summary is copied from the letter:

- Whilst the HRA conclusion of no cumulative impact on stone-curlew and Breckland SPA might well be correct, further work is required to conclusively demonstrate this and achieve legal compliance;
 - Amended survey information, especially of potential nest habitat in the vicinity of development and clarity on usage of Sandy Drove adjacent fields;
 - Recreational impact revised following amended survey information;
 - Inclusion of proposed development at Eriswell within the cumulative impact assessment.

103. In July 2016, further representations were received from Elveden Farms in response to the consultation carried out following publication of the cumulative traffic study commissioned by Suffolk County Council. The comments are summarised as follows:

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

104. On 2nd August 2016, further representations were received on behalf of Elveden Farms Ltd. The issues raised are summarised as follows:

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

Traffic

- The Committee report (August 2016) is factually incorrect on matters fundamental to whether a decision to grant planning permission is taken.

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

Noise

- We note that the MOD objects to the proposed Station Road development on the grounds that the provided aviation advice was “inadequate to assess noise impacts” and the MOD requested “a detailed noise impact assessment to be done to its standards”.
- The available evidence indicates that all parts of Lakenheath experience relatively high noise-levels, in comparison with the criteria in the relevant British standards. Thus wherever an application site is located in or adjoining the village, a comprehensive noise-assessment should be required that is based on the measured noise-levels in that specific location and forecast changes in the flight-patterns at the military bases, and which should demonstrate how the scheme would comply with the objectives of national planning policy insofar as achievable in the specific context of Lakenheath.

Primary Education

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

Infrastructure Delivery

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

105. In June 2017 a further set of comments were received on behalf of Elveden Farms criticising the evidence set out in the cumulative traffic study, 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.

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

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

107. One letter was received from a **local resident** in response to the second round of public consultation carried out in September 2015. The correspondent **did not wish to object in principle** to development in the village but wished to express **concerns** about road safety along Station Road, with particular regard to excessive traffic speeds past the site frontage. It is suggested that traffic calming measures should be employed in order to slow the traffic down. Such measures should be funded by the developers.
108. Four further letters were received from local residents in response to the third round of public consultation (November 2015). Two of these raised objections to the proposals. The third letter was from the same person whom wrote in response to the second round of consultation (see above paragraphs) and repeated those comments. The fourth correspondent is the owner of land and buildings adjacent to the site whom requested the erection of security fencing during construction to prevent opportunities for public trespass onto adjacent land (and exposing those persons to dangers present on the site). He also comments on traffic (requesting a roundabout is considered for the site access) and schooling (suggesting the school would be better positioned towards the centre of the village). He concludes by suggesting the growth of housing in the village could be beneficial as it is likely to attract other facilities into the village, e.g. a supermarket.
109. The issues and objections raised by the objectors can be summarised as follows:
- Too many dwellings for the size of the village
 - Roads, doctors and other facilities will be overwhelmed.
 - Site is too far out of the village leading to reliance on cars.
 - There are limited employment opportunities in the village which will lead to the need to commute out of the village for employment adding to congestion and carbon emissions.
 - Properties are too close together.
 - The school is too close to the road.
 - Sufficient parking needs to be provided.
 - Homes should be fitted with heat pumps/solar panels.
 - Design should be better than those built at Red Lodge.
 - Good space and storage standards should be applied.
 - The land is good agricultural land. Less productive land should be used first.
 - Sites within the settlement boundary should be used first.
 - The development stretches the village out even further effectively creating two separate communities.
 - The village is poorly served by public transport.
 - Cumulative impacts not considered.
110. Subsequently, a further **2 letters of objection** were received to the proposals from local residents. Many of the issues and objections had been raised previously and are reported in preceding paragraphs above. The following additional points were made:

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

Policy:

111. The Development Plan comprises the policies set out in the Single Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). The following policies from these plans are applicable to the proposal:

Single Issue Review (2019)

112. The following policies from the Single Issue Review of Core Strategy Policy CS7 are considered relevant to this planning application:

- CS7 – Overall Housing Provision and distribution.

Site Allocations Local Plan (2019)

113. The following policies from the Site Allocations Local Plan are considered relevant to this planning application:

- SA1 – Settlement boundaries
- SA8 – Focus of Growth – North Lakenheath (SA8b) allocates the application site for a mixed use development).

Joint Development Management Policies Document (2015)

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

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- 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.
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

Core Strategy (2010)

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

Visions

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

Spatial Objectives

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

Policies

- **Policy CS1** – Spatial Strategy
- **Policy CS2** – Natural Environment
- **Policy CS3** – Landscape Character and the Historic Environment
- **Policy CS4** – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- **Policy CS5** – Design Quality and Local Distinctiveness
- **Policy CS6** – Sustainable Economic Development and Tourism
- **Policy CS9** – Affordable Housing Provision
- **Policy CS10** – Sustainable Rural Communities
- **Policy CS13** – Infrastructure and Developer Contributions

Note: Policy CS7 of the original Core Strategy has been replaced by policy CS7 of the 'Single Issue Review'.

Other Planning Policy:

Supplementary Planning Documents

116. 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 (as amended 2019)

National Policy and Guidance

117. The Government has recently (February 2019) updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in 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?

118. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:

- i) economic (to help build a strong, responsive and competitive economy),
- ii) social (to support strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)

119. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
120. 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:

121. This section of the report begins with a summary of the main legal and legislative requirements before discussing the principle of the development and the extent of compliance with 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 2017

122. Given the scale of development proposed, its location and the issues it raises, the planning application needs to be screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Secretary of State has issued a Screening Direction with respect to this planning application and, having considered the likely impacts of the proposals, in isolation and in combination with other proposed developments, concluded the development is not 'EIA Development' and confirmed an Environmental Statement is not required to accompany the planning application.
123. The Parish Council (September 2018) has suggested the application should be re-screened under the provisions of the EIA Regulations following publication of new noise contours for RAF Lakenheath. No such request was made of the Secretary of State and, having considered the issue carefully (and as set out later in this report), officers have concluded that the noise climate of the application site would not give rise to significant environmental effects such that there is no reason to re-visit the Screening Direction for these proposals issued previously by the Secretary of State. As a matter of planning judgment, and in light of the material facts in this case, there is no realistic prospect of the Secretary of State coming to a different conclusion on his screening direction .

The Conservation of Habitats and Species Regulations 2017 - (hereafter referred to as the Habitats Regulations).

124. 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.
125. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation. Regulation 63 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.
126. The Council carried out an appropriate assessment of the proposals in order to comply with the regulatory requirements in 2018. This has been updated in 2019 in order to reflect the influences of up to date case law and recently adopted planning policy. 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

127. 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 in preceding paragraphs above and later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

128. 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 Development Plan comprises the policies set out in the Single Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

129. 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.

130. 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.

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

Crime and Disorder Act 1998

132. 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

133. 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 following considerations are relevant:

- The Building Regulations would ensure the dwellings and primary school are provided with nationally prescribed minimum accessibility standards as part of the construction.
- Compliance with 'Design Bulletin 93' would provide an acoustic environment within the new school buildings that fully meets relevant standards. The proposed primary school has the full support of the local education authority. The appropriateness of the noise context of the primary school site must have been considered by the Authority in view of their knowledge of those with disabilities (including learning), their pupil placement policies, legal requirements and their duties to provide children with an education.
- According to SCC's admissions information published on its website, Children whom have an Education, Health and Care plan which names a particular school must by law be offered a place at that school. Accordingly, if the needs of a particular pupil dictate that they should not, for example, be placed in a school that could be affected by transport noise, the law ensures they will be placed in their chosen

(named) school. Parental choice allows the parents of any child to express preferences when selecting a primary school for their child/children (albeit this is not guaranteed in all cases unless the aforementioned plan is in place).

- The external spaces of the proposed primary school would not be protected against noise associated with military aircraft in the same way as the internal spaces of the building such that any lessons external of the building (and within the school grounds) would need to be planned by the teacher to enable any formal teaching elements or 'de-briefing' to be carried out inside the building if military aircraft is operational at the time.
- For the majority of the school day, the proposed primary school and its grounds would not be subject to noise disturbance from military aircraft. The internal spaces of the school would be mitigated against noise in accordance with relevant standards. These are significant mitigating factors.
- The military noise contours for RAF Lakenheath confirms the site chosen for the school is within a small part of the village least affected by aircraft noise from the military airbase to the south of the village. The application site is away from the noisy exiting 'flight paths' to the west of the village, but very close to the significantly less intensive (in terms of noise emissions) return routes which are predominately to the eastern side of the village.
- No evidence has been supplied by the Parish Council or others to demonstrate that educational achievement or health could be adversely affected by military aircraft noise. Indeed the evidence (discussed later in the report) suggests that aircraft noise has had no measurable impacts upon childrens' education at the existing village school, despite it being located at a noisier location in the village (compared with the application site) and not being specifically defended against noise impact.
- There may be a net benefit to primary school pupils (in a noise impact context) if pupils (including those with 'protected characteristics' whom are receiving their education at Lakenheath) were to move from the existing 'undefended' village primary school into the new primary school proposed by this planning application (which would be required to meet WHO noise standards by planning conditions).
- In particular it is necessary to have planning conditions to deal with internal and external noise as is set out in the conditions section below. The new school building by complying with planning conditions will achieve a considerable noise reduction indoors through measures to mitigate noise. This gives due regard to removing and minimising disadvantages to those with protected characteristics. It will assist with the participation in education. Provision is made by the County Council for those that are not able to attend this school by reason of any protected characteristic.

Human Rights Act 1998

134. The proposals have been considered against the provision of the Human Rights Act and, for the same reasons set out above in connection with the Equalities Act, no significant issues arise. Indeed, those children whom will reside within the dwellings approved by this planning application (and other approved housing developments in the village) will have their human right to an education respected. In considering the challenge against Suffolk County Council's grant of planning permission for a school on this site (paragraphs 18 and 19 above) the High Court found there was not a breach of the 1998 Act by giving planning permission for the school and this finding has not been included in the current claim to the Court of Appeal.

Community Infrastructure Levy Regulations 2010

135. These generally set out regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application and will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).
136. 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.
137. Regulation 123 which imposed further limitations on the pooling of planning obligations was removed from the legislation earlier this year.

Principle of Development

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

138. 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'.

139. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
140. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (inter alia):
- approving development proposals that accord with an up-to-date development plan without delay; or
141. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Adopted Local Plan policy context

142. 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).
143. Core Strategy 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.
144. 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.
145. 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.
146. The application site at Station Road is allocated for housing development and provision of a new primary school as part of the adopted Site Allocations Development Plan (SALP) document. Policy SA8(b) confirms the allocated site will deliver a mixed use development to include 375

dwelling and a primary school. The policy also requires the following matters to be addressed/satisfied:

- Include measures to influence recreation in the surrounding area (SPA and SSSI safeguarding).
- Information to demonstrate no adverse effects to the SPA.
- Strategic landscaping and open space (including a 'SANG')
- Substantial buffer next to the cut-off-channel as shown on the policies map, providing a semi-natural habitat.
- An area of improved grassland to the eastern boundary of the allocation.
- Incorporation of appropriate noise mitigation measures
- Mitigation of individual and cumulative highway impacts.

147. The proposals are considered against the above requirements at various points later in this report. The allocation of the site for mixed use development means the application proposals are, subject to the specific policy criteria being met (and other material considerations satisfied), acceptable in principle.

Impact upon the countryside/landscape

148. 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 i) the intrinsic character and beauty of the countryside and ii) the benefits of the best and most versatile agricultural land and of trees and woodland, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.

149. 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.

150. 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.

151. 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.

152. The Site Allocations Local Plan, in allocating the application site for the proposals included in this planning application via policy SA8(b) requires that (inter alia) strategic landscaping ... must be provided to address the individual site requirements and location.
153. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens. 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.
154. 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.
155. 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. However, the site is allocated for these proposals in an adopted development plan.
156. The impact of the development proposals upon the landscape qualities and character of the wider countryside could be significant given the village edge location of the site. However, this is tempered somewhat by existing mature planting on site boundaries, including the frontage roadside boundary. Whilst the development would penetrate the existing strong 'green' village boundary, significant opportunities exist to provide new strategic planting at the sensitive site boundaries (north, part east and part west boundaries in particular) in order to soften the impact of development upon and assimilate it into, the countryside. Further opportunities would exist to provide further strategic planting within the development, including (in time) significant new tree canopy cover. Details of proposals for the landscaping of the site are reserved from this hybrid planning application but there is no reason to suggest why appropriate and acceptable proposals for strategic landscaping cannot be provided at later reserved matters stage/s.
157. The impact of the proposed development upon the landscape and thus the wider countryside, is considered acceptable, with any significant adverse effects capable of mitigation via the introduction of new landscaping (the precise details of which would be secured at reserved matters stage).

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

158. The Framework states transport issues should be considered from the earliest stages of ... development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

159. The NPPF goes on to confirm the planning system should actively manage patterns of growth in support of these objectives. Furthermore, it advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (which can help to reduce congestion and emissions, and improve air quality and public health). However it also recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and concedes this should be taken into account in both plan-making and decision-taking.

160. With regard to considering development proposals, the Framework states that, in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

161. It is national policy that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

162. 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.

163. 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.
164. 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)).
165. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel away from the village to their place of work. There is a range of community facilities in the village, including some shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street) 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.

Information submitted with the planning application

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

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

Officer comment on transportation matters

169. It is likely that occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular) and, consequentially, the majority would be undertaken by car. However, there are a range of services and facilities in the village that will prevent or reduce the need for travel to some facilities. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given the village scale of Lakenheath and its relatively isolated and self-contained situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and officers' therefore consider they are sustainable in transport terms.
170. Means of access into the site is included with the planning application for consideration now. The concept plan illustrates the position of the proposed vehicular access onto Station Road adjacent to the site to be provided for a new primary school. This positioning of the access would involve the felling of a small number of trees. The provision of visibility splays may require the felling of further specimens.
171. The application is accompanied by sufficient information to demonstrate the loss of trees to provide vehicular access from the site onto Station Road would not impact adversely upon biodiversity interests (bats, in particular). Furthermore, information received relating to tree felling has confirmed the specimens are of a low grade and their felling in order to facilitate the development proposals is considered acceptable by officers. The proposed punctuation of the tree belt to provide vehicular access would not adversely affect the visual and landscape value of the wider protected tree belt on the Station Road frontage of the application site.
172. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the applicant has offered to provide contributions towards the enhancement sustainable links to the village centre. Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development, in isolation, would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.
173. The cumulative traffic impact of the development, along with various other proposals for housing development in the village (those listed in the table beneath paragraph 21 above) is considered later in this section of the report.

Impact upon natural heritage

174. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity. The following principles should apply when determining planning applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

175. 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.

176. Policy SA8(b) of the Site Allocations Local Plan, which allocates the application site for the development proposed by the planning application, also seeks to protect natural heritage interests. The policy sets out the following requirements in the interests of protecting the SPA and SSSI designations:

- *Any development must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Mads Cross 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.*

- *The developer is required to submit information that clearly demonstrates that the above measures would result in no adverse effects on the integrity of Breckland SPA. This information will include:*
 - *details of the timetable for implementation of all measures*
 - *availability of measures at the time of occupation of the new dwellings – including any phasing plan if applicable*
 - *details of adoption and future management of measures (as required)*
 - *a concept design for the SANGS.*
- *Planning permission will not be granted unless this information is sufficient to allow the local planning authority (as competent authority) to conclude that the requirements of the Habitats Regulations 2017 (or any replacement regulations) are satisfied.*

177. 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.

178. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

Impact upon internationally and nationally designated sites

179. The designated Special Protection Area (SPA) is situated to the east of Lakenheath. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons. The application site is outside the SPA boundaries and outside the 1.5km buffers drawn outside its boundaries. Part of the site (the eastern edge) is situated within the 1.5km buffers to Stone Curlew nesting attempts outside the Special Protection Area. The SPA is also vulnerable to increased recreational visitor pressure (indirect impact) from new housing developments located at distances greater than 1.5km from the SPA boundaries. Accordingly, direct and indirect impacts upon the conservation interests of the SPA cannot automatically be ruled out and, in accordance with the requirements of Core Strategy Policy CS2, further consideration of potential impact is required, initially via a project level Habitats Regulations Assessment.

180. The approach to be taken to considering a development proposal that might affect an SPA is set out in ODPM Circular 06/2005. The first stage in the process is to establish whether the proposed development is directly connected with, or necessary to, nature conservation management of the SPA. That is not the case with the application proposals, so consideration passes to the second stage. The second stage is to determine whether the proposals are likely to have a significant effect on the interest features of the site (including those recorded outside of the SPA designation), either alone or in combination with other plans or proposals.
181. Two of the three qualifying features of the SPA, namely Nightjar and Woodlark breeding areas are located sufficient distances away from the application site such there would be no direct impacts upon them arising from development in isolation or in combination with other plans and projects. The potential direct impacts of development upon Stone Curlews nesting locations outside the SPA and indirect impacts arising from increased recreational pressure requires closer examination and consideration.
182. The applicants have submitted Habitats Regulations Assessment information with the planning application. The information has been prepared by a suitably qualified Ecologist (Applied Ecology Ltd). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and reaches the following conclusions;
- An HRA has been carried out to establish the likely effects of a proposed residential development in Lakenheath on the Breckland SPA stone curlew qualifying features. This includes an assessment of the development alone and also in combination with other proposed housing schemes in Lakenheath.
 - Natural England was satisfied that up to 670 new dwellings in Lakenheath would not result in adverse impacts on the integrity of the SPA.
 - The HRA has been based on an assessment of stone curlew nest data and habitat suitability. It concludes that the Lakenheath North application on its own and in combination with other proposed housing developments is unlikely to result in a significant adverse impact on the integrity of the SPA's qualifying features, on the basis of the location of the development on land that is unsuitable habitat for stone curlew nesting and feeding and the low likelihood of increased recreational use of nearby public rights of way or access land adversely affecting stone curlew breeding habitat.
 - Significant recreational disturbance to off-site stone curlew habitat that occurs in the 1,500m SPA buffer zone is also not considered likely to occur as a result of the Lakenheath North application, either alone or in combination with other projects. This is because any increase in use is likely to be restricted to public rights of way and open access

land without impacting any nearby agricultural land with potential for stone curlew nesting. Dog walkers originating from Lakenheath are considered likely to primarily use on-site recreational space for exercising their dogs in combination with publically accessible locations, such as Madsdross Hill LNR, that do not have good public footpath connectivity to SPA designated land.

- In order to minimise the risk of increased recreational pressure on public rights of way and Madsdross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
- Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.

183. The applicant's Habitats Regulations Assessment has been the subject of public consultation. Natural England were (in December 2015) content the proposed development would not have significant effects upon the conservation interests of the SPA and advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required. These conclusions are deemed out of date by virtue of recent European case law. An Appropriate Assessment is required to be undertaken before the Local Planning Authority can consider approving the planning application. This has been undertaken and is attached for information as Working Paper 1.

184. The RSPB took a different view to Natural England with respect to potential impacts to the SPA and expressed concern that some residential development would be constructed within the 1.5km buffer to Stone Curlew nesting attempt locations outside the SPA boundaries.

185. Natural England (December 2015) confirmed it was content with the planning application, including its potential direct and indirect impacts (including in-combination impacts) upon the Special Protection Area. The body then drew back from that definitive advice (March 2016) and requested further time to re-consider potential impacts upon the SPA (including in-combination impacts) in the light of new information they had received. However (and finally in May 2016), Natural England confirmed their final view that the development proposals would not impact upon the SPA and thus reverted back to the position they had previously taken in December 2016. All comments received from Natural England are summarised above in the 'Consultations' section of this report.

186. The concerns expressed by the RSBP are not considered to represent significant effects upon the SPA designation. The Council has carried out appropriate assessment of the project in accordance with the provisions of

the Habitats Regulations and concluded it would be unlikely to give rise to significant effects upon the integrity of the European sites, both individually and in combination with other plans and projects.

187. The Lakenheath Cumulative Traffic Study prepared independently to consider the potential cumulative impact of development upon the local transport network did not identify that any significant improvements or other alterations would be required to junctions close to the SPA designation (i.e. junctions to the north and south of Lakenheath onto the A1065 Brandon to Mildenhall Road). Accordingly, the highways mitigation arising from the proposed developments at Lakenheath would have no impacts upon the SPA.
188. The potential impacts to the SPA from these development proposals (alone and in-combination with other projects) arise from potential increased recreational pressure. Lakenheath lacks sufficient quantities of large public open spaces that are attractive to dog walkers. The site that is readily available for public use is at Maidscross Hill, but this site is a designated SSSI and is in an unfavourable condition owing at least in part to the level and nature of its recreational use. The planning application proposes a policy compliant level of public open space to serve the 375 dwellings proposed (and sufficient playing field land to serve the primary school). In this case, however, the applicants are proposing to provide large additional areas of land to act as a 'Suitable Alternative Natural Greenspace' (SANG) to off-set recreational pressures upon the SPA. Not only is this designed to provide for the recreational needs of the occupants of the application site, but it will also be freely accessible and attractive to occupiers of the other new housing developments (particularly those located to the north of the village) and existing residents. This in turn would help to alleviate recreational pressures upon the SPA and Maidscross Hill. The provision of the SANG land (which would be provided in full by this development and not shared with other developments) is an important and significant benefit of these planning application proposals. The applicant has latterly provided a 'concept plan' for the SANG land to illustrate how it might be provided. This is a requirement of the recently adopted Site Allocations Local Plan (Policy SA8(b) – criteria A). The provision of the SANG is to be secured via a S106 Agreement.
189. Natural England has advised there are unlikely to be significant effects upon the Special Areas of Conservation designations to the east of Lakenheath and the Council's Appropriate Assessment reaches the same conclusions.
190. Officers conclude that the applications proposals are acceptable in terms of their potential impacts upon European (SPA and SAC) and Nationally (SSSI's) designated sites in isolation and in-combination with other plans and projects. The proposals comply with the strict requirements of Core Strategy Policy CS2 and Policy SA8 of the Site Allocations Local Plan. The application proposals would lead give rise to particularly strong benefits being realised indirectly to the Maidscross Hill SSSI to the south of the application site.

Protected species.

191. The planning application was accompanied by a Phase 1 Habitat Survey (dated October 2014) which recommended;

- Manage retained woodland belts as dark unlit habitats for the benefit of nocturnal wildlife with essential road and security lighting designed to minimise light spill and illumination of the canopy.
- Retain and manage rich grasslands where practicable to do so or provide replacement compensatory grassland areas in peripheral areas of the site in association with retained woodland belts.
- That further surveys for reptiles and great crested newts are undertaken.
- Provide bat and bird boxes within the new development.

192. The site was subsequently surveyed for reptiles, great crested newts and stone curlews and, in October 2015, a Phase 2 Ecology Report was submitted to accompany the planning application. The survey found the presence of reptiles at the site but Great Crested Newts and Stone Curlew were found to be absent. The following recommendations were made with respect to mitigating the impacts of development upon reptiles;

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

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

194. Surveys of the trees to be felled (to provide vehicular access) for bats were carried out and the results submitted with the planning application. Those

trees have since been felled as part of a separate planning permission to provide the vehicular accesses. The survey information concluded that the trees proposed to be felled were of no value to bats. Further information with respect to the provision of the visibility splays required for the access (and the implications for trees) could be secured by condition, in the event that planning permission is granted.

195. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). It has also been determined following 'Appropriate Assessment' of the implications of the proposals under the provisions of the Habitats Regulations that no adverse effects would arise to the integrity of the SPA.
196. There is presently no evidence to dispute the applicants view that a carefully a constructed development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions and/or via a S106 agreement, as appropriate.

Impact upon trees

197. The application site is fronted by a belt of mature tree and hedgerow planting which provides a distinctly rural character to the northern gateway into the village. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village upon the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. All of the trees on the north side of Station Road (including those fronting the adjacent Rabbit Hill Covert site) are protected by formal Tree Preservation Orders. Officers consider it is vital that as much of the vegetative cover as possible is retained along the frontage (and western side boundary) as part of these development proposals.
198. The application has been amended to include tree survey information identifying the tree specimens that would need to be felled to make way for the new vehicular access and its associated visibility splays. Indeed, as already discussed these trees have since been (lawfully) felled to make way for the access points.
199. Opportunities are available to enhance the existing tree stock by removing declining specimens and providing new tree planting to compensate for specimens which have been felled to make way for access or because of their poor condition. New / replacement / compensatory planting would be secured by condition at detailed and/or subsequently at reserved matters stage. Furthermore longer term and beneficial management and maintenance of the tree belt could be secured.
200. The impact of the development upon existing trees is considered acceptable.

Impact upon built heritage

201. 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 is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and assets identified by the local planning authority (including local listing).
202. 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.
203. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
204. 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).
205. 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.
206. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and 1% sample trial trench evaluation. The applicant shared the results of the evaluation with Suffolk County Council whom provided advice.
207. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 67-69 above. Further archaeological investigations and recordings could be secured by means of an appropriately worded planning condition should planning permission subsequently be granted.
208. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

209. 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 the provision of infrastructure.

210. 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".

211. 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.

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

213. Matters pertaining to highway, education, health and open space infrastructure are addressed later in the 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

214. 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.

215. The Infrastructure Delivery Plan (IDP) which identifies infrastructure needs to support the Single Issue Review and Site Allocations Local Plan documents confirms there are no specific infrastructure requirements for the former Forest Heath area in terms of ... drainage.

216. 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

217. The IDP identifies there are no water provision infrastructure requirements to support new development in the former Forest Heath area. 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

218. The IDP 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

219. 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 and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
220. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from, or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. 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.
221. 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.
222. 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.
223. The bulk of the application site is in Flood Zone 1 (low risk of flooding) although there is a small area towards the rear (north) of the site adjacent to the cut-off channel which is situated in Environment Agency flood risk Zones 2 and 3 (at risk of flooding). This area is to be set aside as strategic public open space with significant buffers in place to the nearest dwellings. It is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby channel (to the north of the site), being outside its modelled floodplains.

224. The amended flood risk assessment submitted with the planning application confirms that soakaways would not be appropriate for surface water drainage of the development given soil conditions. The proposal is to discharge surface water via a gravity system into the cut-off channel to the north. Surface Water would be attenuated such that it discharges no greater than existing 'greenfield rates'. Surplus water in storm events would be held in attenuation tanks below ground and above ground swales.
225. The planning application is accompanied by a Phase I desk study Ground Contamination Report. This study has found some potential sources of contamination at the site, albeit low risk contamination and recommended that a Phase II investigation is carried out in the two areas of the site identified. The report also recommends decommissioning of an existing borehole prior to development taking place in that area.
226. 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.
227. The application proposals, in isolation, would not give rise to any concerns about potential impacts arising upon air quality at the site or wider village/transport routes. Further discussion about the potential cumulative impacts of development upon air quality is included later in the report.
228. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) Council's Environmental Health Team (contamination and pollution control) and the Flood Water Management Team at Suffolk County Council have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
229. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply and air quality) considerations.

Impact upon education provision

230. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance 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 and should give great weight to the need to create expand or alter schools through decisions on applications.

231. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement.
232. The County Council as Local Education Authority has confirmed the village school is not able to accommodate all of the primary school pupils which are forecast to emerge from the application proposals (and other large developments already approved in the village). This means that the primary school aged pupils emerging from new development proposals would either i) need to be accommodated in a new primary school facility which is yet to be built in the village or ii) pupils would need to be diverted to alternative primary schools outside of the village. Suffolk County Council has already granted planning permission for the construction of a new primary school at Station Road albeit this is the subject of ongoing challenge in the Court of Appeal. The committee is therefore advised to attribute no weight to the presence of a full planning permission for construction of a primary school on this site but determine the planning application in accordance with the provisions of the adopted Development Plan, having regard to any other material considerations.
233. This current planning application (the subject of this report) includes proposals in outline form for the construction of a primary school on the same site as that previously approved by Suffolk County Council. Planning permission has also already been granted for the construction of vehicular and pedestrian accesses into the school site. It is important to note that Policy SA8 (b) of the Site Allocations Local Plan includes the provision of a new primary school within the land allocation at Station Road. The Committee should give significant weight to the allocation in their consideration of this planning application.
234. Given the content of this planning application, 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. The application proposals would lay the foundation for delivering a primary school on this site and is considered a significant benefit in favour of granting planning permission for the application proposals.
235. 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 (within the application site) are also discussed later in this section of the report.
236. 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

237. The Framework states the creation of high quality buildings and places is

fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

238. It also advises that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
239. 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.
240. 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.
241. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same, but is specific to proposals for residential development.
242. The dwellings and school proposed by the planning application are

submitted in outline form with all matters reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.

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

Impact upon residential amenity

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

i). National Planning Policy

246. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
247. The Planning Practice Guidance includes a whole section on 'Noise'.

Relevant extracts are set out below:

- Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset (paragraph ID: 30-001-20190722).
- It is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern (paragraph ID: 30-002-20190722).
- Plan-making and decision making need to take account of the acoustic environment and in doing so consider:
 - whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.

this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy

(paragraph ID: 30-003-20190722) .

- What are the observed effect levels?
 - Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
 - Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
 - No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word 'level' is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

(Paragraph ID: 30-004-20190722)

- The guidance also discusses how it can be established whether noise is likely to be a concern and summarises the discussion in a table (paragraph ID: 30-005-20190722).

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

- The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected.

This will depend on how various factors combine in any particular situation.

These factors include (inter alia):

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;
- the spectral content of the noise (i.e. whether or not the noise contains particular high or low frequency content) and the general character of the noise (i.e. whether or not the noise contains particular tonal characteristics or other particular features), and;
- the local arrangement of buildings, surfaces and green infrastructure, and the extent to which it reflects or absorbs noise.

More specific factors to consider when relevant include (inter alia):

- whether any adverse internal effects can be completely removed by closing windows and, in the case of new residential development, if the proposed mitigation relies on windows being kept closed most of the time (and the effect this may have on living conditions). In both cases a suitable alternative means of ventilation is likely to be necessary.
- where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.

(Paragraph ID: 30-006-20190722)

- Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

(Paragraph ID: 30-009-20190722)

- For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. It may also be possible to work with the owners/operators of existing businesses or other activities in the vicinity, to explore whether potential adverse effects could be mitigated at source. Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development. (Paragraph ID: 30-010-20190722).
- The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development. (Paragraph ID: 30-012-20190722)

248. Paragraph 2.18 of the Noise Policy Statement for England 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. The document also discusses the 'effect levels' which have also been included in the Planning Practice Guidance (and which are discussed above).

ii). Local Planning Policy

249. 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

250. 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.

251. 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 L_{Amax} 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.

252. 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)

253. 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.

254. 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.

255. 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.'*

256. 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 LA_{max,F}. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.

257. 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 LA_{eq,T}, with an upper guideline value of 55 dB LA_{eq,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'

258. The external and internal ambient noise levels LA_{eq} criteria in BS 8233:2014 is concordant with those contained within the WHO guidelines.

ProPG: Planning and Noise (New Residential Development)

259. 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.

260. 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.

261. 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.

262. ProPG provides guidance for 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. The chart below shows Stage 1 noise risk assessment criteria and is taken from Figure 1 of ProPG.

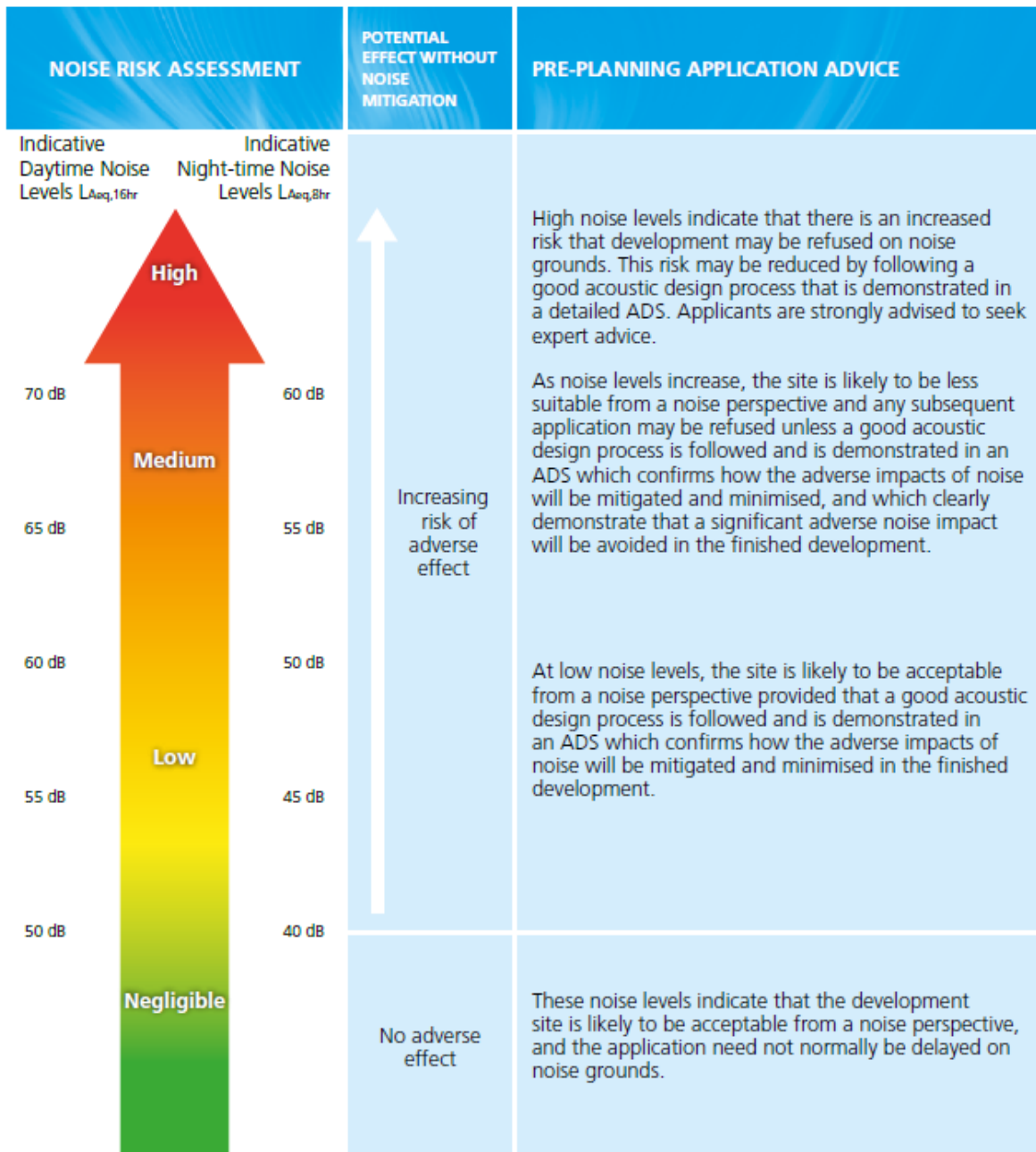


Figure 1 Notes:

- 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.

ProPG Figure 1: Initial Site Risk Assessment (measured/predicted, empty site, pre mitigation)

263. 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.

264. The four elements of the Stage 2 assessment and implications on acoustic design are discussed below.

Element 1 - Good Acoustic Design Process

265. 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.
266. 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.).
267. 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

268. 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.
269. 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

270. 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

271. 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.

272. 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.

Building Regulations 2000 and Building Bulletin 93 "Acoustic Design of Schools"

273. Part E4 of the Building Regulations relates to acoustic conditions in schools and requires:

Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.

274. Section 8.1 of Approved Document E of the Building Regulations provides the Secretary of State's view that the normal way of satisfying Requirement E4 will be to meet the values for sound insulation, reverberation time and internal ambient noise which are given in Building Bulletin 93 (BB93).

275. BB93 sets out minimum performance standards for the acoustics of school buildings and describes the normal means of demonstrating compliance with the Building Regulations. It also states that planning conditions should not be applied where matters are covered by other legislation, such as the Building Regulations. Accordingly, and for the purposes of this planning application, the applicant is required to demonstrate that it is possible to achieve compliance with the standards set out in BB93.

276. BB93 sets out acoustic standards which need to be met. These vary according to the intended use of the room/space. For example, a classroom within a primary school setting would need to achieve 35 dB LAeq, 30mins (or 30dB if the space is intended for students with special hearing or communication needs) whilst a library or sports hall would need to achieve 40 dB LAeq, 30mins.

277. Neither the Building Regulations, nor BB93 set out standards or requirements for external spaces (for teaching or recreation).

Civil Aviation Authority (CAA): 2016: 'Aircraft Noise and Health effects: recent Findings'

278. This report was prepared by the Environmental research and Consultancy Department of the CAA and published in 2016. The document provided an update following the 2009 publication of a similar study. The study examined the evidence to date relating to transportation noise and the resulting impacts on various health endpoints. This included cardiovascular disease, night time effects on sleep disturbance, children's cognition, psychological effects, performance and annoyance. A summary and conclusion discussion is provided at section 7 of the document which, in full, is as follows:

- *This paper has examined research evidence published since 2009 relating to transportation noise, in particular aircraft noise and the resulting impacts on various health endpoints. These included cardiovascular disease, night-time effects on sleep disturbance, children's cognition, psychological effects, performance and annoyance. The paper also reports on emerging research areas and health impacts not covered above such as associations with metabolic outcomes (obesity) and foetal development.*
- *Research showing an association with aircraft and road noise and cardiovascular disease measures continues to mature. There is emerging evidence to suggest that cardiovascular effects are more strongly linked with night time noise exposure as opposed to day or total (24hr) noise exposure.*
- *With regard to night noise and sleep disturbance, there is growing recognition that average indicators such as L_{night} are insufficient to fully predict sleep disturbance and sleep quality and that use of number of noise events (L_{Amax}) will serve to help understanding of noise-induced sleep disturbance.*
- *With regard to aircraft noise and children's learning, further explorations of past studies have taken account of confounding factors not previously considered such as air pollution and concluded that these did alter the associations previously found. A number of studies, whilst reporting associations in primary school children, discover that the effects do not persist in secondary school aged children.*
- *There is a greater understanding of the importance of accounting for confounding factors, in particular air pollution, which is often highly correlated with aircraft and road traffic noise exposure.*
- *With regard to future research there is increased interest in incorporating the relative contribution of different transport noise sources and to also include the cumulative noise exposure in studies. The European Network of Noise and Health (ENNAH) has successfully drawn on European-wide expertise and research and has identified a number of gaps for future research considerations and will likely play a major role in this subject area going forward.*

279. The results of the above study do not raise any issues of concern for these proposals for housing and a primary school at Lakenheath. The health concerns arising in the study, where conclusions could reliably be drawn arise principally from exposure to night time noise. Other updated studies found that results where correlation between aircraft noise and health impacts had been identified were compromised by other factors, including air quality (which does arise as a significant factor at Lakenheath). Earlier studies found a correlation between aircraft noise and cognitive learning in primary school children (particularly in relation to reading ability), but the impacts identified were relatively minor in nature and easily remedied (e.g. reading at home and building/classroom insulation) and these do not

carry forward into children of secondary school age. The studies examined in the paper also relate to civilian airports where noise is a constant disturbing factor (disturbance at Lakenheath is relatively sporadic and short lived).

280. The evidence reported in the CAA study does not demonstrate any correlation between noise emitted by military aircraft taking off from and returning to Lakenheath military airbase and adverse health impacts to the local civilian population (to adults and children of all abilities). Furthermore, no evidence has been provided in connection with this planning application on behalf of its detractors to even suggest that impacts to human health or educational achievement is a significant material factor in the case. Accordingly, it is not necessary to seek further information from the applicants regarding potential health impacts from aircraft noise and there are no justifiable reasons to withhold planning permission on these grounds.

iv). Noise information submitted with the planning application – Residential Component

281. In July 2018, the applicants submitted a noise assessment to accompany the planning application. The assessment was prepared jointly with the adjacent development site (Rabbit Hill Covert – reference F/2013/0345). The Assessment considers impact of noise upon the residential component of the planning application and does not address noise to the proposed primary school (which is considered against different standards).
282. Comments were received from the Council's Public Health and Housing Team including confirmation that the submitted Noise Assessment is adequate for the purposes of considering and assessing potential effects from noise impact and for mitigation (paragraph 50 above).
283. The NIA was based on field surveys carried out over several days between 19th and 28th June 2018. Military aircraft were observed during the day but discussions with the base revealed aircraft activity over this period was reduced from 'typical' levels. Previous discussions with the airbase had revealed there are typically 40-45 flights departing from the base per day. The noise consultant adjusted the noise data to reflect this higher level of aircraft movement. This increases the robustness of the conclusions and recommendations of the report. The field work recorded daytime noise levels of up to 57db LAeq,16-hr. The consultant adjusted the noise level in the Noise Assessment to 62 dB LAeq,16-hr (or 63 dB LAeq,16hr for building facades adjacent to Station Road) to be representative of 'typical' operations of the airbase. The noise consultant noted this level was lower than that indicated by the DIO noise contour information and, for the purposes of assessment and mitigation adopted a higher assumed noise level of 67 dB LAeq,16hr to ensure the 'worst case' scenario was addressed.
284. The noise assessment also includes data to demonstrate the 'maximum' noise levels recorded (i.e. individual events). These typically peak at levels between 80 and 90 dB (LAF max) although on one occasion over the 10

day period a 100 Db measurement was captured. The 'maximum' noise levels are relatively sporadic and irregular (around 26 'events' were recorded where maximum levels exceeded 80 dB over the 10 day recording period. These were most likely the consequence of aircraft movements and given their irregular nature were not considered further in the applicants' noise assessment.

285. The noise assessment also includes a night time assessment. The recordings did not observe any jet activity during the night time period (11pm to 7am), although distant helicopter noise (probably from night activities from RAF Mildenhall) was detected. RAF Lakenheath does not normally operate flights during the night time. The average measured night time level was 41 dB LAeq,8hr. This was adjusted to exclude bird song detected after 03:30am which gave an adjusted night time recording of 38 dB LAeq,8hr. This level was then adjusted again to reflect a position close to the Station Road frontage in order to more accurately reflect noise from road use at the site frontage. This estimated a noise level at the south end of the site as 48dB LAeq,8hr. The highest individual night time noise level (LAF,max) detected in the middle of the site was 62dB LAF,max, which the noise consultant confirmed was primarily due to bird song. The consultant took a precautionary approach towards noise likely to be generated by early morning (pre-07:00am) vehicle movements given they did not have access to information about the number of movements. The consultant adopted a worst-case by taking the highest daytime LAFmax level (for traffic movement) of 68dB LAF,max to be representative of the highest regularly occurring night time maximum noise levels.
286. Using the ProPG criteria the application site was deemed in the noise assessment to be of 'low-medium' risk during the day time (7am to 11pm) and negligible-low risk during the night time (11pm to 7am). The noise mitigation strategy included in the applicants assessment has been 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 most periods when aircraft are passing.
287. The applicant assessed the noise risk to the proposed development using the criteria set out in the ProPG guidance (table beneath 259 above). Daytime noise risks were assessed at the upper end of the scale denoting low risk and the lower end of the scale denoting medium risk. The night time noise levels in the middle of the site and the north of the site were assessed at the lower end of the scale denoting low risk and, at the south end of the site (closest to Station Road) as low risk.
288. The noise assessment includes an acoustic design statement based on the applicants risk assessment. This recognises that the principal source of noise to the site is from aircraft. Accordingly, it concedes that external measures usually used to control road noise, such as noise barriers, would be ineffective and therefore internal noise levels to the dwellings will need to be achieved through design of the building envelope, including acoustic glazing and acoustically attenuated ventilation, particularly to the roof

construction and windows. In terms of the roof construction the report recommends the use of unencapsulated mineral wool or glass wool (200mm minimum thickness) and dense plasterboard to supplement conventionally plastered ceilings. For windows (to habitable rooms), acoustic triple glazing is recommended, although (subject to further consideration when a site layout and housing designs are prepared) a form of double glazing may be suitable. Windows to non-habitable rooms (bathrooms, WCs and circulation spaces should not require special treatment). Mechanical acoustic ventilation would be required for the habitable rooms (given the windows would need to be closed). Most dwellings on the site would achieve internal noise requirements at night time with windows open, although some of the properties to the south of the site with windows facing towards Station Road may need specific mitigation against night time disturbance (the consultant recommends bedrooms are positioned on the north side of the affected dwellings to enable windows to be opened at night).

289. In terms of external amenity spaces, the noise assessment recognises that daytime noise levels are likely to regularly exceed 60dB LAeq,16hr, but considers the daytime noise climate is characterised by short periods of relatively high noise levels due to overflying aircraft, with low residual noise levels at other times. Garden areas to the south of the site (closest to Station Road) are recommended to be provided with 1.8metre high acoustic fencing to screen from traffic noise which, in the absence of overflying aircraft would ensure all of the site would meet the upper guide value in the standards of 55dB LAeq,T. There report acknowledges that there are no effective and practicable methods of reducing aircraft noise in external amenity areas and does not propose any. The report offers the view that given the short duration of overflights and the low residual ambient level, a significant reduction in the amenity of the external amenity areas is not expected.

v). Noise information – Primary School component.

290. The planning application includes proposals (in outline at this stage) for the construction of a primary school on part of the site. This is shown to be provided towards the south eastern part of the site, towards the Station Road frontage.
291. The noise assessment provided to accompany this planning application does not include an assessment of potential impacts upon the site set aside for delivery of a primary school. There is, however, a current planning permission granted by Suffolk County Council for the construction of a new primary school on the same site (paragraph 19 above). That consent is for full planning permission and includes full details of the siting, design and construction of the school building. The planning application was accompanied by a noise assessment which specifically considered the potential impact of noise to the school and from the school (including during its construction). Given that planning application proposes a school on the same site set aside for the same use within this hybrid planning application, it is considered reasonable to have full regard to the evidence provided within the school application noise assessment in considering the

implications of the primary school site included in the planning application being considered by the Committee.

292. The noise assessment accompanying the school planning application was prepared by the same consultant (Adrian James Acoustics Ltd) whom prepared the assessment for the wider housing and school proposals.
293. The scope of the assessment was to assess the potential impact of road traffic and aircraft noise affecting the proposed school and the potential impact of the school affecting nearby existing residences and proposed residences on the 'Lakenheath North' development.
294. An unattended sound level meter was installed at the site between 20th March and 27th March 2017. A further short attended survey was under taken on 20th March at a position close to Station Road.
295. The school noise assessment considers the potential impact of the school development upon the local environment, including nearby dwellings (existing and proposed) noise from additional traffic movements (including cumulative traffic movement), noise from plant and services, school activity noise (including use of the football pitches and ball court) and construction noise.
296. The school noise assessment also considers noise affecting the use of the school, including from aircraft and road traffic, and also noise impacts emanating from the school itself (including ventilation, plant and services). The assessment goes on to consider sound insulation requirements of the building envelope. Recommendations are made with respect to the materials to be used to the external walls, glazing, external doors and the roof structure. The recommended windows are acoustic sealed double glazed units with a substantial solid timber/aluminium framing system fitted with compressed acoustic seals and windows no greater than 15m² per classroom. It is also recommended that a door lobby is created for the external doors to improve acoustic performance. The roof construction includes consideration of rain noise.
297. The recommended constructions and ventilation were then used to calculate internal ambient noise levels (34 dB LAeq, 30min) and the internal short term noise level (or maximum level in a 30 minute period – 55dB LAF1, 30min).
298. The school noise assessment also considered external teaching and play areas. It recognises that the acoustics of the external areas are not controlled by the Building Regulations (and BB93) and refers to the recommendations for good practice set out in the document 'Acoustics of Schools: a design guide' published jointly by the Institute of Acoustics and Acoustics & Noise Consultants. At section 2.2 this recommends, for new schools, 60 dB LAeq,30min should be regarded as an upper limit for external noise at the boundary of external areas used for formal and informal outdoor teaching and recreation and where spaces are used for teaching, noise levels should not exceed 55dB LAeq,30min and there should be at least one area suitable for outdoor teaching activities where

noise levels are below 50dB LAeq,30min.

299. The assessment comments that the nature of noise on the school site is very different to that typically found on sites affected by road traffic noise. On the application site, daytime noise levels during school hours are predominantly influenced by relatively short period of high noise levels due to overflying aircraft, with relatively low and constant residual noise levels at other times. This is demonstrated in the assessment via a series of time history charts derived from the site noise recordings.

300. The acoustician recommended a noise strategy for external teaching as follows:

- Given the high short term noise levels during aircraft overflights, it is unlikely that a teacher would be able to address a group of children for the duration of the overflight and it is unlikely that the short-term noise in any external area could be mitigated sufficiently to allow this. Teaching would therefore need to be paused for short periods during aircraft overflights.
- Between direct overflights, the primary source of noise on the school site is passing traffic on Station Road to the south-east of the site. The school buildings will provide some acoustic screening of traffic noise to the outdoor dining area and nearby grassed areas to the north and we would expect road traffic noise levels in these areas to be at least 5dB(A) less than those in unscreened external areas, and are therefore expected to be below 50dB LAeq,T during periods between aircraft overflights.
- We understand that several covered shelters are to be provided around the site. These may provide some mitigation of direct noise from passing aircraft for pupils' comfort during external play and teaching in small groups. To provide a reasonable degree of attenuation, we would recommend that these shelters are of a timber sandwich panel construction comprising, as a minimum, 100mm timber stud frames with 100mm mineral wool infill (typical density 10-16kg/m³) between studs, clad on both sides with 18mm plywood or OSB. Any rain screening or weather finish should be added on top of the external 18mm cladding board. Shelters should be enclosed on three sides and the roof, to leave one open side which should ideally face north or north-east to provide optimal screening from passing aircraft. We would typically expect such shelters to provide around 5dB(A) reduction in noise levels from passing aircraft.

301. Copies of the planning application proposing a new primary school within the application site are available on the websites of both Suffolk County Council under reference SCC\0021\18 and Forest Heath District Council under reference DC/18/0644/CR3. The noise report is included as part of the appendices to the Environmental Statement which accompanies that planning application. Suffolk County Council carried out full stakeholder and public consultation, the results of which are also available on their website (but not Forest Heath's website). Furthermore, Suffolk County

Council planners sought independent expert advice on the content of the noise assessment. This is also available on Suffolk County Council's website. In summary, the following comments were provided:

- *The acoustic report states that the proposed development site is considered acoustically suitable for a primary school. I generally agree with the assessment methodology adopted and the recommendations given in the report. I consider, however, that aircraft noise could prove a significant issue in any external teaching areas. If there are to be any such areas, therefore, I recommend you satisfy yourself that the school body are fully aware of and accept the limitations on the use of any external areas.*

vi). Appeal decisions

302. The Parish Council has drawn the District Council's attention to two appeal decisions where impacts from 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/Q3115/W/16/3163844) was briefly referred to by the Parish Council's noise consultant and related to a residential development of a site at Benson in Oxfordshire.
303. 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.
304. 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.
305. 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.

306. 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.

307. 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 (at that time) in the 'emerging' Single Issue Review as a location for a substantial amount of new housing with several sites allocated for development in the (at the time) 'emerging' Site Allocations Local 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.

vii). Assessment of impacts to the proposed development from aircraft and traffic noise sources.

308. With respect to the 'observed effect levels set out in the Planning Practice Guidance and the Noise Policy Statement for England), the noise climate at the application site is considered to be somewhere between 'Lowest Observed Effect Level and 'Significant Observed Adverse Effect Level' (ref the table embedded in paragraph 247). In relation to the ProPG guidance, the noise risk assessment is considered between a low and medium risk (ref paragraph 262). Whilst military aircraft generate loud noise events at Lakenheath these are generally short lived and relatively predictable.

There is no evidence that operations at the airbase generate significant levels of annoyance to the civilian areas of Lakenheath village, with spikes in complaints known to be commensurate with short-lived increases in activity at the airbase owing to bespoke military activities (e.g. military engagement or specific training). Having applied relevant guidance (and in the knowledge of the recorded and predicted noise climate at the site) it is considered reasonable and appropriate to conclude that the development of the application site should not be prevented on the grounds of noise impact. Indeed that is why the site (alongside other sites in the village) has been allocated for development in the Council's recently adopted Site Allocations Local Plan document.

309. The Parish Council has previously requested that the applicants prepare and submit a site specific noise assessment for the planning application. This has now been received. In addition to their concerns about the adequacy of noise information accompanying the planning application, the Parish Council also previously raised concerns about the impact of aircraft noise (in particular) to the residents of the proposed development and the operation of the school and, as set out above, have historically referred to a couple of appeal decisions where planning permission was refused solely or partly on the grounds of adverse impacts arising from military aircraft noise (not at Lakenheath).
310. 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. The DIO has since amended its requirements for the noise mitigation condition (for the Briscoe Way planning application) such that post-construction testing of the acoustics of a sample of the built dwellings is no longer required. Accordingly, it is no longer proposed to include post-construction requirements in the conditions for these proposals.
311. In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The contours confirmed the application site is situated within a 66-72 dB LAeq (16-hr) noise contour.
312. 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 housing development proposals within the 66-72db LAeq (16-hr) noise contour, the MoD advises as follows:

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

- *Acoustic primary double glazing system of at least 6.4L[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."*

313. The Noise Assessments summarised above confirm the internal spaces of the proposed dwellings and the proposed primary school could (and will) be mitigated against noise impacts arising from military aircraft and road traffic to WHO (dwellings) and Building Regulations/Design Bulletin 93 (primary school) levels. This assumes that windows will be closed with mechanical ventilation provided.

314. 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 (for housing) is acceptable in principle (with respect to aircraft noise) and the internal spaces of the buildings are capable of mitigation.

315. The Ministry of Defence has confirmed that night flights are rare but necessary 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 ensure adverse health issues as a consequence. This has been demonstrated as part of the applicants' noise assessment. 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 significantly between the Benson appeal and this planning application such that the Inspectors conclusions in that case cannot automatically be applied to these proposals at Lakenheath.

316. Similarly, the circumstances were different at the Mobberley 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 significantly different to the Lakenheath scenario such that it is not appropriate to transfer the Inspectors conclusions to these proposals for development at

Lakenheath.

317. That said, it remains the case that external spaces of the application site at Lakenheath, including the domestic gardens, school fields and playgrounds, public paths and public open space proposed, cannot be adequately mitigated against the effects of aircraft noise. In this regard, and as the external areas cannot be defended to levels below the relevant guidance, it is likely that
- i) the residents of the proposed houses would experience significant disturbance from passing aircraft when using their gardens and a proportion of these will be annoyed by the experience and,
 - ii) Formal class teaching carried out in the external areas of the school site is likely to be affected for short periods when aircraft are passing the site to the extent that the teacher (if a formal session is being taken) may have to pause communication with students for a short period.
318. In light of the above, your officers consider the proposals would 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.
319. 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.
320. 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 relevant guidance and, accordingly, breach planning policies that require residential amenity to be safeguarded. This is essentially the position the Parish Council adopted with respect to the planning application.
321. 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, notwithstanding the outcome of the noise assessment, whether there are any other mitigating factors which may serve to reduce identified harm.
322. 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 and short term nature of the individual 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 garden areas in particular are likely to be most used, iii) the selection of the site for the provision of a new school by Suffolk County Council which included detailed appraisal (summarised above) of the noise impacts of military aircraft upon its operation.

323. The Local Education Authority are content with the noise climate of the application site and that the internal spaces of the school can be adequately mitigated against noise. Whilst it is acknowledged there may be some disturbance to lessons undertaken externally of the school building, that disturbance (if/when it occurs) would for short periods only and would not prevent the external spaces from being used for teaching, particularly teaching of an informal nature. It is also relevant to consider that, according to the noise contours (and in the context of Lakenheath village as a whole), the application site is situated in the most favourable noise environment at Lakenheath bearing in mind that noise levels increase as you move south from the site towards the base runways. If a more favourable noise climate is required for a new school in comparison to those provided at the application site it is likely that the school would either need to be detached from the village and provided at a more isolated and/or disconnected countryside location, or provided within an alternative village or town (which is likely to exclude nearby Brandon which is also affected by aircraft noise and largely to the same extent as the application site).

324. Furthermore, and again with respect to the proposed primary school, it is relevant to note (but must not be overriding in Committee Members thoughts) that the existing village primary school is located in a noisier environment than the application site (within the 70db noise contour), the school buildings were not constructed to defend against aircraft noise and there are no plans, or indeed rational reasons, to close down the existing school as a consequence of the effects of aircraft noise. The school is a high achiever and currently has a 'good' OFSTED rating. There are a number of inspection reports for the primary school available on the OFSTED website (dating from 1999 to 2015) and these report consistent performance at the school over the years. None of the OFSTED reports attribute any academic, social or operational 'problems' (where problems are identified) to aircraft noise or aircraft activity. This includes the cognitive abilities and achievements of school pupils. Indeed, none of the OFSTED inspectors even mention military aircraft noise as an issue or potential source of distraction in their reports.

325. All of the factors presented and discussed in this section of the report 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 considerations, lead to planning permission being refused. The adverse effects of aircraft noise identified, particularly to the external spaces of the site (during week days) is a matter for the Committee's planning judgement and to consider in the 'planning balance'. Significant

weight must be attributed to the allocation of the site for the construction of a primary school in the recently adopted SALP, particularly given the allocation post-dates the noise report carried out for the school proposals. Committee Members will also note the way in which the Inspector considered the impacts of aircraft noise (in relation to dwellings) in the balance in reaching her appeal decision in the appeal case at Broom Road, Lakenheath which is summarised above.

326. If planning permission were to be granted in this case, conditions could be imposed in order to ensure maximum noise levels are achieved in the relevant internal living spaces of the dwellings. The internal spaces of the school building would be governed by the Building Regulations but in order to minimise risks associated with achieving/enforcing the requirements under the Regulations, a condition will also be imposed upon the planning permission.
327. 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).
328. The Screening Report states that the introduction of the F-35A aircraft is (by 2023) 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.
329. 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.

viii) Other noise and amenity related matters

Vibration

330. In September 2016, the Ministry of Defence suggested the applicants should undertake a vibration assessment in support of the planning application. 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."

331. 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).
332. 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.
333. 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.
334. 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.

335. 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

336. 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 such incursion than any other site or existing development in the village or indeed elsewhere where military aircraft carry out training exercises.

337. 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.

338. 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.

339. The DIO has latterly amended its position with respect to the planning application, including public safety considerations and no longer objects to the planning application on this or any other grounds.

Impact of the proposed development upon existing residents.

340. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by development given the separation distances created by the need to retain mature tree landscaping along this boundary. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is fully designed at reserved matters stage.

Impact upon RAF Airbases

341. The Framework states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by (inter alia) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
342. The safeguarding division of the Defence Infrastructure Organisation has been consulted of the planning application proposals and has not raised any concerns in relation to potential safeguarding issues. There are no reasons to suggest that the proposed development (both in isolation and in-combination with other development proposals in the area) might adversely affect the safe and efficient operation of the RAF Lakenheath and RAF Mildenhall military airbases.

Loss of agricultural land

343. The Framework states that planning decisions should contribute to and enhance the natural environment by (inter alia) recognising the economic and other benefits of the best and most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
344. 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, particularly when considered in the light of the allocation of the land within the adopted Development Plan for mixed use development.

Sustainable construction and operation

345. 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".
346. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
347. 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.*

348. 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.

349. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

350. The documentation submitted in support of this planning application includes an energy statement. This sets out how schemes subsequently proposed at Reserved Matters stage could be designed and constructed to accord with Building Regulations requirements. The document also sets out water efficiency measures that would be implemented.

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

Cumulative Impacts

352. Committee Members will note from the table produced beneath paragraph 21 above there are a number of planning applications/permissions for major housing development at Lakenheath.

353. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed in the table.

Primary education

354. The County Council has confirmed the application site is their 'preferred site' for the erection of a new primary school. This site has therefore been allocated for provision of a primary school (alongside dwellings) by policy SA8(b) of the recently adopted Site Allocations Local Plan. The County Council's work to deliver a primary school at this site is well advanced with funding secured (pending developer S106 contributions) and a 'land agreement' to secure the transfer of the site at an appropriate time.
355. Clearly the delivery of a site for the erection of a new school would be a significant benefit of these proposals. Not only would the opening of a new school cater for the primary education needs of development already approved in the village (and, if appropriate, the wider catchment area), it would also relieve pressures upon the existing village school which is at or close to capacity and avoid pupils having to travel to alternative schools outside the village to gain a primary education.
356. The development proposals would provide proportionate funding for the construction costs of the new primary school and a proportion of land for the school site would be secured. Accordingly, the applicants have done all they can lawfully do to mitigate the impact of their development (including in combination with other consented developments) upon primary school provision.

Highways

357. 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 planning applications at its September 2014 meeting (Applications, B, C and D from the table included above, beneath paragraph 21). A requirement for the cumulative study formed part of the resolution of the Forest Heath Development Control Committee for those planning applications. At that time the other planning application listed in the table (i.e. this planning application) 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 (some of which have since been refused planning permission and do not therefore feature in the table).
358. The cumulative traffic study was subsequently updated independently by the Local Highway Authority via AECOM. This was the subject of public consultation. The updated cumulative study considers four different levels of potential development at Lakenheath:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 21 of this report)

- 663 dwellings (specifically applications A, B, C and D from the same table)
- 1465 dwellings (which addressed the housing included all planning applications current at the time the report was prepared; two planning applications have been refused planning permission/dismissed at appeal since that time) and
- 2215 dwellings (to enable sensitivity testing).

359. 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 were identified as 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.

360. 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.

361. 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.

362. 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 focussed update to the study examined the first option in more detail and demonstrated that an appropriate scheme could be delivered within the boundaries of the highway without requiring the incorporation of third party land outside of existing highway boundaries.

363. The second (larger) option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first (smaller) 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.

364. The study does not clarify precisely (or roughly) where the tipping point is

and it is not precisely clear how many dwellings (above 850) 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 at Lakenheath without severe impacts arising.

365. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction provided their own 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."

366. The Highway Authority at Suffolk County Council has 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."

367. 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 traffic flows from 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 subsequently 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.

368. 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.

369. 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' style planning condition, as has been done on other planning permissions in the village.

Special Protection Area, Special Area of Conservation and SSSI

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

Landscape

371. 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 around 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 (particularly to the north of the village), no significant cumulative landscape impacts would arise as a consequence.

Utilities

372. The potential cumulative impact of development upon the utilities network was considered as part of the evidence base of the 'SIR' and 'SALP' Local Plan documents. The Infrastructure Delivery Plan (DIDP) does not raise any issues with respect to the ability of the utilities infrastructure to absorb the level of growth proposed in the emerging plan. Accordingly, there are no concerns with respect to the potential cumulative impacts of the four planning applications proposing new residential development at Lakenheath given that all of these schemes are in the adopted Plan and were therefore included within the scope of the IPD assessment.

Air Quality

373. 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.
374. 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.
375. 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.

Health services

376. The NHS Trust Property Services did not initially raise concerns with respect to the planning applications submitted for major residential development at Lakenheath and had previously confirmed there was capacity in the existing local health infrastructure to absorb additional demand arising from the developments.
377. Upon review, the Trust is concerned that demands for local NHS services arising from the developments proposed in the village cannot be absorbed

by existing local health infrastructure. The Trust requested contributions towards mitigation of the impacts it identified. The Trust is content the contributions (from this and other developments) can be used to increase capacity at the existing village surgery. There is, therefore, presently nothing to suggest that impacts upon NHS services could not be adequately mitigated by investments funded from developer contributions.

Summary

378. On the basis of the above evaluation officers' are satisfied that the cumulative 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

379. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. These are set out at paragraphs 135-137 above. The Framework (and the National Planning Policy Guidance) also advises with respect to the approach to be taken in relation to development viability.
380. 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.
381. A formal Agreement under S106 of the 1990 Act has been signed by the relevant parties and is complete. Furthermore, it is understood a land agreement has been completed between the applicant and Suffolk county Council to secure the transfer of the land for the primary school on agreed terms.
382. The planning obligations 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.
383. The following developer contributions have been secured in the S106 Agreement.

Affordable Housing

384. The Framework states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require

affordable housing). Where a need for affordable housing is identified, the Framework advises that planning policies should specify the type of affordable housing required and expect it to be met on-site unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

385. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (which includes 'shared ownership' homes)
386. 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 (up to 112.5 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
387. As the planning application is in outline form, it is appropriate to secure the percentage of units for affordable housing as required by policy CS9 (30% of 'up to' 375 dwellings = 'up to' 112.5 affordable dwellings). It is also appropriate to secure an appropriate (and policy compliant) tenure mix at this time. An affordable housing scheme (which will include later details of the mix of affordable homes) would be secured separately by planning condition.
388. The affordable housing has been agreed with the Council and more than 10% of the affordable housing to be secured from the scheme will be 'affordable home ownership' as required by the new NPPF. The affordable housing secured from this development is considered CIL Regulation 122 compliant.

Education

389. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance 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 and should give great weight to the need to create expand or alter schools through decisions on applications.
390. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the

acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).

391. The Local Education Authority (Suffolk County Council) has confirmed there is insufficient capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested the provision of land and financial contributions (construction costs) from this development. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. These provisions have been secured in the completed S106 Agreement

Public Open Space

392. 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. Planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users (e.g. by adding links to existing rights of way networks).
393. 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.
394. Policy SA8 of the adopted Site Allocations Local Plan confirms that open space must be provided on sites allocated for housing development to address individual site requirements and location.
395. 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).
396. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based

approach to calculating developer contributions from development proposals. Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the need to mitigate recreational impacts to the nearby SPA and SSSI designations, it is important that at least policy compliant levels of public open space are secured on site from the development. The precise quantities of land of the various relevant open space categories set out in the SPD could be secured at Reserved Matters stage/s by planning condition. The developer is provided with an option in the S106 Agreement to transfer areas of public open space to the Council (with a commuted payment for maintenance). Otherwise the land would need to be managed and maintained by a management company formed by the developer.

397. The 4.7 hectares 'strategic public open space' provision proposed as part of the planning application (which is to be provided in addition to normal SPD public open space requirements) has also been secured. This is to be transferred to the Council with a commuted sum for future maintenance. An option to transfer this element of public open space to a management company is not provided. The applicant has also committed to fund wardening of the 4.7 hectares of land. This would ensure monitoring of use can be undertaken to ensure its objectives to act as a 'SANG' to the Breckland SPA and Maids Cross Hill SSSI are met. Planning conditions will require details of the timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance.

Transportation

398. The Highway Authority has requested contributions i) to be used towards delivery of a new and improved village-wide cycle and pedestrian scheme and ii) towards provision of new bus stops on Station Road. The cycle and pedestrian scheme comprises crossing provision in the form of pedestrian refuges, a new toucan crossing, new footways, conversion of footways to shared cycle/pedestrian facilities, new '20's plenty' signing, signing through the village for cycle routes, dropped kerbs and associated costs. A further contribution would be secured to provide 2 new bus stops and associated infrastructure in Station Road. These contributions, which officers consider meet the tests of CIL Regulation 122 are included in the completed S106 Agreement.

Libraries

399. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £81,600. The County Council has confirmed the monies would be used towards providing a new library facility co-located with the primary school. Officers consider the planning obligation, which is included in the completed S106 Agreement, complies with the requirements of Regulation 122 of the CIL Regulations.

Health

400. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, a health contribution of up to £123,420 (£329.12 per dwelling) has been requested to provide additional capacity at the local GP surgery. Again the contribution, which officers conclude meets the tests at CIL Regulation 122, is secured in the completed S106 Agreement.

Summary

401. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health services, transportation and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The planning obligations secured in the S106 Agreement are considered to meet the CIL Regulation 122 tests set out at paragraphs 135-137 above.

Conclusions and Planning Balance:

402. This report finds the application proposals are consistent with the dominant operative policies of the Development Plan for the area. This is principally owing to the allocation of the site for the proposed development in the recently adopted Site Allocations Development Plan document.

403. The report also finds the proposals consistent with the environmental requirements of the site allocation (criterion A to E and the final requirement of policy SA8). Furthermore, having examined the proposals against other material planning considerations, none have been identified that would on their own, or in combination, lead to contemplation of a refusal of planning permission.

404. Officers' analysis, as set out in this report, triggers the 'presumption in favour of sustainable development' set out at paragraph 11 of the NPPF which means "*approving development proposals that accord with an up-to-date development plan without delay*". Furthermore, the direction at Section 38(6) of the 2004 Planning Act that the proposed development "*must be made in accordance with the Development Plan unless material considerations indicate otherwise*" firmly points towards the granting of planning permission in this case.

405. 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, the views of the Lakenheath Parish Council and Members of the public whom have participated, your officers' recommend that planning permission is granted, following prior completion of a S106 Agreement to secure necessary developer contributions and subject to a number of controlling and safeguarding conditions.

Recommendation:

406. In light of the S106 Agreement (as discussed in the report) which has already been secured for these proposals, full and outline planning permission be **GRANTED** subject to conditions, including (in no particular order):

- Time limit for submission of reserved matters (3 years) and 2 years for commencement of development following final approval of the reserved matters.
- Details of the reserved matters to be submitted for approval via formal application (appearance, landscaping, layout and scale).
- Listing of the approved plans (access is included for consideration at outline stage)
- Materials (details to be submitted with the Reserved Matters)
- Submission of a design statement to accompany reserved matters submission/s.
- Sustainable construction and operation methods, (further details to be submitted with reserved matters and thereafter implemented)
- Water efficiency measures (requiring stricter optional standards of the Building Regulations)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Landscaping details (including precise details of new hard and soft landscaping, its implementation on site and its management and maintenance thereafter)
- Details of tree planting to replaces specimens required to be felled for site access.
- Woodland management scheme (for retained/new/replacement trees)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required, particularly to the existing tree belts (bats) and for reptiles)
- Construction management plan (to maintain environmental and amenity controls, including , contractors parking, provisions for loading and unloading, storage of plant and materials, wheel washing facilities, controls over dust emissions, construction and demolition waste recycling scheme, construction hours, construction lighting, surface water management during construction)
- As recommended by the Local Highway Authority, including precise details of the proposed access (including visibility splays), timing of surfacing of the access, details of bin storage, prevention of surface water discharging from the site onto the highway, precise details of estate roads and footpaths, timing of provision of estate roads and footpaths, timing of provision of the access visibility splays, travel plan details, deliveries management plan for HGV deliveries, details of areas for manoeuvring and parking of vehicles (including turning space), removal of permitted development rights within the access visibility splays and off site highway works (Eriswell Road junction).

- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure to plot and overall site boundaries (details to be submitted with relevant Reserved Matters submissions)
- Noise condition to ensure WHO standards are met within the dwellings (daytime and night standards).
- Noise condition to ensure internal standards are met within the school building (compliance with Design Bulletin 93 standards).
- Acoustic design statement detailing i) how the approach to the layout of the site has mitigated against noise and ii) how the lowest practicable noise levels in the external areas of the site (gardens, open spaces and school grounds) can be achieved.
- Provision and position of fire hydrants to be agreed.
- Waste minimisation and re-cycling strategy
- Details of the foul and a 'SUDS' surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology – Implementation of a programme of archaeological work in accordance with a written scheme of investigation (to be approved) and submission of a site investigation and post investigation assessment prior to first occupation.
- Reserved Matters submissions to generally accord with the concept/illustrative plans (land uses and SANG arrangements).
- Landscape and ecology management plan
- Open space to accord with SPD requirements and all open spaces to be submitted with the first submission of reserved matters. Details of management and maintenance of the public open spaces to be agreed. This excludes the 'SANG' provision which is addressed in the S106 Agreement.
- Provision of public access to the public open spaces in perpetuity.
- Details of internal pedestrian and cyclist links to be provided with Reserved Matters submissions (including permanent and any temporary pedestrian links to the SANG land and to the school).
- Details of secure cycle storage
- Further/updated arboricultural assessments to be provided with Reserved Matters submission/s.-
- Phasing plan to be submitted with first RM's submission to detail how the housing will be delivered and provision of public open spaces, footpath links and strategic landscaping to support the delivery of the housing.
- Affordable housing scheme (type, tenure and location on the site (clustering) of the affordable housing
- Visitor information boards to the SANG (details to be agreed and thereafter a scheme to be implemented)
- Landscape strategy which shall include full details of the layout and landscaping of the SANG land (including its internal and external boundaries footpath provision and access) and how the strategic landscaping and public open spaces will link to the Rabbit Hill Covert development to the south west.
- Ecology information pack for residents of the scheme.
- Electric vehicle charge points (1 per dwelling with on-plot parking space)
- Protection of nesting birds during any tree felling – felling to take place

- outside the bird nesting season unless overseen by an ecology expert.
- Lighting design strategy for ecology – to ensure bats using the tree corridors are not disturbed by street lighting.

Documents:

Attachments:

WORKING PAPER 1 – Habitats Regulations Assessment (Jaki Fisher – October 2019).

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

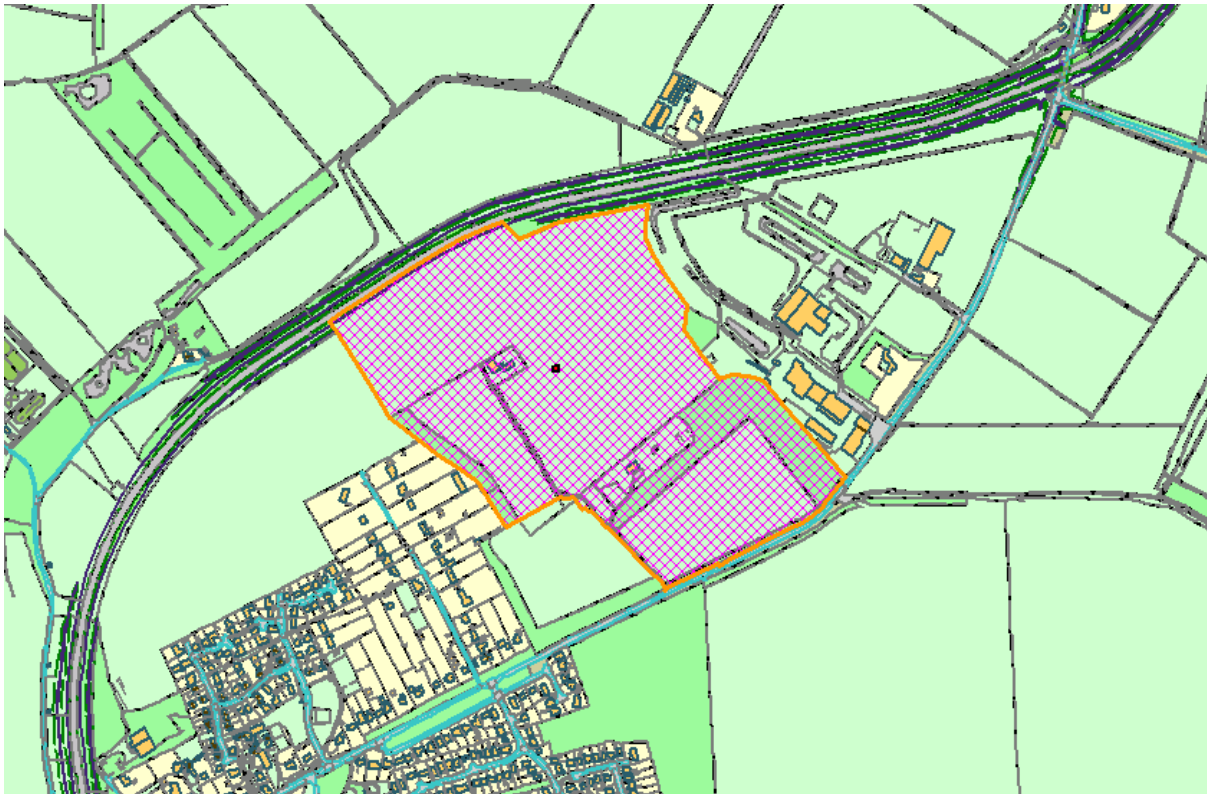
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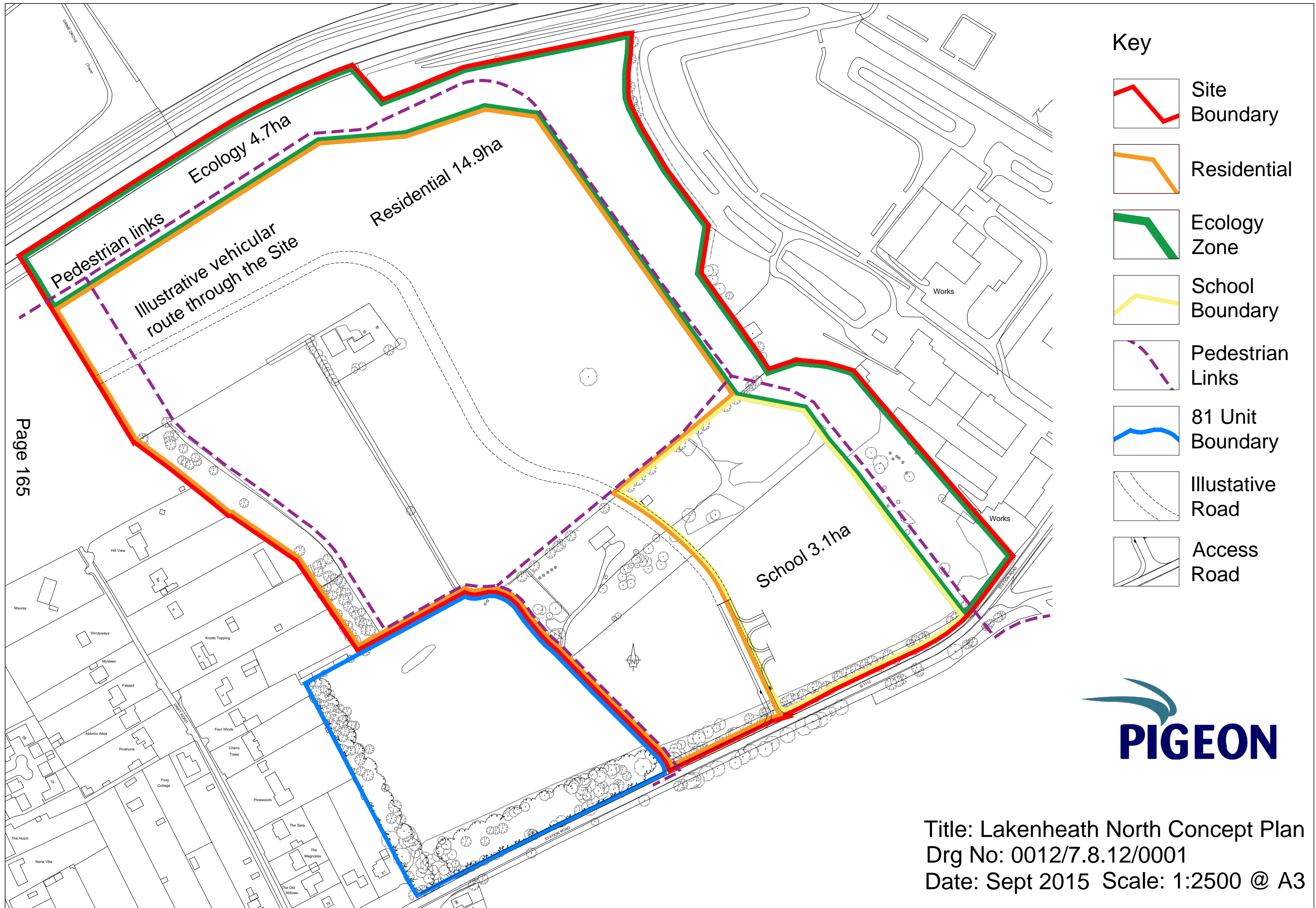


DC/14/2096/HYB


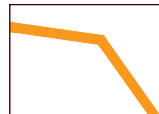


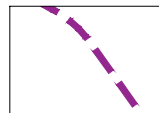
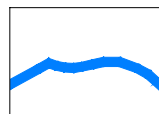
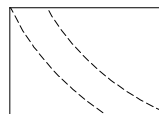
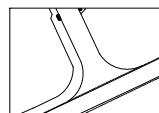
Land North Of Station Road, Station Road, Lakenheath



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Key

-  Site Boundary
-  Residential
-  Ecology Zone
-  School Boundary
-  Pedestrian Links
-  81 Unit Boundary
-  Illustative Road
-  Access Road



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Habitats Regulations Assessment (HRA) – Updated July 2018 and October 2019

DC/14/2096/HYB

Land North Of Station Road, Station Road, Lakenheath

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

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 July 2018 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/14/2096/HYB, 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. This note is a record of the local planning authorities updated Habitats Regulations Assessment

October 2019 update

- 5 The Council adopted the 'Forest Heath area of West Suffolk Council Single Issue Review (SIR)¹' and 'Site Allocations Local Plan (SALP)²' on 19 September 2019. The SALP incorporates a Main Modifications identified by the Inspectors during the Local Plan examination to ensure the plan is sound. The modifications include changes to the policy wording that secures mitigation measures to offset potential recreational pressures associated with new development adversely affecting one of the European sites (Breckland SPA). The amended policy wording, 'SA8 Focus of growth – North Lakenheath', which applies is as follows:

The following specific requirements should be met on all sites:

A) Any development must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Madsdross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.

The developer is required to submit information that clearly demonstrates that the above measures would result in no adverse effects on the integrity of Breckland SPA. This information will include:

- details of the timetable for implementation of all measures*
- availability of measures at the time of occupation of the new dwellings – including any phasing plan if applicable*
- details of adoption and future management of measures (as required)*
- a concept design for the SANGS.*

Planning permission will not be granted unless this information is sufficient to allow the local planning authority (as competent authority) to conclude that the requirements of the Habitats Regulations 2017 (or any replacement regulations) are satisfied.

- 6 The HRA has been updated to take into account the adoption of the local plan and the additional requirements of the new policy wording.

Consultation

¹ Forest Heath Area of West Suffolk Council Single Issue Review of policy CS7 (SIR), September 2019

² Forest Heath Area of West Suffolk Council Site Allocations Local Plan (SALP), September 2019

- 7 In undertaking the HRA the local planning authority has had regard to information submitted by the applicant³ and the advice of Natural England (Natural England representations of 11 January 2016 , 4 June 2015, 16 October 2015, 27 January 2015) and other correspondence^{4,5,6,7} received in matters concerning the European sites.
- 8 Previously Natural England had provided advice and was satisfied (in their letter recorded 11 January 2016 but dated 18 October 2015) 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 England⁸ 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.
- 9 Natural England were fully engaged with the local plan examination process⁹ commenting that “Natural England welcomes the updated assessment. We consider the assessment to be legally compliant with regards to our strategic environmental interests. As above, the recent EU rulings have, in our view, been taken into account in the way applications have been assessed and described in the report. As above, we particularly welcome the further clarity on the offsetting measures to address recreational impacts”.

European sites and location in relation to the development site

- 10 Breckland Forest Site of Special Scientific Interest (SSSI), a component part of Breckland Special Protection Area (SPA) is located 4.3km to the east. The closest farmland component of the SPA is 1.8km to the north-east (Breckland Farmland SSSI). Lakenheath Warren, the closest heathland component of the SPA and also a component of Breckland Special Area of Conservation (SAC) is 3.7km to the south-east. RAF Lakenheath SSSI, which is also a component part of Breckland SAC is 2.2km to the south.

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) - 3.6km to the east Breckland Farmland SSSI - 3.5km to the north-east, and 1.9km to the south-east Lakenheath Warren SSSI 2.1km
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)

³Lakenheath North Habitats Regulations Assessment – Applied Ecology November 2015; Land at Lakenheath North Extended Phase 1 Habitat Survey October 2014- Applied Ecology Ltd; Land at Lakenheath North Extended Phase 2 Habitat Survey September 2015 - Applied Ecology Ltd

⁴ RSPB letters of 16/12/14 and 20/01/16

⁵ SWT letter of 11/12/15

⁶ Landscape partnership letter of 22 January 2016

⁷ National Planning Casework Unit EIA screening letter and written statement 20 May 2016

⁸ Natural England email of 23.05.18

⁹ Appendix 3 of Habitats Regulations Assessment of the Forest Heath area Site Allocations Local Plan

<p>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;</p> <ul style="list-style-type: none"> <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

<p><i>Breckland Special Area of conservation (SAC)</i></p>
<p>The nearest component sites: RAF Lakenheath SSSI - 425m to the east Lakenheath Warren SSSI 2.1km</p>
<p>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</p>
<p>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;</p> <ul style="list-style-type: none"> <input type="checkbox"/> The extent and distribution of qualifying natural habitats and habitats of qualifying species <input type="checkbox"/> The structure and function (including typical species) of qualifying natural habitats <input type="checkbox"/> The structure and function of the habitats of qualifying species <input type="checkbox"/> The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely <input type="checkbox"/> The populations of qualifying species, and, <input type="checkbox"/> The distribution of qualifying species within the site.

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

11 The proposal is not directly connected with or necessary for the management of the European sites

Direct effects

12 The development is located outside of Breckland SPA and is outside of the 400m constraint zone for woodlark and nightjar and the 1500m stone curlew constraint zone. However the eastern and the southern edges of the site are

located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Core Strategy for the former Forest Heath area, policy CS2, requires that proposals for development within these areas require a project level HRA.

- 13 As part of the HRA process available stone curlew nesting records have been assessed in the determination of likely significant effects along with stone curlew survey of the development site and surrounding farmland. Natural England commissioned Footprint Ecology to produce a predictive model for estimating the impact of development on stone curlew numbers in different areas. The model was produced in 2016 and is in the form of a spreadsheet based on the most recent work (Clarke & Liley 2013) that predicts stone curlew numbers for a given area based on data on the distance to the nearest trunk road, area of current housing, amount of new housing and the amount of woodland. Areas of buildings or other data can be manipulated within the spreadsheet to generate predictions of changes in stone curlew use. Natural England used the model (in May 2016) to confirm that the proposed development would not result in likely significant effects.
- 14 The application was submitted prior to the publication, in July 2016 by the Council, of up-dated Special Protection Area constraints buffers. The buffer update was undertaken to ensure that up to date data (2011-2015 inclusive) are used to reflect the areas of the SPA used by Stone Curlews and the areas outside the SPA that are also important. In particular the frequent nesters buffer was re-visited. In advising on direct impacts of this planning application upon Breckland SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. Accordingly, the updated buffers (which have now caught up with the source nesting records) do not alter Natural England's advice nor the Councils HRA screening.
- 15 The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. A buffer has been drawn on the eastern side of the site, shown on the submitted planning concept plan as an ecology zone, where no built development would take place. In addition the woodland tree screen to the south of the site is proposed for retention. A proportion, but not all, of the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and/or the existing tree belt and this would not include built development. A part of the built development would still fall within the updated frequent nesters constraint zone (July 2016), however the detailed modelling of the development in relation to the known stone curlew records took this into account.
- 16 No direct likely significant effect on Breckland Special Protection Area have been identified.
- 17 The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI. This site is within the fenced airbase where there is no access for the public and hence no risk of impacts from fly tipping, trampling or other anti-social behaviour.

18 No direct likely significant effects on the Breckland Special Area of Conservation have been identified.

Indirect effects

19 The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The eastern and the southern edges of the site are located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. There is potential for effects from the large increase in residential development in terms of effects to the birds within the nest attempts area through the increase in the population using the existing public rights of way particularly as it is not always the case that dog walkers will stick to public rights of way and therefore further consideration is needed on whether measures may be needed to divert dog walkers away from the SPA, or from areas with high nest density/important supporting habitat. On this basis and taking a precautionary approach it is not possible to rule out the likelihood of significant effects and Appropriate Assessment is required.

20 The planning concept plan¹⁰ for the site shows an ecology buffer located to the north and east of the development site; the intention is for this land to be designed such that it provides suitable alternative natural green space (SANG) which would divert the public from travelling to use the SPA as their local green space at least some of the time. A total area of 4.7ha has been agreed and secured through the section 106 agreement. In October 2019 a concept design for the SANG was submitted which shows how the space would meet the requirements set out in the Council's Natural Greenspace Study.

21 The buffer would also support pedestrian access and link to other footpaths. There would be new opportunities for dog walking within the site as indicated on the concept plan and these would divert residents from using the existing PRoW. The new routes would include a path around the periphery of this site and the adjacent Rabbithill Covert which would be a distance of approximately 2km. This path would benefit from existing green infrastructure (for example existing tree belts and the Cut-Off channel) and views into the surrounding countryside. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC Open space, sport and recreation - Supplementary planning document (October 2011). The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity (including during construction so that all residents have continued access) and delivery program of all the public open space, including the SANG, to be delivered must form part of the remedial matters secured by condition.

¹⁰ Lakenheath North - Concept plan 0012/7.8.12/0001

- 22 The site is connected to the Public Rights of Way network in the south east corner of the site. This PRoW connects to Poshpoors Fen and the farmland beyond and to Maidscross Hill SSSI and LNR by Sandy Drove. The walk to Maidscross Hill is an obvious circular walk which would be attractive to dog walkers potentially returning via village roads. However this is a distance of approximately 5km which is somewhat longer than would normally be regarded as a daily walk and potentially less attractive where there are other alternatives. There is currently no footpath link between the site and the village centre as the existing footpath on Station Road terminates close to Drift Road; however village wide improvements to walking and cycling provision would be secured through legal agreement and would be available to the new residents.
- 23 The concept plan shows a pedestrian link into the agricultural land to the north west of the site however there is currently no PRoW in this area. West Suffolk Council is currently working with other authorities including Suffolk County Council to secure public access along the Cut-off Channel as part of the strategic mitigation for the settlement. The new connection to the north west of the site would enable access to additional walking routes along the Cut-Off channel and to the west of the village.
- 24 These measures reflect those set out in the Council's Natural Greenspace Study which was written to support the SALP (see section 33). This recommends an approach to the provision of additional natural greenspace in the settlements including in Lakenheath identifying some of the opportunities available to achieve this. The measures proposed as part of this development would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA.

In-combination and cumulative effects

- 25 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 and planning applications that have been consented but not yet implemented are:
- a) Rabbit Hill Covert, (81 dwellings)
 - b) Land West of Eriswell Road, Lakenheath(140 dwellings)
 - c) Land off Briscow Way(67 dwellings)
 - d) Land North of 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)
- 26 The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment¹¹ which for Lakenheath was 670 homes¹². 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

¹¹ Habitats Regulations Assessment: Forest Heath District Council Core Strategy DPD(March 2009)

¹² Forest Heath District Core Strategy (adopted 2010)

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 cumulative traffic movements.

- 27 Natural England's internal advice on in-combination effects¹³ states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.
- 28 The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by Stone Curlew; for the application site this has been assessed and measures identified, therefore in-combination effects need no further consideration.
- 29 Natural England has advised that it is necessary to consider cumulative recreational effects to the qualifying species of Breckland Special Protection Area (SPA) up to a distance of 7.5km. This is the distance within which it has been established that the majority of recreational effects can be captured. The distance is relevant to the woodland and heathland areas of the SPA rather than the farmland areas as visitors were likely to travel some distance to forest/heathland areas, but would only use farmland (for walking dogs etc.) near to home.
- 30 This site is located 4.3km from the closest forest component of Breckland SPA and has the potential to contribute to cumulative recreational effects. The main concern is that residents from all sites could drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation including those arising from other developments within 7.5km of the SPA and in particular to exercise their dogs in the absence of accessible local green space. On this basis likely significant effects cannot be ruled out and Appropriate Assessment is required.
- 31 In 2010 a visitor survey of Breckland SPA¹⁴ was commissioned by the former 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

¹³ NE letter of 4 June 2015

¹⁴ Fearnley, H., Liley, D. and Cruickshanks, K. (2010). Visitor survey from results Breckland SPA. Footprint Ecology.

occurring. It is not currently understood whether distribution is affected by recreation, for example.

- 32 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.
- 33 To support the SALP, the Council has undertaken a Natural Greenspace Study¹⁵ which, based on the existing accessible natural greenspace available in each settlement, recommends an approach to mitigation for each settlement identifying some of the opportunities available to achieve this. The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of Maidscross Hill SSSI and Local Nature Reserve (LNR). It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. For Lakenheath the measures identified were; additional provision of natural open space as part of any developments in particular provision of new natural green space to divert pressure away from the SPA, and existing Maidscross Hill SSSI and new access routes which could potentially focus on the Cut-Off Channel.
- 34 Natural England supports the provision of additional natural green space¹⁶ which is well connected to the existing PRow network in the settlement. The following mitigation measures set out below and as described in the above paragraphs 17-20 are included as part of the proposals or would be secured through condition or legal agreement:
- A buffer on the eastern side of the site as shown on the submitted planning concept plan as an ecology zone, where no built development would take place (provision to be secured through section 106 and the proposal is for the land to be transferred to the Council to maintain).
 - The ecology buffer, located to the north and east of the development site, must be designed to provide suitable alternative natural green space (SANG). A conceptual design for this space has been submitted which shows how the space could satisfy the requirements of the Councils Natural Greenspace study and how the elements of the NE SANG criteria can be accommodated. The buffer is shown to support pedestrian access and link to other footpaths to provide dog walking routes within the site

¹⁵ 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

¹⁶ NE correspondence 4 June 2015

including a walk around the periphery of the site as a whole (approximately 2km)(design and implementation to be conditioned. Maintenance contribution for the SANG to be secured through section 106 agreement)

- A proportion of the natural green space (SANG) must be available when the first dwellings are occupied (condition)
- In addition to the ecology buffer, the development must also deliver public open space as required by the FHDC open space SPD (condition)
- A walking route to the village centre secured as part of the village wide pedestrian and cycle infrastructure improvements (section 106 contribution to SCC Highways)
- An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill, through linkage to the north west of the site along the Cut-off Channel (delivered as part of the village wide strategic green infrastructure. This project will contribute by allowing the bridge (funded by one of the other proposals) to be provided and accessed).
- Monitoring of the ecology buffer as a suitable alternative natural greenspace (secured through section 106)

35 The Council adopted the SIR and SALP on 19 September 2019. Policies SA8 of the SALP allocate sites for housing development at Lakenheath including Land north of Station Road. The policy requires: measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to both Maidscross Hill and the Breckland SPA; strategic landscaping and open space; a substantial buffer next to the Cut Off Channel providing semi-natural habitat next to the water course; and retention of the area of grassland to the east of the site. The measures in the current proposal which will be secured through conditions or legal agreements are consistent with the requirements of the policy which was tested in the accompanying HRA.

36 A further review of the policy requirements, in particular the Modifications aimed at securing the proposed measures to avoid a damaging increase in visitors to Breckland SPA, has been undertaken as follows:

- The draft section 106 agreement secures access to the SANG land prior to occupation of the first dwelling. As this is a large development it would seem acceptable that the measures as a whole should be delivered at the same pace as the development and I note that the Highway improvements have a trigger (150 dwellings) in the section 106 agreement. Phasing of the remainder of the measures by condition will ensure delivery at the same pace as the housing.
- The public information boards and information packs for residents are to be secured by condition which will require a timetable for delivery.

- The S106 requires transfer of the SANG in its entirety to the Council prior to first occupation. This will give the council control to facilitate the construction of the bridge.
- The draft section 106 agreement secures the land required for the SANGS to the Council along with a commuted sum for maintenance/management in perpetuity. Management of the POS in perpetuity is also secured. Any footways or cycle routes would either be within the POS or within Highway maintenance.
- The section 106 secures a wardening contribution; the warden would be responsible for monitoring.
- A concept design for the SANG has been submitted to give certainty that the elements of the NE SANG criteria can be accommodated. This also indicates an approximate location for the recreational bridge.

37 The avoidance and reduction measures proposed will make a significant contribution to the availability of green space in the northern part of Lakenheath. In addition, because of the size and location of this green space adjacent to the Cut-Off Channel, and the potential for it to be well linked (by improvements to the footpath network) the measures will contribute to the overall strategy to reduce recreational pressure on the SPA. Monitoring associated with this development would be appropriate. Monitoring the success of the site as a suitable alternative natural greenspace would also help to inform future decision making in respect to strategic mitigation. 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.

38 The concern in relation to in-combination traffic impacts is that road improvements will be required to roads and junctions close to or adjacent to the Breckland SPA or SAC and these could have an effect. 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 studies¹⁷ undertaken on behalf of the local highway authority to assess the impact of the various proposals has been published (7 June 2016). This confirms that the level of proposed development being considered in Lakenheath could be delivered without any effects on the Wangford Road / A1065 Brandon Road signalised junction. With regard to the B1112 / A1065 priority cross-roads, the study indicates that 663 dwellings (the total within the submitted planning applications that are being supported by the council) could also be accommodated and would not trigger improvements to the junction, however development amounting to 1465 dwellings would result in a severe traffic impact on this junction and hence mitigation would be required. The identified mitigation would be advanced warning signage and significant in-combination effects are not likely.

¹⁷ Lakenheath Cumulative Traffic Study – Study Overview AECOM 7 June 2016

Conclusion

39 No likely significant direct effects on the Breckland SAC or SPA have been identified, and no significant effects are likely in relation to the implementation of road improvements required as a result of cumulative traffic in combination with other projects or plans.

40 The avoidance and reduction measures described in paragraph 34 above are sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of Breckland SPA, alone and in-combination with other projects and plans.

Development Control Committee 4 December 2019

Planning Application DC/19/1392/VAR – Land off Briscoe Way, Lakenheath

Date 22 July 2019 **Expiry Date:** 5th December 2019
Registered:

Case Gareth Durrant **Recommendation:** Approval
Officer:

Parish: Lakenheath **Ward:** Lakenheath

Proposal: Amendments to condition 20 (measures to mitigate noise impacts) of planning permission DC/13/0660/FUL for the 67no. Dwellings (including 20 affordable dwellings) together with public open space, as amended. The amendments proposed to condition 20 are full removal of sub-parts A (ii) and B.

Site: Land off Briscoe Way, Lakenheath

Applicant: Bennett Homes

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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Background:

This application is referred to the Development Control Committee as the recommendation to grant planning permission is contrary to the views of Lakenheath Parish Council.

The application is recommended for conditional APPROVAL.

Proposal:

1. The application proposes amendments to the wording of one condition attached to planning permission reference DC/13/0660/FUL. The application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) which sets out the powers for conditions to be modified after planning permission has been granted.
2. The 'parent' planning permission in this case granted full consent for the construction of 67 dwellings at the site and was the subject of a S106 Agreement and 25 planning conditions. The planning permission is dated 24th October 2018 and the development is yet to be commenced. Furthermore, no application has been received to approve details reserved under 'pre-commencement' conditions. The planning permission will expire in October 2021, unless lawfully commenced in advance.
3. This application proposes amendments to the wording of condition 20 of this planning permission. The condition was attached to the decision notice as follows:

A. No construction for any dwelling 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 35 Db (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 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.

B. Prior to first occupation, a suitable qualified noise specialist shall demonstrate compliance with the noise criteria detailed in condition

A) i)
(above) using the measurement and assessment methodology as advocated in condition A) ii) (above) 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 to occupation of the dwellings.

4. The reasons for the condition were stated as follows:

To protect the amenities of the internal spaces of the approved dwellings and flats from the potentially adverse effects of noise from passing military aircraft, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and the National Planning Policy Framework.

5. Planning permission is sought to vary the requirements of the imposed condition to remove subsection ii) of Part A of the condition and remove part B in full. This would leave the 'as amended' condition as follows:

No construction for any dwelling 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 35 Db (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.

6. All other conditions of the planning permission and the S106 Agreement completed under the 'parent' planning permission would remain unchanged, but would need to be repeated on any potential planning permission granted to vary condition 20.
7. At the point of its submission, the application also requested deletion of the elements of subsection i) of Part A that refer to night time noise levels. However, the applicant has since confirmed this particular element of the proposals has been withdrawn.
8. The applicant has provided a statement to explain and justify their requested amendments to condition 20. This is as follows:
- Bennett Homes' acoustic consultants (Adrian James Acoustics Limited) submitted a number of technical reports during the planning application process that led to the granting of planning permission DC/13/0660/FUL on 24 October 2018.
 - The Technical Report 10975/1 dated 11 March 2014 (included with this

application) included a number of recommendations in relation to the construction of the dwellings and these were updated in the Technical Memorandum dated 30 March 2017 (included with this application). The Adrian James' memorandum recommends the noise mitigation measures required to achieve a daytime noise level of 35dB and sets out the specification of such measures. These involve changes to the dwelling construction (including mitigation measures relating to external walls, roofs, glazing and ventilation) that can be incorporated with certainty and uniformity throughout the dwellings, and Bennett Homes is happy to comply with this.

- Paragraph 2.4 of the Adrian James Technical Memorandum of 30 April 2018 (included with this application) emphasises that the precise detailed design of sound insulation for every house is something that is suitable to be dealt with by way of planning condition. Adrian James Acoustics' assessments demonstrated that such planning conditions can be adhered to.
- Part A(i) of condition no. 20 requires details of the development to be submitted and approved in order to meet certain noise levels. It is through this process that the local planning authority can scrutinise such measures and satisfy themselves that the noise levels set out at condition no. 20 can be secured.
- The mechanism to agree a specification for noise reduction measures prior to the commencement of development and obligation to implement those measures is adequate to secure this mitigation and outcomes desired by the local planning authority. There is no evidence before the local planning authority which would support the view that this cannot be done successfully through robust design.
- In addition, Adrian James Acoustics' technical memorandum of 30 March 2017 noted that the noise contour levels published by the Ministry of Defence in the noise contour report (RAF Lakenheath: military aviation noise contour report (2017) exceed those that they had measured at the application site and published in their report 10975/1 and also exceed the levels reported in a previous MOD assessment for nearby locations. Nevertheless, the MOD report indicates that the approved site is in the quietest location bordering the village, adjacent to the 66dB noise contour, and in a lower band than another recently approved site in Lakenheath.
- Bennett Homes are concerned that pursuant to two of the three legal tests established in *Newbury DC v Secretary of State for the Environment* [1978] 1 W.L.R. 1241 the current wording of condition no. 20 is not imposed for a "planning" purpose and is unreasonable.
- For the reasons set out in detail above, Bennett Homes consider that part A(i) of condition no.20 is entirely adequate to secure satisfactory mitigation in respect of noise levels. In Bennett Homes' view this part of condition no. 20 serves a "planning" purpose. However, the additional requirement for post construction monitoring and reporting

does not serve a “planning” purpose as it does not serve to secure adequate mitigation is delivered over and above part A(i) of condition no.20. It has been demonstrated through technical reports that mitigation measures can be delivered and part A(i) of condition no.20 serves to ensure that satisfactory mitigation is delivered as part of the proposed development. The details that are submitted to discharge this condition will need to be approved by the local planning authority and that is the stage for the authority to satisfy themselves that they are adequate to secure the noise levels set out in condition no. 20.

- Bennett Homes also considers the imposition of requirements for post-construction monitoring and reporting are unreasonable. As set out above, part A(i) of condition no.20 is adequate to secure the mitigation that is required by the local planning authority and there is no sound reason for condition no. 20 imposing additional obligations on Bennett Homes.
- Bennett Homes considers that such requirements could cause substantial delays between the construction of dwellings and the securing of local planning authority approval pursuant to part B of condition no. 20 which creates the real risk of impacting the deliverability of the development. As with all residential housebuilders, Bennett Homes invest substantially in the construction of the dwellings on its sites and is not in a position to leave these products standing vacant for a number of weeks or even months awaiting the approval of the requirements of part B of condition no. 20 in writing from the local planning authority. We have doubts as to whether plot purchasers would agree to commit to exchange contracts conditionally on the approval of such matters or whether Bennett Homes would be prepared to contract unconditionally with plot purchasers and set a date for completion without this approval being secured from the local planning authority beforehand. Bennett Homes consider the imposition of such a delay post-construction of residential dwellings before they can be occupied to be wholly unreasonable.
- Paragraph 55 of the National Planning Policy Framework is clear that planning conditions should be kept to a minimum and only imposed where they are “necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”.
- In this regard we note Paragraph: 005 Reference ID: 21a-005-20140306 of the Planning Practice Guidance (PPG) states that conditions which place an unjustifiable and disproportionate financial burden on an application “will fail the test of reasonableness”.
- In addition, we draw the local planning authority’s attention to Paragraph: 006 Reference ID: 21a-006-20140306 of the PPG which sets out that “conditions that unnecessarily affect an applicant’s ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used”.

- The same paragraph sets out that “[a] condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity”. It is Bennett Homes’ position that requiring further details of the effectiveness of noise mitigation measures to be submitted following the earlier approval of mitigation measures by the local planning authority is akin to this and is simply not necessary.
- We also consider that condition no. 20 does not serve any practical purpose as drafted. Whilst part A(ii) and part B of condition no. 20 requires (in the view of Bennett Homes unnecessarily) post construction monitoring and reporting there is nothing in condition no. 20 that requires further work or mitigation measures to be imposed to secure the noise levels set out at condition no. 20 A(i). This requirement serves no useful purpose and for the reasons set out above is unnecessary, unreasonable and does not serve any “planning” purpose as a result. Bennett Homes’ technical consultants have already demonstrated the types of mitigation that are deliverable and Bennett Homes remains committed to complying with part A(i) of condition no.20 to deliver acceptable noise levels for occupiers of the dwellings that it wishes to construct on the site.

Application Supporting Material:

9. The following documents have been submitted to support this application:
 - Application form (including ownership certification)
 - Site location plan.
 - Cover letter explaining the nature of the request to amend the condition wording and the reasons behind it (paragraph 8 above).
 - Copies of the noise assessment material and other noise related advice submitted to the Council for consideration as part of the ‘parent’ planning permission DC/13/0660/FUL.

Planning History:

10. Full planning permission granted in October 2018 for construction of 67 dwellings. Application DC/13/0660/FUL refers. This is the ‘parent’ planning permission for this application under Section 73 of the Act. A copy of the planning permission (which sets out the conditions) is attached to the Committee papers as Working Paper 1.

Consultations:

11. The planning application was the subject of a single round of consultation which commenced at the end of July this year. The following is a summary of all responses received;
12. **Defence Infrastructure Organisation** – The DIO comment that the noise assessment carried out in 2014 was insufficient to assess the noise at the site given its very brief assessment period of 6 hours on a day in

February 2014. In this regard, they note that condition 20A(i) of the planning permission requires further assessment prior to construction rather than post construction.

13. It appears that a further assessment (Technical Memorandum M001A) of the most recent MANCs was carried out in 2017 and in the applicant's rebuttal to the parish council objections they state that this recommends increased acoustic glazing specification and mechanical ventilation for the development. However in the memo itself it details glazing sound reduction performance figures for acoustically treated glazing and passive ventilators and only suggests that mechanical ventilation may be suitable. There is also an assumption that as the site sits within the 66-72 dB LAeq16hr contour it has been taken as having a predicted level of 67 dB and the levels of mitigation for glazing and ventilation have been based upon this in order that the target noise level of 35 dB LAeq16hr for living rooms can be achieved. In the absence of any further prolonged noise monitoring, if the higher end of the 66-72 dB contour is used the sound reduction performance for the Pilkington Optiphon acoustically treated glazing proposed would still suffice but I would recommend that mechanical ventilation systems are incorporated into the dwellings to minimise disturbance. This should also reduce the level of disturbance from night flying when this takes place. Therefore it may be possible that the conditions could be amended as requested but I would suggest that the applicant would need to adhere to the above.
14. As such MOD have no particular concerns about the removal of part (B) or (A) (ii) of condition 20 related to the requirement for a noise verification report.
15. The DIO did also provide comments and express concerns about the initial proposals to remove the elements of condition 20(i) which referred to night time noise levels, but these comments are not reported given the applicant has withdrawn those specific proposals from the application.
16. **Suffolk County Council (Development Contributions Manager)** – referred to the planning obligation secured under the related planning permission DC/13/0660/FUL and advised the planning obligations must be re-secured under this S.73 application if the Council resolves to approve it.
17. **West Suffolk (Public Health and Housing)** Confirms the technical (noise) reports submitted adequately demonstrate that with the proposed acoustic mitigation construction methods installed, the day time internal target level of 35dBA, measured as a LAeq16 hr level with windows closed and other forms of ventilation provided, will be met. The service had no adverse comments to make regarding the request for removal of the post construction testing requirement as the reports provide adequate reassurance that under typical conditions the noise limits will be met.
18. The service did express concerns about the proposals to remove controls over night time noise levels from the condition, but those comments are not reported given the applicant has withdrawn those specific requests

which no longer form part of the application.

19. **Environment Agency, Natural England, Suffolk County Council (Growth, Highways and Infrastructure team and the Flood and Water Management Team), West Suffolk (Environment Team) and Lakenheath Internal Drainage Board** – wrote to confirm they did not wish to comment on the proposals.

Representations:

20. The planning application was the subject of a single round of consultation which commenced at the end of July this year. The following is a summary of all responses received;
21. **Lakenheath Parish Council** – “strongly objects” and provides the following relevant comments to support those objections:
 - If this condition is relaxed it will set a precedent for the future. This will then allow for other developments, including that of the potential school, to request the same withdrawal.
 - Lakenheath Parish council would remind you that the condition within the approval notice was imposed initially by the DIO for good reason. To comply with BS8233 to ensure full compliance with the NPPF and WHO guidelines. They were put there for a purpose - to safeguard future residents - especially children from sudden and adverse noise. It was originally written into the statement of common ground prepared for the Single Issue Review and signed off by both the DIO and FHDC. This is clearly reiterated in the DIO letter of 02.02.2018 to FHDC.
 - It is impossible to predict future USAF operations. Military operations by their nature are unpredictable and override everything in terms of defence. Therefore, the highest standards of Environmental Protection must be retained for the benefit of the community.
 - Lakenheath Parish Council continue to support the existing approval conditions that FHDC planning required.
 - Noise assessment work carried out on all of the major developments essentially agreed that internal noise levels can be controlled by providing the enhanced sound insulation in the buildings constructions, closing the doors and windows and providing attenuated alternative means of ventilation and cooling. The acceptability of these solutions should continue to be a pre-requisite for establishing the suitability of any proposal. Lakenheath Parish Council object to any attempt to put aside these important environmental protection planning conditions.
22. Concerns expressed by the Parish Council about initial proposals to remove the night time noise level requirements from the condition are not reported given that the applicant has withdrawn that particular aspect of the proposals from the application.

23. Two letters were received from **local residents objecting** to the proposed development. The issues and objections raised are summarised as follows (in no particular order);
- The developer should comply with the terms of the approval notice.
 - The Inspectors report received following the SALP examination reinforced the need to comply with BS8233 to ensure full compliance with the NPPF and WHO and the insistence of the DIO (ref Statement of Common Ground FHDC and DIO dated 18th August 2017).
 - This is cutting corners to save on costs.
 - If approved, it will set an undesirable precedent for the future, including the potential school.
 - The F35's will add extra noise.

Policy:

24. The Development Plan relevant to the old 'Forest Heath' part of the West Suffolk area comprises the policies set out in the Single Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). The following policy is applicable to the proposal:
- Policy DM2 (Development Principles and Local Distinctiveness) from the Joint Development Management Policies document
25. There are no policies in the Core Strategy (including the Single Issue Review) or Site Allocations Local Plan documents which are directly relevant to the outcome of the specific proposals included in this planning application. There are many policies in these documents (and further Development Management policies) which would be relevant to the context of the 'parent' planning permission and the various conditions and S106 obligations that need to be re-imposed if planning permission is granted. Accordingly, these policies are not included in the report, but will be listed as relevant policies on the final decision notice.

Other Planning Policy:

National Policy and Guidance

26. The Government has recently (February 2019) updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed in the 'officer comment' section of this report.
27. The Planning Practice Guidance (PPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process. Relevant advice from the Planning Practice Guidance is discussed in the 'officer comment'

section of this report.

Officer Comment:

28. The application proposals are highly specific insofar as they propose amendments to a single condition attached to an existing planning permission. The condition in question seeks to protect the occupiers of a new housing development against the potentially adverse effects of aircraft noise by securing defensive noise mitigation measures as part of the construction of the dwellings. Accordingly, the issues raised by the proposals centre upon matters of noise impacts to future occupiers of the approved housing development, particularly in the context of the proposed amendments to the wording of the condition. All other matters and issues were settled under the 'parent' planning permission DC/13/0660/FUL and cannot be revisited as part of this application.

National Planning Policy and advice.

29. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
30. With regard to planning conditions, the NPPF advises these should be kept to a minimum and only imposed where they meet the 'six tests'. These are that the condition must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
31. The Planning Practice Guidance includes a whole section on 'Noise'. Given the fact that the application seeks to vary a condition of an existing planning permission and the principle of the proposed development (including in relation to its noise context) is not at stake, the advice in relation to 'noise' is of limited relevance and not summarised here.
32. The Practice Guide also advises with respect to planning conditions. In the context of the current application proposals, the following extracts are relevant:
- The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable (paragraph ID 21a-001-20140306).
 - The 'six tests' set out in the NPPF need to be satisfied for each

condition which an authority intends to apply (paragraph ID 21a-003-20190723).

- Rigorous application of the 6 tests can reduce the need for conditions and it is good practice to keep the number of conditions to a minimum wherever possible (paragraph ID 21a-018-20190723).
- Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness (Paragraph ID: 21a-005-20190723).
- Conditions that unnecessarily affect an applicant's ability to bring a development into use, allow a development to be occupied or otherwise impact on the proper implementation of the planning permission should not be used (Paragraph ID: 21a-006-20140306).
- In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application (paragraph ID: 21a-031-20180615)
- The original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged (paragraph ID: 21a-040-20190723).

Local Planning Policy

33. 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.

Relevant standards and Guidelines for noise

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

34. 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.
35. 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 L_{max} 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.

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

36. The applicants 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.
37. 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.
38. The recommended levels are based on the guidelines issued by the 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.'*
39. 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 LAmax,F. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.

ProPG: Planning and Noise (New Residential Development)

40. 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, as well as other authoritative sources of guidance.
41. 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. In terms of the specific matters raised by this application the guideline values for internal dwelling noise levels proposed are the same as those provided in BS 8233:2014 and WHO guidance.

Discussion

42. The wording of the noise condition (the subject of this planning

application) was agreed with the Defence Infrastructure Organisation (DIO) prior to planning permission being granted for the 67 dwelling scheme. The imposition of the condition was sufficient to enable the DIO to remove its objections to the planning application and, in turn, for the Secretary of State not to call in the planning application for his own determination.

43. The condition as drafted is in two parts. Part Ai) sets out the noise standards which need to be adhered to inside the dwellings. These reflect the standards set out in WHO guidance. This part of the condition requires the developer to demonstrate how the standards will be met and these requirements would not change if the amendments to condition 20 are accepted. Parts Aii) and B of the condition require a methodology for post-construction testing to be agreed and then for the constructed dwellings to be tested for compliance with the standards set out in Part Ai). It is these particular requirements which the applicant is seeking to remove from the condition.
44. The applicant has submitted a reasonable and cogent justification for their requests to amend the wording of condition 20 and this is set out at paragraph 8 above. Having carefully considered the content of the applicant's case, officers are in full agreement with the reasoning. The condition as drafted introduces an unnecessary requirement to test the noise mitigation measures post construction. This is despite the mitigation measures having been fully justified in advance (i.e. under part Ai of Condition 20).
45. With the benefit of hindsight, the requirements of Parts Aii) and B of condition 20 are unnecessary and unreasonable and if the condition were to remain unchanged it is likely to cause unnecessary delay, cost and uncertainty to the development. Accordingly, it is considered the condition, as drafted (in part) would fail against the six tests for imposition of planning conditions. The application proposals would retain the requirement to incorporate adequate noise mitigation measures into the construction of the dwellings.
46. The application to amend the condition 20 of the 'parent' planning permission is therefore recommended for approval.

Planning Obligations

47. An approval of this application under Section 73 of the 1990 Act would constitute a grant of a fresh and 'stand-alone' planning permission. Accordingly the planning obligations secured from the 'parent' planning permission DC/13/0660/FUL need to be secured again. The simplest and most likely method to achieve this is to amend the existing S106 Agreement so that it is enforceable against either and both of the planning permissions. An amendment under S106A of the 1990 Act will be completed in advance of a planning permission being issued. The following planning obligations (summarised) were secured under the 'parent' planning permission (all cash contributions will be index linked):

- 30% affordable housing (20 dwellings on site and 0.5 dwelling cash equivalent for off-site provision).
- Primary education contribution (£262,388 for construction and £18,116 for land).
- Early years education contribution (£64,526 for construction and £4,344 for land).
- Libraries contribution (£14,472).
- Public Open space Commuted Sum (if the spaces are transferred to the Council for future management and maintenance - £36,090).
- Strategic Green Infrastructure contribution (£120,000).
- Strategic Highways Contribution (£21,176.24).

The Conservation of Habitats and Species Regulations 2017

48. The application site is in close proximity to European designated nature conservation site and, without specific mitigation measures, is likely to give rise to significant effects upon those designations.
49. Regulation 63 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.
50. An Appropriate Assessment was carried out in 2018 in relation to the 'parent' planning permission for the proposed development (reference DC/13/0660/FUL). The assessment concluded 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.
51. As the current proposals seek to amend the wording of one condition attached to the previous planning permission and the condition in itself has no implications for the designated European sites, it is considered appropriate to carry forward the outcome of the first Appropriate Assessment and apply it to this planning application. A copy of the Appropriate Assessment is attached to this report as Working Paper 2.

Recommendation:

52. Following completion of a S106 Agreement (or equivalent) to secure the planning obligations captured from the related planning permission DC/13/0660/FUL (as discussed in the report) planning permission be GRANTED.
53. The planning permission shall be subject to the same conditions as attached to planning permission DC/13/0660/FUL (as set out in the attached Working Paper 1) with the exception of condition 20 which shall be amended as set out below:
 - **Condition 20** - No construction for any dwelling shall commence until

details in respect of each of the following have been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 Db (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.

Documents:

Attachments

Working Paper 1 – Copy of planning permission DC/13/0660/FUL

Working Paper 2 – Copy of the Appropriate Assessment carried out for planning permission DC/13/0660/FUL

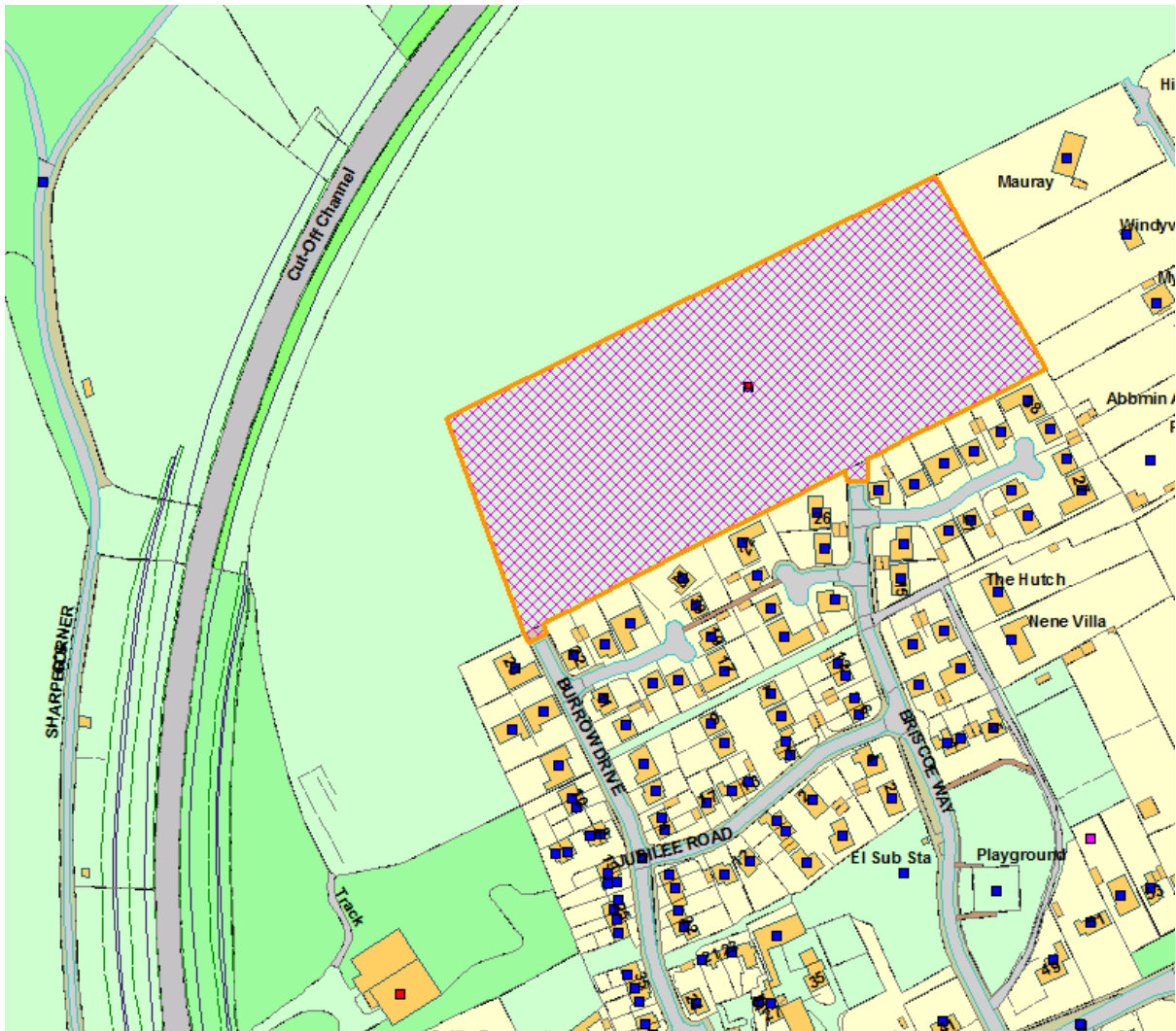
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

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

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DC/19/1392/VAR –
Land Off
Briscoe Way
Lakenheath



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Page 197

PROPOSED SITE

Mauray

Abbin Alloa

BURROW DRIVE

BRISCOE WAY

20

22

28

30

19

26

38

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
A	13.11.13	Scale amended	WMC	NM

Revisions

CF
Architects Engineers Quantity Surveyors

Planning

Chaplin Farrant Limited
51 Yarmouth Road
Norwich
NR7 0ET
Tel: 01603 700000
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Bennett Plc
CLIENT

Land off Briscoe Way Lakenheath
PROJECT

Site Location Plan
DRAWING

This drawing is copyright of the Architects and shall not be reproduced without their permission.

Check all dimensions and report any errors or omissions.

Do not scale from this drawing.

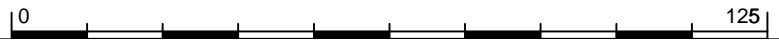
4342
PROJECT REF

051 **A**
DRAWING NO REVISION

Oct 13 **1:1250 @ A3**
DATE SCALE

WMC **NM**
DRAWN BY CHECKED BY

SITE LOCATION PLAN : LAND OFF BRISCOE WAY, LAKENHEATH



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Forest Heath District Council

Application No: DC/13/0660/FUL

AGENT

Wai Man Cheung
51 Yarmouth Road
Norwich
Norfolk
NR7 0ET

APPLICANT

Bennett Plc
Low Green Barn
Nowton
Bury St Edmunds
Suffolk
IP29 5ND

Date Registered: 14 November 2013

Date of Decision: 24 October 2018

Town And Country Planning Act 1990 (as Amended)

Town & Country Planning (Development Management Procedure) (England) Order 2015

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

Location: Land Off, Briscoe Way, Lakenheath, Suffolk,

Permission is hereby **GRANTED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:
 - 4342_051 Revision A - "Site Location Plan" (received 14 November 2013)
 - 4342_052 Revision U - "Proposed Site Plan" (received 31 July 2018)
 - 4342_053 Revision K - "Proposed Roof Plan" (received 12 January 2018)

- 4342_060 Revision B - "Haughley & Ixworth Proposed Plans and Elevations" (received 7 July 2016)
- 4342_61 Revision E - "Finchley & Henley Proposed Plans and Elevations" (received 1 February 2017)
- 4342_62 Revision D - "Walsingham & Oulton Proposed Plans and Elevations" (received 7 July 2016)
- 4342_063 Revision C - "Harpley & Glemsford Proposed Plans and Elevations" (received 7 July 2016)
- 4342_064 Revision B - "Boston & Lincoln Proposed Plans and Elevations" (received 7 July 2016)
- 4342_65 Revision D - "Sandringham & Ellingham Proposed Plans and Elevations" (received 7 July 2016)
- 4342_066 Revision A - "Garages & Conservatories Proposed Plans and Elevations" (received 18 November 2013)
- 4342_067 Revision B - "Affordable Housing Floor Plans" (received 24th April 2014)
- 4342_068 Revision B - "Affordable Housing Elevations" (received 24th April 2014)

Reason: To define the scope and extent of this permission.

- 3 The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plans and drawings.

Reason: To ensure that the external appearance of the development is satisfactory and for the avoidance of doubt as to what has been considered and approved.

- 4 Before the development is first occupied details of the areas to be provided for storage of Refuse/Recycling bins together with a timetable for the provision of the areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bin storage/collection areas and secure cycle storage areas shall be provided fully in accordance with the approved details and timetable.

Reason: To ensure the incorporation of appropriate waste storage and recycling arrangements for the dwellings and flats in the interests of visual and residential amenity, in accordance with the NPPF and policies DM2 and DM22 of the Joint Development Management Policies Document.

- 5 No works to construct access roads to development shall commence until details of the locations and proposed arrangements for future management and maintenance of the public open spaces and other 'public realm' spaces (excluding any land to be adopted by the Highway Authority as highway land and any land forming the curtilage of a dwelling or flat) within the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the public open spaces and other public realm

spaces shall be maintained in accordance with the approved plan and the approved management and maintenance details.

Reason: To ensure satisfactory development of the site and to ensure all public spaces are managed and maintained thereafter to a suitable and standard.

- 6 No works of construction above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: hard surfacing materials; means of enclosure; proposed finished levels or contours; minor artefacts and structures (e.g. street furniture, signs, lighting, childrens play equipment etc.). Soft landscaping shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To enhance the appearance of the development in accordance with the NPPF, policy CS5 of the Core Strategy and policies DM2, DM13 and DM22 of the Joint Development Management Policies document.

- 7 All hard and soft landscaping works shall be carried out in accordance with the approved details and thereafter retained. The works shall be carried out within the first planting season November/March following the commencement of work on site. If within a period of FIVE YEARS from the date of planting, any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the local planning authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with the NPPF, policy CS5 of the Core Strategy and policies DM2 and DM22 of the Joint Development Management Policies document.

- 8 Prior to commencement of development an arboricultural statement that shall include a scheme for the protection during construction of the trees/hedgerow on or immediately adjacent to the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees/hedgerows, including the type/s and positions of these. The protective measures contained with the scheme shall be implemented prior to the commencement

of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and minimise potential harm to protected species, in accordance with the policies of the National Framework, policies DM2, DM11, DM12, DM13 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, and policies CS2 and CS5 of the Core Strategy (2010). This information is required in advance of the commencement of development to ensure the development is carried out in accordance with the recommendations of the report from the outset of development, including construction.

- 9 Prior to commencement of development a written Ecological Protection and Enhancement Strategy shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall demonstrate either i) how all precautionary and enhancement methods for biodiversity at the application site as set out at chapters 5 and 6 of the 'Phase 1 Habitat Survey' (JB Consultancy Services Ltd - March 2013) will be implemented as part of the construction of the scheme or ii) suitable alternative recommendations. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.

Reasons: In order to protect and/or enhance biodiversity interests at the site from the potentially adverse impacts of development in accordance with policy CS2 of the Core Strategy (2010) and policies DM2, DM10, DM11 and DM12 of the Joint Development Management Policies Document (2015). This information is required in advance of the commencement of development to ensure the development is carried out in accordance with the recommendations of the report from the outset of development, including construction.

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i). the parking, and manoeuvring of vehicles of site operatives and visitors,

- ii). loading and unloading of plant and materials (including deliveries),
- iii). a deliveries management plan (to include routing of delivery vehicles and measures for resolving complaints),
- iv). storage of plant and materials used in constructing the development (including any site office/s),
- v). wheel washing facilities,
- vi). measures to control the emission of dust and dirt during construction,
- vii). a scheme for recycling/disposing of waste resulting from construction works,
- viii) hours of operation for construction activities, including operation of generators, traffic movements for deliveries and waste disposal,
- ix) lighting scheme, if any, for the construction site and any compounds,
- x) surface water management plan detailing how surface water and storm water will be managed on the site during construction.

Reason: To ensure the satisfactory development of the site, to protect the amenity of occupiers of dwellings adjacent to the site from noise and disturbance and to protect the amenity of users of the Public Right of Way in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015). These details are required prior to the commencement of development in order to ensure that appropriate measures are in place at the outset of the development.

- 11 No part of the development shall be commenced until details of the proposed vehicular access from Briscoe Way into the development site (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason (and reason for the 'pre-commencement' requirement): To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 12 Prior to the Development hereby permitted being first occupied, the vehicular access onto the carriageway shall be properly surfaced with a bound material

for a minimum distance of 15m metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 13 Before the vehicular access is first used details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway in the interests of highway safety, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 14 No development above slab level shall be commenced until, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, street lighting and means of surface water drainage), have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard and that satisfactory access is provided for the safety of residents and the public, in accordance with the NPPF and policy DM2 of the Joint Development Management Policies Document (2015).

- 15 Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multi-modal travel voucher.

Reason: In the interests of sustainable development as set out in the NPPF, Policy CS12 of the Forest Heath Core Strategy and policies DM2 and DM45 of the Joint Development Management Policies document (2015).

- 16 Before the development is first occupied details of the areas to be provided for secure cycle storage for each dwelling and flat shall be submitted to and

approved in writing by the Local Planning Authority. None of the flats and dwellings shall be occupied until the secure cycle storage for that flat or dwelling has been provided. Thereafter, those areas shall be retained and used for no other purposes.

Reason: To ensure the provision of adequate on-site space for the secure cycle storage in the interests of promoting sustainable travel, in accordance with the NPPF, policy CS12 of the Forest Heath Core Strategy (2010) and policies DM2 and DM45 of the Joint Development Management Policies document (2015).

- 17 No dwellings hereby permitted shall be occupied until the proposed junction improvements, which will include traffic signal control of the junction being introduced, at the B1112 junction with Eriswell Road at Spark's Farm, generally as shown on AECOM drawing reference: 60445024-002-SKE-0001 Rev D have all been completed in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of road safety, traffic capacity and accessibility to a key service centre, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), and in accordance with Policy DM14 of the Joint Development Management Policy.

- 19 No works of construction above slab level shall take place until a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected at the site has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment/screening shall be completed prior to the first occupation of the dwelling to which it relates or otherwise in accordance with a timetable that has previously been agreed in writing with the Local Planning Authority. Development shall be carried out in its entirety in accordance with

the approved details.

Reason: To ensure the satisfactory development of the site in a manner that is compatible with the locality in accordance with the NPPF, policy CS5 of the Core Strategy and policies DM2 and DM22 of the Joint Development Management Policies document.

20 A. No construction for any dwelling 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 35 Db (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 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.

B. Prior to first occupation, a suitable qualified noise specialist shall demonstrate compliance with the noise criteria detailed in condition A) i) (above) using the measurement and assessment methodology as advocated in condition A) ii) (above) 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 to occupation of the dwellings.

Reason: To protect the amenities of the internal spaces of the approved dwellings and flats from the potentially adverse effects of noise from passing military aircraft, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, and the National Planning Policy Framework.

21 Each dwelling or flat proposed with dedicated off street parking shall be provided with an opportunity to connect to an electric vehicle charge point prior to its first occupation. Details of the electric vehicle charge equipment other related infrastructure to be installed at the site shall have first been agreed in writing with the Local Planning Authority. All charge points or other charging infrastructure shall be provided within at least 2.0 metres of the associated designated parking space and shall be installed prior to the occupation of the dwelling or flat to which it relates.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the National Planning Policy Framework (NPPF) and Policy DM2 (k) of the Joint Development Management Policies Document.

- 22 No individual dwelling hereby approved shall be occupied until the optional requirement for wholesome water consumption (110 litres use per person per day) in Part G2 Regulation 36 of the Building Regulations 2016 has been complied with for that dwelling.

Reason: To ensure that reasonable provision is made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water in accordance with the Building Regulations (2016) and in accordance with Policy DM7 of the Joint Development Management Policies Document (2015).

- 23 No dwelling shall be occupied until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for fire fighting/community safety, in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document (2015).

- 24 No development shall be commenced until a timetable for the full implementation of the hereby approved strategy for the disposal of surface water (dated 1-2-17, ref: 1195/DRA/10 Rev B) and the Flood Risk Assessment (FRA) (dated 22-09-16, ref: 1195/NMT/FRA Addendum/09-16) has been submitted to and agreed in writing by the local planning authority. The drainage strategy shall thereafter be provided in accordance with the approved timetable and thereafter managed and maintained in accordance with the approved strategy.

Reason (and reason for the 'pre-commencement' requirement': To ensure that the principles of sustainable drainage are incorporated into this proposal at the appropriate time and that the proposed development can be adequately drained.

- 25 The dwellings and flats hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register

The Following policies are considered relevant to the current decision:

Core Strategy Policy CS1 - Spatial Strategy
Core Strategy Policy CS2 - Natural Environment
Core Strategy Policy CS3 - Landscape character and the historic environment
Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
Core Strategy Policy CS5 - Design quality and local distinctiveness
Core Strategy Policy CS6 - Sustainable economic and tourism development
Core Strategy Policy CS7 - Overall housing provision
Core Strategy Policy CS9 - Affordable Housing Provision
Core Strategy Policy CS10 - Sustainable rural communities
Core Strategy Policy CS13 - Infrastructure and developer contributions

Development Management Policy DM1 Presumption in Favour of Sustainable Development

Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness

Development Management Policy DM5 Development in the Countryside

Development Management Policy DM6 Flooding and Sustainable Drainage

Development Management Policy DM7 Sustainable Design and Construction

Development Management Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Development Management Policy DM11 Protected Species

Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Development Management Policy DM13 Landscape Features

Development Management Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Development Management Policy DM17 Conservation Areas

Development Management Policy DM20 Archaeology

Development Management Policy DM22 Residential Design

Development Management Policy DM27 Housing in the Countryside

Development Management Policy DM42 Open Space, Sport and Recreation Facilities

Development Management Policy DM44 Rights of Way

Development Management Policy DM45 Transport Assessments and Travel Plans

Development Management Policy DM46 Parking Standards

Forest Heath Local Plan 1995 - IPRL 14.1 Implementation

Informatives:

- 1 Any failure to adhere to approved plans or to comply with any conditions or limitation attached to this permission/consent may lead to enforcement action being taken. This permission may be invalidated if conditions requiring compliance before commencement are not complied with.
- 2 The project may be subject to the requirements of the Building regulations 2010. Advice and assistance can be obtained from our Building Control Team on 01284 757387 or building.control@westsuffolk.gov.uk. They will work with you offering competitive fee quotations and pre-application advice upon request.
- 3 This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or registration other than the Town and Country Planning Act 1990 or under any covenant.
- 4 The development hereby approved should be built in accordance with the approved plans as a further planning permission will be required where material alterations or revisions are proposed to an approved scheme. An application for non-material changes to the planning permission can be submitted in writing to the Local Planning Authority under Section 96A(4) of the Town and Country Planning Act 1990. A specific form will be required for that purpose and these are available via the Planning Portal or they can be downloaded from the council's website at www.westsuffolk.gov.uk. A fee of £34 for a householder application or £234 for all other applications will be required in order to register the application.
- 5 The applicant, 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.
- 6 Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- 7 The responsibility for the safe development and secure occupancy of the site rests with the developer. If contamination is found on the site that was not previously identified, the Council's Environmental Health Department should be contacted as a matter of urgency to discuss the situation.
- 8 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case amendments were secured to the material accompanying the planning application and further information was received with regard to the potential impacts of and to the development. Furthermore an agreement under S106

of the 1990 Planning Act has been completed which secures a package of mitigation measures such that the Local Planning Authority was able to grant planning permission.

- 9 This permission is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.
- 10 In accordance with the Regulation 11D of the Town and Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2008, a fee will be charged for each request for the discharge of a condition(s) attached to this planning permission. The fee will need to be submitted with each request.
- 11 Access to buildings for fire appliances and firefighters must meet with the requirements specified in the Building Regulations Approved Document B (Fire Safety), 2006 Edition incorporating 2010 and 2013 amendments. Volume 1 Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Section 16 and 17, in the case of buildings other than dwellinghouses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.
- 12 Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.
- 13 It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense. The County Council's West Area Manager must be contacted on Tel: 0345 606 6171. For further information go to: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/ A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
- 14 The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and

subsequent adoption of Estate Roads. The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing. A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

- 15 The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant/developer will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
- 16 To reduce fire hazards, as identified in the Housing Act 2004, Housing Health And Safety Rating System there should be adequate, appropriate and safe means of escape in case of fire from all parts of the dwelling. With 65% of all domestic fires occurring in the kitchen this room should not form part of the means of escape.
- 17 Suffolk County Council recommends that all development is equipped with high speed broadband (fibre optic). This facilitates home working which has associated benefits for the transport network and also contributes to social inclusion. Direct access from a new development to the nearest British Telecommunications exchange is likely to be required (not just tacking new provision on the end of the nearest line). This will bring the fibre optic closer to the home which will enable faster broadband speed.
- 18 Discussions should be held with the local highway authority at Suffolk County Council regarding adoption of soakaway crates underneath internal estate roads - if the estate roads are to be offered for adoption under s.38 application.
- 19 Anglian Water Services (AWS) has advised it has assets close to or crossing this site or there are assets subject to an adoption agreement. AWS advises the site layout should take this into account and accommodate those assets

within either prospectively adoptable highways or public open space. AWS go on to advise that if this is not practicable and under s185 of the Water Industry Act 1991, the sewers will need to be diverted at the developers cost or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

- 20 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

David Collinson

David Collinson
Assistant Director - Planning & Regulatory Services

Date: 24 October 2018

Forest Heath District Council

NOTES

- 1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications:	Section 78 Town and Country Planning Act 1990
Listed Building Applications:	Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990
Advertisement Applications:	Section 78 Town and Country Planning Act 1990 Regulation 15 Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused> The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain

an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

- 2 If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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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Development Control Committee 4 December 2019

Planning Application DC/19/1712/FUL – 28 - 34 Risbygate Street, Bury St Edmunds

Date Registered:	21.08.2019	Expiry Date:	06.12.2019 (EOT)
Case Officer:	Julie Barrow	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - Construction of (i) 50no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)		
Site:	28 - 34 Risbygate Street, Bury St Edmunds, , Suffolk		
Applicant:	Churchill Retirement Living		

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:

Julie Barrow

Email: julie.barrow@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

With an Officer recommendation of REFUSAL and support from the Parish Council, this application was presented to the West Suffolk Delegation Panel on the 5 November 2019.

Following this presentation, at the request of Ward Member Councillor Jo Rayner, this application has been referred to the Development Control Committee.

A site visit is scheduled for Monday 2 December 2019.

Proposal:

1. The application seeks consent for the construction of 50 retirement living apartments, comprising 34 one bedroom apartments and 16 two bedroom apartments, following the demolition of the existing building on the site. The proposals also includes a communal lounge and patio area, guest accommodation, access, parking and landscaping. The apartments will be constructed as one building with three and a half storeys where it faces Risbygate Street, reducing to three storeys towards the centre of the site before rising to four storeys at the southern end of the site.
2. Amended plans have been received during the course of the application following discussions between officers regarding the scale, form and design of the building. On submission of the amended plans the applicant advised that the design changes had resulted in the increase of the number of apartments from 49 to 50.

Application Supporting Material:

3. The application is accompanied by the following documentation:
 - Location Plan
 - Tree protection Plan
 - Elevation drawings and floor plans
 - Section drawing
 - Distance drawing
 - CGI plans
 - Affordable Housing Statement
 - Air Quality Assessments
 - Arboricultural Assessment & Method Statement
 - Archaeology Desk-Based Assessment
 - Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment
 - Flood Risk Assessment (as amended)
 - Heritage Statement
 - Ground Investigation Report
 - Noise Impact Assessment
 - Planning Statement
 - Statement of Community Involvement
 - Transport Assessment and Transport Technical Note
 - Design and Access Statement
 - Daylight and Sunlight Studies
 - Phase I Land Contamination Assessment
 - Bat Survey
 - Shadowing drawings

- Overheating Risk Assessment
- Sustainability Statement

Site Details:

4. The site is located centrally within Bury St Edmunds with the main retail centre to the east of the site. The site lies to the western end of Risbygate Street and borders Parkway to the west. To the north of the site are residential dwellings including grade 2 listed properties Nos. 81, 82 and 83 Risbygate Street. To the east of the existing access is the grade 2 listed Dementer House with grade 2 listed Nos. 23 -26 Risbygate Street beyond Dementer House. The site adjoins the rear gardens of the terraced residential properties in Nelson Road to the East and the Cattle Market car park lies to the south. The site adjoins the Bury St Edmunds Town Centre to the east with the Victoria Street Conservation area to the west beyond Parkway. Site levels rise from the lowest point adjacent to Risbygate Street to the highest point at the rear of the site by approximately 6m.
5. A late Twentieth Century former bank building currently occupies the site together with an area of hardstanding used for parking with mature trees and shrubs on the southern and western boundaries.

Planning History:

Reference	Proposal	Status	Decision Date
SE/13/0283/ADV	Advertisement Application - Provision of (i) 2 no. non-illuminated fascia signs (ii) 1 no. internally illuminated fascia sign and (iii) 2 no. internally illuminated hanging signs	Application Withdrawn	14.08.2013
DC/18/0562/FUL	Planning Application- 55no apartments with 1 no. ground floor retail unit and parking (following demolition of existing bank and offices)	Application Withdrawn	17.07.2018
SE/06/2870	Advertisement Application - Provision of 3 no. fascia signs on the front and each end of existing entrance canopy, and non illuminated hanging sign as amended by plans received 2 Jan 2007 removing illumination.	Application Withdrawn	03.01.2007
SE/02/2473/P	Planning Application - Provision of two automated teller machines on front elevation	Application Granted	09.08.2002

E/98/2830/A	Advertisement Application - Provision of (i) new halo illuminated name sign on front face of entrance canopy; (ii) non-illuminated lettering on each end of entrance canopy; and (iii) two internally illuminated projecting signs	Application Refused	17.11.1998
E/96/1490/P	Planning Application - Installation of satellite antenna	Application Granted	04.06.1996
E/95/1766/A	Advertisement Application - Provision of (i) Internally illuminated projecting sign; and (ii) internally illuminated shield fascia sign	Application Refused	26.07.1995
E/84/2748/A	Provision of illuminated letters to canopy and 2 hanging projecting signs as amended by letter dated 16th January 1985 and attached plans (see Schedule of Approved Plans)	Application Granted	05.03.1985
E/84/2747/P	Alterations to existing building to provide banking office facilities including provision of canopy as amended by letter dated 16th January 1985 and attached plans (see Schedule of Approved Plans)	Application Granted	05.03.1985
E/83/2642/P	Change of use from retail to bank XOT agreed 28/9/83	Application Granted	11.10.1983
E/80/2856/A	INFORMATION AND LOGOS AND CAR PARK DIRECTION SIGN	Application Granted	13.11.1980
E/79/2617/P	ERECTION OF RETAIL UNIT TOGETHER WITH LANDSCAPING SERVICE YARD AND CAR PARKING	Application Granted	23.10.1979
E/78/1512/P	ERECTION OF SHOWROOM UNIT WITH LANDSCAPING SERVICE YARD AND PARKING	Application Granted	08.11.1978
E/77/3500/P	ERECTION OF 3 SHOWROOM UNITS	Application Withdrawn	07.03.1978

(CLASS 1) WITH
LANDSCAPE AND SERVICE
YARD

Consultations:

6. Historic England – The proposal does raise concerns in terms of effect on the historic significance of the conservation area because of the scale and massing, however, there is no objection on heritage grounds. Recommend conditions requiring that a high quality of materials and detailing are achieved.

On receipt of the amended plans Historic England confirmed that there is no objection to the granting of consent.

7. Bury St Edmunds Society – Support application in sustainable location. Design demonstrates local context and improved approach to Conservation Area. Caters for the older home ownership market. A thorough evaluation of air pollution and noise should be undertaken.

On receipt of the amended plans confirmation received that The Society remains generally supportive but suggests that the omission of high-level flats 42 and 43 would minimise impacts on residents of Nelson Road.

8. Anglian Water – Surface water strategy is unacceptable. Where a brownfield site is being demolished it should be treated as if it was greenfield. Recommend a condition requiring details of a surface water management strategy to be secured by condition.
9. SCC Highways – Holding objection pending receipt of further information in respect of parking and cycle and mobility scooter storage/parking and provision of a travel plan. Some improvements to the local pedestrian and cycle network may be necessary to support sustainable modes of transport.

Following a review of additional information supplied by the applicant SCC Highways has confirmed that it maintains its holding objection. The objection may be removed if the applicant meets the costs of installing a pedestrian crossing on Risbygate Street.

Following confirmation from the applicant that it agrees to construct a crossing on Risbygate Street SCC Highways removed its objection.

10. SCC Archaeology – The site lies in an area where there is potential for medieval and post-medieval archaeological remains. No objection to development proceeding subject a programme of archaeological work being secured by condition.
11. SCC Growth – Capital contribution towards the development of library services of £784.
12. Suffolk Fire & Rescue – Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations. Recommends that fire hydrants be signalled and that consideration be given to the provision of an automatic fire sprinkler system.

13. NHS CCG – Likely to have an impact on primary healthcare provision. Financial contribution of £28,300 required to mitigate the impacts of the proposal.

Following receipt of evidence from the applicant to support likely occupancy rates the contribution has been revised accordingly.

14. Conservation Officer – Site lies within the setting of two Conservation Areas and the views between them and is a prominent corner leading into Risbygate Street. The existing building is of architectural or historic interest. Elevations broken down into scales appropriate to the area and disparity in scales between Parkway and Risbygate Street addressed by introducing a building that turns the corner. Traditional elevational treatments have been used and these should be executed with authenticity. With the use of good quality materials and correct detailing, the proposal could make a positive contribution to the setting of the two conservation areas, enhancing the views between them, without adversely affecting the setting of any listed buildings. No objection subject to conditions relating to materials and detailing.

15. Public Health & Housing – Application considered from a noise impact perspective. A detailed overheating study is required. A whole dwelling mechanical ventilation system should be considered along with higher specified glazing. The noise report states that external amenity noise criteria will not be achieved in some areas of the development. Planning condition required for a construction management plan.

The Public Health & Housing and Environment Teams are reviewing the submitted Overheating Risk Assessment and an update will be provided on the results of the review prior to or at the committee meeting.

16. Environment Team – Require a Phase 1 Land Contamination assessment to be submitted and sight of the supplementary air quality assessment being prepared. Recommend that 25% of spaces are equipped with electric vehicle charging points.

On receipt of a land contamination assessment it has been confirmed that the carrying out of the recommended intrusive investigations can be secured by condition.

Following receipt of an Air Quality Assessment the Team has advised that there is a possibility of residents being exposed to levels of nitrogen dioxide above air quality objectives. Recommend that 'real world' monitoring is undertaken or mechanical ventilation could be fitted. The applicant has confirmed that it will carry out the 'real world' monitoring requested.

17. Energy Advisor – Application supported by a sustainability statement. Welcome the use of a ground source heat pump. Concern in relation to sites proximity to a busy junction often used late at night. Application is also supported by an Overheating Risk Assessment. Experience of other developments in and around the town centre is that external windows, especially adjacent to a busy road, are not openable due to noise issues.

Concerned that given the increasing likelihood of hotter, drier summers, the overheating risk analysis is based upon openable windows plus mechanical

ventilation. Further information is required on the acoustic issues for the site and the investigations carried out and further modelling on overheating taking into account future climate change. A condition is recommended requiring details to be submitted to demonstrate how the development will meet the energy standards set out within Building Regulations.

18. Landscape & Ecology Officer – Highlights erosion of vegetation to west and south of site that contributes to amenity of area. Loss of vegetation and bat foraging opportunities are not properly mitigated.

19. Tree Officer – Trees on western and southern boundaries contribute to locality. Risk to trees to be retained is low if protection measures are implemented. Loss of a number of trees can be mitigated through new planting. Two Sycamore trees on southern boundary are prominent landscape features which possess a notable amenity value. The necessity to remove these trees is unclear and it is recommended that these are retained.

Following receipt of confirmation that one of the Sycamore trees can be retained the Tree Officer is satisfied that that there would be no significant adverse effect on visual amenity in the long term

Representations:

20. Site notice posted, advertisement placed in the East Anglian Daily Times and 28 nearby addresses notified. Two responses received to the original plans submitted, with the response received from the occupier of 16 Nelson Road signed by 29 local residents. The responses received are summarised as follows:

17 Nelson Road -

- Four or more storeys will invade privacy and reduce quality of life

16 Nelson Road and residents –

- Welcome redevelopment of Lloyds building and agree that commercial use no longer required
- Concerns about scale and height along Parkway. Comparisons with the multi storey car park are not appropriate
- Flats 42, 43 and 44 will look directly in to residents' homes and gardens on Nelson Road
- Loss of amenity and privacy to Nelson Road residents
- Overdevelopment of site causing overlooking, overshadowing, loss of amenity and some loss of light
- Concerned that construction may damage nearby homes
- Insufficient parking
- References to well served bus routes are misleading. Car travel is the only practical alternative for many shopping trips and out-of-town journeys
- Concerned that development will have a detrimental effect on existing internet connection
- Would like to comment on hours of construction. Previous development in the area has caused dust, air pollution and noise for local residents

- Development rising to four storeys would have a dominating impact on Nelson Road residents and right to private enjoyment of property

Comments received on the amended plans:

16 Nelson Road and residents -

- Revised design has resulted in one less flat along Parkway and the addition of an extra two large flats on Risbygate Street making a total of 50 plus a family flat making 51
- Instead of the development have a 'small element' it has half the proposed flats rising with Parkway and the upper two storeys of flat overlooking Nelson Road
- Due to the raised level of Nelson Road homes above the car park the top flats in particular will have views into residents' gardens and living areas
- If the fourth floor and equivalent height in three storey flats were removed this would result in a loss of only 7 flats and make the development far more acceptable to the residents of Nelson Road. Alternatively if the developer were to lower the land at the car park level and drop the building down along the higher element of Parkway this would again reduce the development to an acceptable height.
- Proposed building is only 2.5m lower than the withdrawn application and is now higher on Risbygate Street than the withdrawn application.
- Increased height can hardly be described as an enhancement to the character of Risbygate Street and an 'urban anchor'
- The removal of the return at the southern end may enhance the view through the site but it does not significantly reduce the impact on Nelson Road, especially for No. 12, where living rooms windows have been added that will overlook
- Cannot see where the four storey element has been significantly reduced. Reference to 'one small section' is misleading
- Cannot see where there is a reduce height to improve privacy
- No assurances received regarding structural compensation in the works will damage properties in Nelson Road
- A reduction in 7 flats would result in an increased parking ratio
- Widespread illegal parking, lack of choice over long/short stay options, insufficient parking provision, cost of parking and road layout are all identified on the Town Masterplan as being a problem
- Continued references to sustainability of transport systems is incorrect. The Masterplan proposal to remove the bus station will mean a longer distance to walk to the bus stops and increased traffic on Risbygate and Parkway, making the proposed pedestrian crossing essential
- Trains are limited and none of the transport options proposed would remove the need for a vehicle to visit local attractions, e.g. National Trust Houses

21. Bury St Edmunds Town Council – Object on the grounds of overlooking, parking, scale of building and poor design of windows. There should be more charging points, sprinklers and provision for affordable housing in the town centre.

Following receipt of amended plans the Town Council confirmed that it maintains its objection on the grounds of poor design and height.

22. Ward Councillor, Councillor Jo Rayner – Request that the application be referred to the Development Control Committee. The Town Council objected on many points and the main concern for residents is the height of the development, which will result in a loss of privacy in their gardens. Residents ask that the development is reduced by removing the top floor.

Number of parking spaces proposed will add pressure to an already challenged area. The development of the Havebury flats is already causing parking difficulties as these flats have no parking provision and the cumulative impact of development should be considered.

Policy:

23. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

24. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Bury St Edmunds Vision 2031

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV25 - Conserving the Setting and Views from the Historic Core
- Policy BV27 Bury St Edmunds Town Centre Masterplan

Joint Development Management Policies Document

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features

- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM23 Special Housing Needs
- Policy DM35 Proposals for main town centre uses
- Policy DM37 Public Realm Improvements
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Other Planning Policy:

25. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Cultural heritage
- Residential amenity
- Access and car parking
- Drainage and flood risk
- Landscaping and ecology
- Other planning matters

Principle of development

26. The site is located within the established settlement boundary for Bury St Edmunds and as such the principle of development is acceptable subject to all other material planning considerations being satisfied.

27. The most recent use of the site is as a bank and associated offices (call centre). For the purposes of the Use Classes Order this includes a mixture of Class A2 financial and professional services and Class B1 offices. The proposed use is wholly residential and, unlike previous proposals (submitted by a different applicant) the scheme does not include any element of commercial space. Although not a Primary Shopping Frontage, the site does fall within the Primary Shopping Area and Policy DM35 applies. Policy DM35 recognises that the use of upper floors of buildings within such areas can be

used for accommodation but the focus of the Policy is protecting the vitality and viability of town centres.

28. It is accepted that the location of the site is such that the main footfall is on the opposite side of Risbygate Street due to the light controlled pedestrian crossing on Parkway, such that retail use may not be viable.
29. Policy DM30 seeks to protect existing employment land and sets out the circumstances in which a non-employment use may be acceptable. The policy sets out a number of circumstances in which a non-employment use may be considered acceptable. These include where there is sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements and where an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.
30. The applicant has undertaken a review of employment sites on offer within the town and has presented a list of over 32 different employment sites offering a range of sizes and locations available for use within the town. In addition, the growing Suffolk Business Park has a number of units available. The St Edmundsbury Employment Land Review (May 2017) concludes that there is sufficient supply of B class floorspace to meet demands and that whilst the best performing employment sites should be retained, beyond these a selective approach could be undertaken to 'condensing' other office and industrial sites drawing upon market feedback.
31. The Bury St Edmunds Town Centre Masterplan is an adopted Supplementary Planning Document. For the purposes of the Masterplan, the site lies within both Area 3 (St Andrews Quarter) and Area 6 (Parkway). However, for the purposes of the Masterplan the site is specifically mentioned in the context of the Risbygate Junction in Area 6. A key aspiration of the Masterplan is to redefine the character of Risbygate as a key historic gateway and to introduce mixed use development to the frontage of Risbygate, Parkway and the corner of the junction. Taken in isolation the proposed scheme conflicts with this aspiration, however the masterplan areas are much wider than this site and it is considered that the redevelopment of this site in the manner proposed does not rule out mixed use development elsewhere.
32. It is noted that the proposal involves the provision of older persons' accommodation and the need for such accommodation will be a factor in the determination of this application. Policy DM23 supports the provision of new accommodation for elderly and/or vulnerable people on sites deemed appropriate for residential development. Such proposals are required to meet the following criteria:
 - The proposed development should be designed to meet the specific needs of residents including requirements for disabled persons where appropriate;
 - Inclusion of appropriate amenity space for residents of an acceptable quantity and quality;
 - The location of the development should be well served by public transport, community and retail facilities; and
 - The proposed development does not create an over concentration of similar accommodation in any one street area.

33. The applicant is an experienced provider of older persons' accommodation and the development is designed as such with areas of internal and external amenity space. As is discussed in detail below the site is considered to be located in a highly sustainable location and whilst it is acknowledged that there is a similar type of development to the north-west of the site at Lacy Court, the addition of older persons' accommodation on this site is not considered to result in an over concentration of similar accommodation in any one street area.
34. It is considered that the applicant has addressed the requirements of Policies DM35 and DM30 in relation to town centre uses and the loss of an employment site. Whilst there is some conflict with the adopted Bury St Edmunds Masterplan, its status as planning guidance means any conflict attracts limited weight against the proposal. The proposed development meets the requirements of Policy DM23 in relation to special housing needs and it is considered that the principle of development is acceptable subject to all other material planning considerations being satisfied, which are discussed further below.

Cultural and built heritage

35. 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.
36. 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.
37. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting the setting of a listed building. Applicants are required to demonstrate a clear understanding of the significance of the building and/or its setting, alongside the potential impact of the proposal on that significance.
38. Policy DM17 sets out the criteria attached to development within, adjacent to or visible from a conservation area. Such development should preserve or enhance the character or appearance of the conservation area or its setting, and views into, through, and out of the area. Proposals should be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting. In addition proposals should demonstrate a clear understanding of the significance of the conservation area and/or its setting, and assess the potential impact of the proposal on that significance.
39. Policy BV25 states that the council will seek to preserve or enhance the townscape and landscape setting of the Bury St Edmunds Town Centre Conservation Area.

40. Policy DM2 seeks to ensure that development proposals recognise and address the key features, characteristics, townscape character, local distinctiveness and special qualities of an area. Proposals should not adversely affect the distinctive historic character and architectural value of the area. The Policy also requires proposals to produce designs that respect the character, scale, density and massing of the locality. Policy DM22 seeks to ensure that similar design principles are incorporated into residential schemes.
41. The site's eastern boundary adjoins the Bury St Edmunds Town Centre Conservation Area and views of the site are afforded from the Victoria Street Conservation Area that lies to the west of the site, beyond Parkway. The site lies within the setting of the two conservation areas and the views between them. A number of grade II listed buildings are located in close proximity to the site, with the proposed development due to share a streetscape with these buildings.
42. The applicant has submitted a Heritage Statement with the application that assesses the character of the Conservation Areas and the effect of the development on these designated heritage assets.
43. The Heritage Statement states that the setting of the Town Centre Conservation Area by Risbygate Street is characterised by the roundabout on the modern bypass (Parkway) and surrounding modern coarse grain development. The proposed development would be of a large mass set within its own plot. This mass would not be perceived from within the public realm of the Conservation Area as the largest part of the building faces onto Parkway, which itself is characterised by modern development of a large mass. However the design of the building has incorporated elements that allows it to fit into the character and appearance of the streetscape when viewed from Risbygate Street. This is achieved through its scale, mix of materials and the appearance of individual buildings which respect the refined elevations that characterise Risbygate Street.
44. The Heritage Statement goes on to state that the proposed building will enhance the current views between the two Conservation Areas and removes a building which currently stands out in contrast due to its design and materials. The assessment goes on to state that the proposal will better reveal the historic fabric of the Grade II Listed Demeter House to the east of the application site and will not detract from the historic and architectural interests of the listed buildings situated on Risbygate Street.
45. The assessment reaches a conclusion that the scheme will enhance the contribution the application site currently makes to the setting of the identified listed buildings and the Conservation Areas. Further, it considers that no designated heritage assets or their settings will receive harm to their heritage significance as a result of the proposal.
46. Historic England describes Risbygate Street as comprising buildings mainly of commercial use and two to three storeys in height with dormers being prevalent. There is a mixture of historic and modern buildings along the street with varied building styles and features which adds interest to the character of the area. It is acknowledged that the site presently contains a modern building of little architectural or historic interest.

47. Historic England makes comparisons between the current scheme and a previous scheme submitted in 2018 and notes that as this proposal is for a large single block of building issues of massing arise. The approach taken in his case to break up the mass of the building by lending something of the appearance of a series of town houses and terraces to the main elevations. The more traditional architectural treatment employed makes the new building more sympathetic to the historic context especially on the corner of Risbygate.
48. Despite the treatment of the principal elevation it remains the case that the building would read as a single block as the floor levels align across the whole elevation and the fenestration pattern is highly regimented. This is as a result of the internal layout and the way the apartments are linked. Historic England takes the view that due to the rising ground at the Cattle Market end of the site the building would appear as a very sizeable block in views from the Parkway roundabout. However, it considers that good quality materials and treatment in the detailing could improve the resulting building.
49. Historic England advised that as originally submitted, the proposal raises concerns in terms of effect on the historic significance of the conservation area due to the scale and massing of the building. However it raises no objection to the application in principle.
50. Following receipt of Historic England's comments and subsequent discussions between the applicant and officers amended plans were submitted to address the issues of bulk and mass that had been raised. The revised design goes some way to addressing the bulk and mass of the Parkway elevation. The extent of the fourth storey has been reduced and there is now one element remaining in order for the lift core to reach the top floor. The return at the end of the building has been removed and the south-west corner has been filled in, straightening the elevation and making its more simplistic and less dominant. Chimneys have been added and the roof form streamlined.
51. Officers considered that the Risbygate Street element of the building could be strengthened to provide a key focal point on this important gateway site that lies in between the two conservation areas. The height of the corner element has therefore been raised to redefine and enhance the character of Risbygate Street and the applicant refers to the changes as creating an 'urban anchor'.
52. Historic England has confirmed that it has no objection to the granting of consent based upon the amended plans.
53. The Conservation Officer acknowledges that the site is large and agrees with the approach taken to avoid a monolithic structure by breaking the elevations down into scales more appropriate to the area. The stepped rooflines also help assimilate the building into its surroundings. The Conservation Officer further comments that the disparity in scales between Parkway and Risbygate Street has been overcome by reducing the heights towards Risbygate Street and introducing a building that turns the corner with a curved elevation, which is a very traditional detail.

54. In order to be fully successful, it is important that the traditional elevational treatments proposed are executed with authenticity to reflect the character and appearance of the two conservation areas. Large-scale details are therefore required by condition, including window details, render colour and the positioning of chimneys. With the use of good quality materials and the correct detailing the Conservation Officer believes that the proposed development could make a positive contribution to the setting of the two conservation areas, enhancing the views between them. It will also provide an attractive gateway building into Risbygate Street and reflect its traditional architecture without adversely affecting the setting of any listed buildings.
55. As stated above, Historic England suggests that the proposal raises concerns in terms of effect on the historic significance of the Conservation Areas because of the scale and massing of the building. It is considered that any adverse effects would result in very minor harm to the Conservation Areas. Any harm would be partially offset by the quality of the proposed replacement building and localised in extent and therefore 'less than substantial' within the meaning of the National Planning Policy Framework (NPPF). Paragraph 196 of the NPPF requires such harm to be weighed against the public benefits of the proposal.
56. The proposal would provide fifty homes for older persons in a location very close to the town centre. This represents a significant contribution towards specialist housing of this type in a highly sustainable location as such would be considered a public benefit. The proposed building would be built to better environmental standards than the existing building and, as discussed further below, the applicant has gone some way to quantifying these benefits. The proposal would result in modest benefits to the construction industry and future residents are likely to spend locally. Such benefits also attract moderate weight.
57. When giving considerable importance and great weight to the special regard to the desirability of preserving or enhancing the character and appearance of the conservation areas and the preservation of the nearby listed buildings and their settings, it is considered that any modest harm would be outweighed by the cumulative public benefits. As such there would be no conflict with Paragraph 194 of the Framework and the harm to the designated heritage assets has a clear and convincing justification.
58. As previously stated, the existing building on the site is of no architectural or historic interest and its removal will not adversely affect the settings of the Conservation Areas or any listed buildings. It is considered that the proposal responds to the unique characteristics of the area and respects the settings of the designated heritage assets. The scale and bulk of the building will be broken down through the use of the elevational details and as such is not considered to result in significant harm to the setting of the Conservation Areas and listed buildings. The proposal also responds well to the townscape character of the area, using traditional detailing and materials. It is therefore considered that the proposal complies with the requirements of Policies DM2, DM15, DM17, DM22 and BV25.
59. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against

development, planning permission will be granted subject to satisfactory prior arrangements being agreed.

60. The Suffolk County Council Archaeological Service has advised that the site lies in an area where there is potential for medieval and post-medieval archaeological remains. It does not object to the development proceeding subject a programme of archaeological work being secured by condition.

Residential amenity

61. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.

Impacts on future residents of the development

62. Policy DM22 requires new dwellings to be of high architectural quality, meaning that they are fit for purpose and function well, providing adequate space, light and privacy. In addition, Policy DM23 requires specialist housing accommodation to include appropriate amenity space for residents of an acceptable quantity and quality.

63. Policy DM14 states that development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from, inter alia, air quality and compliance with statutory environmental quality standards.

64. The site is located in a prominent position alongside Parkway, one of the key routes in and out of the town centre. The applicants have therefore considered the effects of noise and air quality on future residents of the development.

65. A Noise Assessment submitted with the application identifies the north and west boundaries of the development area as low to medium risk in terms of the significance of noise impact. Notably lower noise levels were measured towards the east and south boundaries due to building mass screening, where a negligible to low risk was determined.

66. Good acoustic design has been prioritised to limit noise levels in rooms on the more affected facades of the development, however, given the proximity of the units to Parkway, there is limited opportunity to mitigate noise levels here. Nevertheless, the appropriate specification of glazed façade elements and provision of attenuated background ventilation enables windows to remain closed and normal ventilation requirements to be achieved. Windows on these elevations will still be openable and could be opened as a matter of personal preference or for purge ventilation.

67. The external communal courtyard areas on the eastern side of the development will be afforded some screening from the building itself and the Noise Assessment indicates that noise levels are expected to remain

below guidance levels in these areas. Noise levels on some private patios will be above guidance levels where they are exposed to traffic on Parkway.

68. The maintenance of acceptable noise levels in certain units is dependent upon windows remaining closed and the use of passive background ventilation. As the development will be occupied by vulnerable persons the Public Health and Housing Team requested a detailed overheating study for the development to be submitted.
69. An Overheating Risk Assessment was subsequently submitted, which accounts for the elderly nature of the potential occupants and it considers the possibility of windows being opened at a higher internal temperature than is considered typical, accounting for external noise and more elderly occupants. The Public Health and Housing Team, in conjunction with the Environment Team is reviewing the document, with comments made regarding the fact that the assessment is based upon openable windows. Further information relating to how the building internal temperatures will be maintained and the potential impacts on energy consumption has been requested. An update in relation to these matters will be provided prior to or at the Development Control Committee Meeting.
70. The applicant has submitted an Air Quality Assessment, which has been reviewed by the Environment Team. The assessment details modelling undertaken to predict levels of nitrogen dioxide, with results indicating that levels at the façade of the building are just below acceptable levels. The Environment Team has noted that the results are a model and real world results may be influenced by factors outside the control of the model. Given the possibility of residents being exposed to levels of nitrogen dioxide above the air quality objectives, the Environment Team has recommended that real world monitoring is undertaken to validate the model and ensure robust results. If required mechanical ventilation could be fitted to ensure residents on the Parkway elevation have access to clean air.
71. The applicant has agreed to a period of 6 months real world monitoring and the Environment Team is satisfied that this can be secured by condition, along with any mitigation measures that are deemed necessary as a result of the monitoring.
72. The applicant has submitted detailed studies in relation to noise, overheating and air quality. The Environment Team is satisfied that subject to appropriate mitigation measures being put in place future residents will not be subjected to unacceptable levels of noise or exposed to unacceptable levels of Nitrogen Dioxide. Further discussions are taking place in respect of overheating, however, similar mitigation measures can be employed to address this issue if considered necessary. On balance, and subject to the conditions recommended by the Public Health and Housing and Environment Teams it is considered that the proposed development will provide acceptable levels of amenity and comfort to future residents.

Impact on existing residents

73. A number of local residents have raised concerns over the scale and mass of the proposed building and its impact upon the properties adjoining the eastern boundary on Nelson Road. In particular the residents feel that the

proposal will cause overlooking, overshadowing, loss of amenity and some loss of light.

74. During the course of the application amendments have been made to the scheme to reduce the height of the central section of the building, however, it remains a four storey building in places. A balcony proposed on the original plans has been removed and the return at the southern end of the building has been removed, which significantly improves the relationship with No. 12 Nelson Road. The southern end of the proposed building is now located approximately 20m from the rear of No. 12, which itself sits much closer to the boundary with the site than the other dwellings on Nelson Road. A separation distance of 20m is generally considered acceptable to maintain a satisfactory relationship between residential dwellings.
75. The dwellings in Nelson Road are closely knit, with small rear courtyard gardens. The boundary wall that runs the length of the eastern boundary encloses the rear gardens and due to the level difference between the application site and Nelson Road the majority of the proposed building will be obscured from view from within the courtyard gardens. There will be views of the building from the rear facing first floor windows on Nelson Road, however, there will be a separation distance in the region of 30m between windows, a distance that is considered to be acceptable to prevent any significant loss of privacy. Whilst it is accepted that there will be some perception of being overlooked, the separation distance proposed is such that this is not considered to result in an unacceptable impact on residential amenity and given that this is a town centre location, it is not uncommon for a close knit grain of development to be prevalent. Indeed, there is a separation distance of approximately 15m between the front facing elevations of the dwellings on Nelson Road.
76. The proposed building maintains a similar relationship with No. 27 Risbygate Street to the existing, with a two storey element alongside the access and a separation distance of 7.4m between the two buildings. The proposed building steps up to three-and-a-half storeys at its moves towards the junction with Parkway, where there is a separation distance of approximately 10m. There is one west facing window on No. 27, however, given that this is at a similar height as the top of the two story element of the proposed building it is considered that there will be a satisfactory relationship between the two buildings.
77. A separation distance of 15-16m is maintained between the north facing elevation of the proposed building and the dwellings on the northern side of Risbygate Street. Again, given the urban setting of the site it is considered that a satisfactory relationship is proposed.
78. A daylight and sunlight assessment has been submitted in respect of the effect of the development on neighbouring properties. The assessment analysed the light that will be received on the windows of neighbouring properties and concludes that all neighbouring windows pass the relevant Building Research Establishment (BRE) diffuse daylight and direct sunlight tests. In addition it concludes that the development also passes the BRE overshadowing to gardens and open spaces test.
79. Officers were concerned that the assessment did not fully demonstrate the extent of overshadowing that may be caused by the development and

further information was requested from the applicant. This was received in the form of a series of shadow images for the existing and proposed scenarios. The images are taken at 8am, 12 noon, 4pm and 8pm on 21st March, 21st June, 21st September and 21st December. The images demonstrate that the orientation and location of the existing and proposed buildings is such that there will be no greater impact on overshadowing on the dwellings in Nelson Road than the current situation.

80. Comments were received from the local residents to the amended plans stating that they did not feel that the amendments reduced the impact of the proposal on their amenity. They remain concerned that the height of the building is such that it will result in a loss of privacy through overlooking. Changes made to the southern end of the building resulted in two additional living room windows facing eastwards towards No. 20 Nelson Road. These windows are needed for ventilation given that the other windows serving these rooms are south facing. The applicant has however agreed to obscurely glaze these windows to reduce the perception of overlooking.
81. Local residents have asked that they have the opportunity to comment on hours of construction and have cited the fact that they have experienced disruption from recent developments in the vicinity of Nelson Road. As recommended by the Public Health and Housing Team the submission of a Construction Method Statement can be secured by condition. The Method Statement will set out the hours of construction and address matters such as the control of construction noise and dust.
82. The redevelopment of the application site is likely to result in some short-term disruption to local residents, however, such matters can be controlled to a certain extent by planning conditions. The concerns raised by residents in relation to overlooking and overshadowing have been considered by officers and a number of changes have been made to the proposal as a result. On balance it is considered that a satisfactory relationship between the proposed building and existing dwellings can be created such that the proposal will not result in a significant adverse effect on the residential amenity of existing residents.
83. As detailed above it is also considered that future residents will enjoy a satisfactory level of amenity and the proposal therefore complies with the relevant development management policies in this regard.

Access and car parking

84. Policy DM2 requires all development proposals to produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities. In addition, developments should, in accordance with standards, maintain or enhance the safety of the highway network. Policy DM45 requires the submission of a Transport Assessment appropriate to the scale of development and the likely extent of transport implications.
85. Policy DM46 states that the Council will seek to reduce over-reliance on the car and promote more sustainable forms of transport. All proposals are required to provide appropriately designed and sited car and cycle parking

in accordance with adopted standards current at the time of the application. The Policy goes on to say that in town centres and other locations with good accessibility to facilities and services, and/or that are well served by public transport, a reduced level of car parking may be sought.

86. The Transport Assessment submitted with the application highlights the proximity of the site to key services and facilities. The town centre is located approximately 400m to the east of the site with access on foot via Risbygate Street and through the Cattle Market car park. There is also access to a variety of healthcare services within close proximity, many of which are within an acceptable walking distance, as are a number of bus stops. The bus services stopping close to the site are considered to be reasonable and likely to serve the needs of future residents. Bury St Edmunds Rail Station is also located approximately 900m north of the site should residents wish to make use of rail services.
87. The existing vehicular access off Risbygate Street will be utilised for the development with 23 parking spaces proposed within the development. This equates to 0.46 parking spaces per unit. A cycle and mobility scooter store and charging point is also proposed to serve future residents and visitors to the site.
88. The current Suffolk Guidance for Parking states that retirement developments are expected to deliver 1 parking space per dwelling together with 2 cycle spaces for 8 units, 2 powered two wheel vehicle spaces and 1 space per two dwellings for mobility scooters. In addition, 0.25 spaces per dwelling for visitors are required. To comply with the County Council's parking standards a total of 63 parking spaces are required.
89. The Guidance goes on to state that the advisory residential parking guidance is the minimum required, however a range of factors will be taken into account. For main urban areas a reduction to the parking guidance may be considered where a proposal has been designed to be exceptionally sustainable in transport terms and which effectively promotes an overall reduction in the use of high emission vehicles. The Guidance defines main urban areas as those having frequent and extensive opportunities for public transport and cycling and walking links, close proximity to local services and on street parking controls at all times.
90. The applicant's Transport Assessment identifies the fact that sections of Risbygate Street have parking restrictions, and due to the proximity of the junction, no parking is permitted on the south side of the carriageway. There are double yellow lines that run from the roundabout between Risbygate Street and Parkway for the whole of Risbygate Street and then onto St Andrew's Street North, Brentgovel Street and St Andrew's Street South. On the north side of the carriageway there is a parking bay outside Wilko, which can accommodate two vehicles and operates 1-hour maximum parking with no return within 3 hours. There is a further parking bay located to the east of the application site on the north side of the carriageway that operates with similar restrictions. Nelson Road to the east of the site is Permit Holders parking only.
91. The Transport Assessment also details the nearby off-street parking opportunities with 862 short stay spaces at the Cattle Market Car Park, 592

long stay (weekday only) spaces in the Parkway multi-storey and 363 flexi-stay spaces in the St Andrews Car Park.

92. Suffolk County Council, as Highway Authority, recommended refusal of the application in its original form due to what it considers to be a severe under provision of all forms of parking. In making reference to its own guidance document the Highway Authority considers that the applicant has not demonstrated that the proposal has been designed to be 'exceptionally sustainable'.

93. The Highway Authority has suggested that if the following measures were implemented that it may be able to support the proposal:

- Installation of a formal pedestrian crossing on Risbygate Street;
- Safe accessible pedestrian access from the dwellings to the town centre;
- Mobility scooter storage and charging, cycle storage and powered-two-wheeler parking to the level required; and
- Electric vehicle charging points to the level recommended in the guidance.

94. The Highway Authority also points out that it is aware of some issues of obstructive parking on Risbygate Street and that Blue Badge holders are exempt from some parking restrictions. The installation of a formal crossing will reduce the ability for Blue Badge holders to park on Risbygate Street. Local residents have also raised concerns that the streets around Risbygate are under considerable pressure for residents within permit parking areas.

95. The applicant has submitted information in respect of a number of its developments across the country and highlights the fact that the average number of parking spaces per development is 0.42, below that being offered in Bury St Edmunds. It also highlights the fact that a recent approval for a similar retirement complex in Haverhill was on the basis of 18 parking spaces for 50 units. The Highway Authority did not object to this provision and the applicant suggests that the Haverhill site is not in such a sustainable location.

96. Comparisons can also be made with the Cross Penny Court extra care housing scheme on Cotton Lane, which provides 19 spaces for 56 units, a ratio of 0.33. As with the current proposal, this site is located close to a public car park and given that it offers extra care it can be expected that there will be a higher number of staff travelling to the site. Lacy Court is located close to the application site and is a similar retirement complex that offers 14 spaces for 40 units, a ratio of 0.35. Whilst it is acknowledged that these schemes were permitted prior to the current guidance and development management policies being in place the LPA is unaware that any difficulties are experienced in the vicinity of these developments due to parking provision.

97. The LPA has considered the Highway Authority's request for a formal crossing on Risbygate Street and has some concerns that it is not CIL compliant, i.e. it is not necessary, justified and directly related to the development. It has been pointed out to the Highway Authority that future residents are unlikely to be as dependent on reaching routes to work given the retired nature of the occupants and that bus services and the facilities

and services on offer in the town centre can be reached without crossing Risbygate Street. The Highway Authority points to an existing issue in relation to Blue Badge holders parking on the double yellow lines and the LPA does not consider that it is reasonable to address an existing problem by requiring this development to deliver a crossing that will restrict this form of parking. It is also questionable whether the amount of footfall generated by this development could justify meeting the full costs of providing the crossing. Thus the fairly related in scale and kind under CIL seems to fail.

98. The Highway Authority has pointed to the need for safe accessible pedestrian access from the development to the town centre. There is pedestrian access directly from the Risbygate Street access, travelling eastwards on the southern side of Risbygate Street and westwards by travelling along Parkway and through the Cattle Market Car Park. The applicant has also indicated that the levels of cycle and mobility scooter storage could be increased along with the provision of space for powered-two-wheeler parking. Such matters could be addressed through the submission of further details secured by planning condition.
99. The applicant has continued discussions with the Highway Authority regarding the provision of a crossing on Risbygate Street and has now agreed to provide this. The LPA maintains its position that the provision of a crossing is not directly related to this application and whilst desirable, it would not be reasonable to make it a condition of consent being granted. Both the applicant and the Highways Authority accept this position and intend to make the necessary arrangements themselves to deliver the crossing. Whilst the crossing will be a benefit to the scheme given that it is not strictly necessary to make the development acceptable it attributes only limited weight in favour of the proposal.
100. The applicant has a significant amount of experience in delivering accommodation for older persons. Its scheme, including the number of parking spaces, has been carefully designed taking into account the operational knowledge of the applicant. The applicant is confident that sufficient parking provision is being provided and it is necessary to balance the need for car parking with the need to deliver usable external amenity space for residents. The site is considered to be in a highly sustainable location with good access to facilities and services and is well served by public transport. On street parking restrictions prevent anti-social parking in the area and the presence of a number of public car parks close by ensures that visitors are well served. On this basis it is considered that a deviation from the standards set out in the Suffolk Guidance for Parking is supported by Policy DM46 and that the development as proposed is acceptable in relation to traffic and parking.

Drainage and flood risk

101. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
102. The site is located in Flood Zone 1, where the majority of development should be directed.

103. A Flood Risk Assessment (FRA) has been submitted with the application that has been updated following receipt of comments from Anglian Water. Anglian Water's surface water management policy states that where a brownfield site is being demolished the site should be treated as if it was greenfield. No historic right of connection will exist and any sewer connections should be treated afresh.
104. An amended FRA states that the surface water drainage strategy will be based on a restricted discharge to the public surface water sewer beneath Risbygate Street. A deep lined voided subbase system will be required beneath a permeable surface for the onsite access road and car parking areas. A planning condition is proposed requiring further details of the system to be submitted, with further consultation with Anglian Water and the Lead Local Flood Authority at that stage.
105. Foul water will be discharged by gravity to the existing public foul sewer located beneath Risbygate Street. Anglian Water has confirmed that foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.
106. Subject to the imposition of appropriate planning conditions in relation to the submission of detailed drainage strategies it is considered that the proposal complies with the requirements of Policy DM6.

Landscaping and ecology

107. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. Proposals should demonstrate that their location, scale, design and materials will protect and where possible enhance the character of the landscape.
108. As discussed in detail above, the application site is a brownfield site located close to the town centre and in a prominent position alongside Parkway. The site is surrounded by urban form and the majority of the site is devoid of any landscape features. However, there is an extensive area of planting alongside the western boundary, which falls within the extent of the highway and thus under the control of the Highway Authority. This area has become overgrown and is in need of some maintenance and the applicant has indicated that it would be willing to carry out some maintenance in the course of carrying out the development. The Highway Authority has indicated that it would be willing to allow the applicant to carry out works subject to the appropriate legal agreement being in place.
109. There are also a number of trees along the western and southern boundaries of the site, many of which contribute a wide range of benefits to the locality. The Tree Officer has confirmed that the arboricultural impact of the development on trees shown to be retained is considered to be low if the proposed tree protection measures set out within the submitted arboricultural report are adhered to.
110. A number of trees will need to be removed to facilitate the development and this is considered acceptable subject to mitigation through replacement planting as shown on the submitted landscaping plan. The Tree Officer did

however raise an objection to the loss of two mature Sycamore trees adjacent to the southern boundary. The applicant has reviewed this area of the development and has confirmed that one of the trees can in fact be retained. The Tree Officer is satisfied with this response and again, it is expected that a replacement will be planted within the development for the tree that will be lost.

111. Subject to appropriate conditions relating to the submission of details of replacement planting and additional landscaping being incorporated within the external amenity areas it is considered that the proposal responds well to the landscape character of the area and complies with Policy DM13 in this regard.
112. Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity. A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment has been submitted with the application. The bat survey concludes that it's possible that removal of vegetation would result in the loss of foraging opportunities for low numbers of common species of bats and this will likely result in a minor negative impacts on the individuals using the site.
113. The Assessments include some mitigation measures, which can be secured by condition. Given that one of the mature Sycamore trees is now being retained, it is considered that the proposal will not result in an adverse effect on biodiversity and complies with Policies DM11 and DM12 in this regard.

Other planning matters

Affordable housing

114. Policy CS5 requires developments of 10 dwellings or more to provide 30% of the units as affordable dwellings. The applicant has the benefit of applying vacant building credit to the development, which results in the affordable housing target being reduced to 20.3%.
115. Paragraph 61 of the NPPF requires LPAs to assess the size, type and tenure of housing needed for different groups in the community (including older people) and this should be reflected in planning policies. Paragraph 62 states that where a need for affordable housing is identified planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. This approach is mirrored in the Council's affordable housing SPD.
116. In 2017 the applicant secured consent via appeal for a retirement complex in Haverhill, which has very recently been completed. The main issue considered by the Inspector was the delivery of affordable housing. The Inspector determined that the scheme would not lend itself to affordable units being part of the development due to the practicalities in relation to service charges and management arrangements. In that case there was also a local priority for the delivery of family-sized affordable homes.
117. In the light of the appeal decision the applicant has taken a similar approach to affordable housing and has, following the application of vacant building

credit, offered the sum of £545,087.71 towards the provision of off-site affordable housing. The Council's Planning Obligation Officer has confirmed that this figure is acceptable and CIL compliant. It is therefore considered that given the similarities between the Haverhill and Bury St Edmunds sites that a financial contribution in lieu can be robustly justified and the proposal therefore complies with Policy CS5 and the Council's SPD in this regard.

Contaminated land

118. The application is supported by a Desk Study Appraisal that provides a summary of the history and environmental setting of the site and the surrounding area and provides a conceptual site model and risk assessment. The report provides recommendations for intrusive investigations. The Environment Team has reviewed the report and agrees that further investigative work can be secured by condition. The proposal therefore meets the requirements of Policy DM14 in this regard.

Sustainability and energy use

119. At the request of officers a Sustainability Statement has been submitted with the application. The Statement sets out the applicant's view on the sustainability credentials of the development, including its location close to the town centre and with good access to public transport. In addition the Statement refers to features such as 'communal' shopping and the provision of a refuse and recycling store.

120. The applicant has committed to meet the water consumption requirements set out in Policy DM7 and the Statement sets out that all of the applicant's schemes are designed and built beyond the national minimum standards as set out in the building regulations. Low energy lighting is proposed and a communal Ground Source Heat Pump will be installed.

121. The Council's Energy Advisor has reviewed the Statement and welcomes the use of a Ground Source Heat Pump together with the commitment to exceed building regulations. As detailed earlier in this report the Overheating Assessment is still being considered by officers, however, it is anticipated that any further information required can be secured by condition.

NHS England

122. The NHS West Suffolk Clinical Commissioning Group has reviewed the application and takes the view that the development is likely to have an impact on the services of four main GP practices within the vicinity of the site and one branch surgery. These GP practices do not have capacity for the additional growth resulting from the development.

123. The CCG has put forward a proposal to seek a financial contribution of £28,300 towards the expansion of services at the Angel Hill Surgery. This figure is based upon a projected population growth of 120 residents. The applicant has however submitted evidence to suggest that the average occupancy of its developments is 1.25, resulting in an anticipated occupancy of 63 people for 50 dwellings. The applicant therefore calculates that the contribution should be no more than £15,109.32.

124. The CCG has indicated that it accepts the evidence submitted by the applicant and that it will recalculate the contribution accordingly.

Library contribution

125. Suffolk County Council is seeking a contribution of £800 towards library stock. The applicant has confirmed that it will make this contribution.

Other concerns raised by local residents

126. Local residents have raised concerns that construction activities may cause damage to existing heritage buildings in the area. Neither Historic England nor the Conservation Officer raise this as a concern and any damage caused would need to be dealt with as a civil matter between the parties.

127. Residents have also raised concerns that the development will have a detrimental effect on their existing internet connection. No evidence has been submitted to support this assertion and it is expected that the developer will liaise with service providers to deliver the necessary infrastructure capacity.

Planning balance

128. The site is located within the established settlement boundary where the principle of development is acceptable. The redevelopment of this redundant brownfield site will make a positive contribution to this key gateway location in the town and deliver much needed homes for older persons. It is accepted that retaining a commercial use on the site is unlikely to be viable and that the residential re-use of the site is appropriate. The proposal therefore accords with the development plan in this regard.

129. Historic England suggests that the proposal raises concerns in terms of effects on the historic significance of the Conservation Area due to the scale and massing of the building. However, any resultant harm is considered to be minor and less than substantial. The proposal attracts significant public benefits in the form of the redevelopment of a site that does not currently contribute positively to the character and appearance of the conservation and in the form of the provision of housing for older people. Additional benefits in the form of the short-term boost to the construction industry and long term economic benefits from spending by future residents in the local economy also add weight in favour of the proposal.

130. The proposal is likely to have an effect on the residential amenity of nearby occupiers during the construction phase, however, such effects are short-term and can be managed by condition and therefore attract limited weight against the proposal. The outlook from the rear of dwellings on Nelson Road will change as a result of the proposal, however it is considered that due to the separation distances proposed that the development will not result in any significant adverse effects on amenity, thus this does not attract significant weight against the proposal.

131. Given the site's location adjacent to Parkway and the orientation of the proposed building some future residents may be exposed to high levels of noise and overheating dependent on the location of the units. However, subject to further monitoring it is considered that the necessary engineering

solutions can be put into place to bring levels down to acceptable point and that on balance future residents will enjoy a satisfactory level of amenity.

132. The Highway Authority has raised concerns in relation to the number of car parking spaces being provided on site. However, it is considered that measures such as the provision of cycle and mobility scooter stores together with the close proximity of the site to the town centre and local car parks is such that the level of parking will not result in any significant adverse effects on the local highway network. The applicant has offered to provide a pedestrian crossing on Risbygate Street, however, the LPA do not consider that this is necessary to make the development acceptable in planning terms and its provision therefore attracts limited weight in favour of the proposal.
133. The proposal does not raise any concerns in relation to drainage and flood risk and subject to the implementation of a suitable landscaping scheme, does not raise any issues in relation to landscape or ecology. Similarly matters in relation to contaminated land can be addressed by condition.
134. The applicant has agreed to make an off-site contribution towards affordable housing, together with a contribution towards healthcare in Bury St Edmunds and library provision. These matters attract further weight in favour of the proposal.
135. On balance it is considered that the proposal meets the economic, social and environmental elements of sustainable development and that the benefits of the scheme outweigh any minor adverse effects identified.

Conclusion:

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

Recommendation:

137. It is recommended that planning permission be **APPROVED** subject to the completion of the s106 Agreement and the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 No above ground development shall take place until a scheme for the provision of fire hydrants within the application site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 3 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the

National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 4 Prior to first occupation, at least 25% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be rated to provide at least a 7kWh charge, retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework and the Suffolk Parking Standards.

- 5 Prior to commencement of development details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

- 6 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the

West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

- 7 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future

end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 11 No above ground development shall take place until an Air Quality Assessment based on at least 6 months of on-site monitoring has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality Assessment will provide an assessment of the likely levels of nitrogen dioxide and particulate matter (PM10 & PM2.5) pollution at the facades of the proposed structure and provide mitigation measures where any Air Quality Objectives are modelled as being breached. Any mitigation measures shall be implemented as approved.

Reason: To protect future residents from unacceptable levels of air pollution in line with National Planning Policy Framework (NPPF), paragraph 170.

- 12 Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- i) Measures for the protection of those trees and hedges on the application site that are to be retained,
- ii) Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
- iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 13 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 14 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the

area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation of the development. Thereafter the access shall be retained thereafter in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to highway safety and it is necessary to secure details prior to any other works taking place.

- 17 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that the access is designed and constructed to an appropriate specification in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 Prior to the development hereby permitted being first occupied, the proposed access onto Risbygate Street and any other access shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time,

in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 19 Before the development is commenced details of the areas to be provided for storage, presentation and collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 20 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 21 No above ground development shall take place until details of the internal vehicular access/es and footpaths, (including widths, layout, levels, gradients, surfacing and means of surface water drainage), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard and to ensure that satisfactory access is provided for the safety of residents and the public, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 22 Condition: All HGV and Construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The Plan shall include, but not be limited to;

- Routing for HGV and delivery vehicles
- Means to ensure water, mud and other debris cannot flow onto the highway
- Means to ensure sufficient space on-site will be provided for the parking and manoeuvring of construction and delivery vehicles.
- Means to ensure sufficient space is provided on-site for the storage of materials, equipment and other demolition and construction facilities.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 23 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage, mobility scooter storage and charging, powered-two-wheeler parking and EVCP connectivity have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety and to promote more sustainable means of travel.

- 24 Prior to first occupation, details of the Part L compliance a BRUKL documentation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information on ventilation, lighting, heating and cooling and unregulated loads. Any areas in which the proposed energy strategy might conflict with other requirements set out in the Development Plan should be identified and proposals for resolving this conflict outlined.

Reason: To ensure that the development meets DM7 of the Joint Development Management Policies Document and can demonstrate that the details of how it is proposed that the site will meet the energy standards set out within national Building Regulations.

- 25 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- i) Detailed drawings at a scale of not less than 1:5 showing the window head and sill details and vertical cross-sections showing the projections and mouldings of the elevations and window recesses
- ii) Samples of external materials and surface finishes, including the render colours
- iii) Specification for any works required to the existing brick and flint boundary walls

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter

15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 26 Before any new services are installed or any existing services are relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.

Reason: To protect the special character, architectural interest and integrity of the nearby listed buildings, in accordance with policy DM15 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 27 No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the conservation areas in accordance with policy DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 28 No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;

i) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.

The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas in accordance with policy DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 29 No works involving the installation of windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the windows to be

used (including details of glazing bars and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas in accordance with policy DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 30 No works involving the installation of external doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas, in accordance with policy DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 31 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas, in accordance with policy DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 32 No works involving the installation of the proposed substation shall be carried out until details of the external appearance of the substation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas, in accordance with policy DM17 of the West

Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 33 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12, DM13 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 34 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM13 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 35 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint

Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 36 Prior to occupation details of biodiversity enhancement and mitigation measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be based on the Ecological Design Principles and Enhancement Opportunities set out in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment dated August 2019 prepared by Tyler Grange Ltd. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 37 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
40034BS/PL09 REV A	Sections	04.11.2019
40034BS/PL011 REV A	CGI Image	04.11.2019
40034BS/PL012 REV A	CGI Image	04.11.2019
40034BS/PL013 REV A	CGI Image	04.11.2019
40034BS/PL014 REV A	CGI Image	04.11.2019
40034BS/PL03 REV A	Ground Floor Plan	04.11.2019
40034BS/PL08 REV A	Proposed Elevations	04.11.2019
40034BS/PL01	Site Location Plan	04.11.2019
40034BS/PL010 REV C	Other	20.11.2019
40034BS/PL02 REV B	Existing & Proposed Block Plans	20.11.2019
40034BS/PL04 REV B	Proposed First Floor Plan	20.11.2019
40034BS/PL04 REV B	Proposed Second Floor Plan	20.11.2019
40034BS/PL05 REV B	Roof Plans	20.11.2019
40034BS/PL06 REV B	Proposed Elevations	20.11.2019

- 38 Each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
 - Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: To ensure the development is only occupied by those persons for which the development has designed. It is on upon this basis that the development has been assessed and found to be acceptable and in compliance with the Development Plan.

- 39 The east facing living room windows of Units 31 and 44 as shown on Drawing No. 40034BS/PL04 Rev B shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.

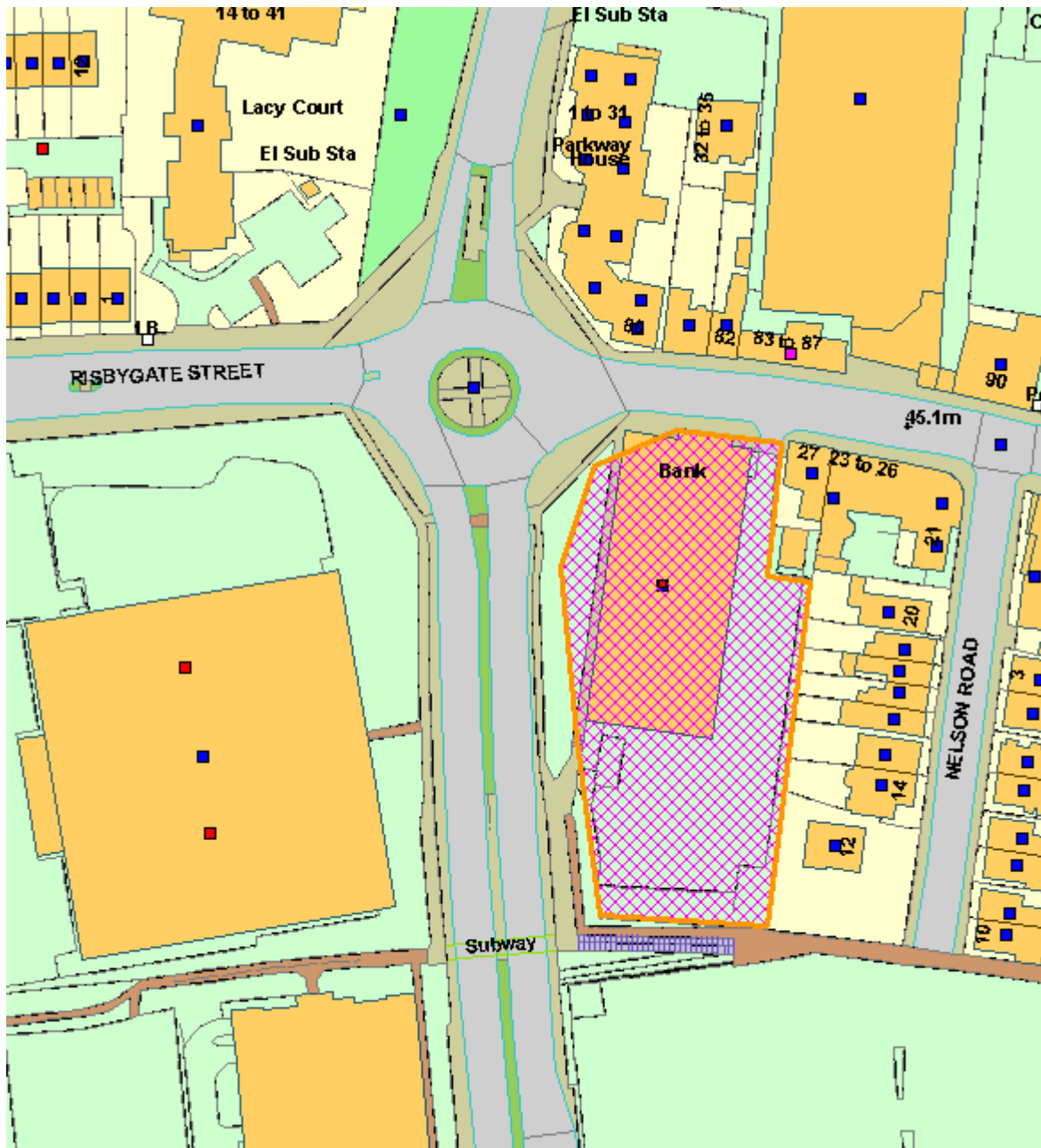
Reason: In order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

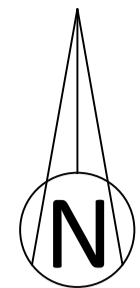
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1712/FUL](https://www.suffolk.gov.uk/DC/19/1712/FUL)



DC/19/1712/FUL - 28 - 34 Risbygate Street, Bury St Edmunds






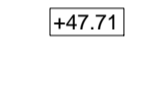
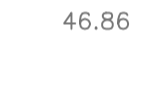

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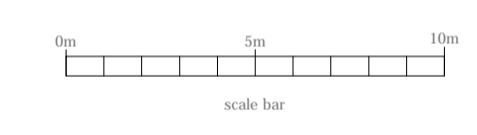


REVISIONS		
Rev.	Date	By

BOUNDARY SCHEDULE	
A-B	EXISTING BRICK WALL
B-C	OPEN (EXISTING CAR PORT)
C-E	EXISTING BRICK RETAINING WALL
E-F	PROPOSED GATE + PEDESTRIAN ACCESS
F-G	EXISTING BRICK RETAINING WALL
G-H	NEW 1100mm METAL RAILINGS AND PRIVET BUSH BEHIND
H-I	NEW RAILINGS ON DWARF BRICK WALL
J-A	OPEN (MAIN ACCESS)

Key

-  Proposed Trees
-  Existing Trees
-  Trees to be removed
-  Proposed Levels
-  Existing Levels
-  Proposed retaining wall



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planning issues
TOWN PLANNING AND ARCHITECTURAL DESIGN

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Client

Churchill Retirement Living

Project Title
PROPOSED RETIREMENT LIVING APARTMENTS
28-34 Risbygate Street,
Bury St Edmunds,
Suffolk, IP33 3AQ

Drawing Title
Site Plan

Scale 1:200 @ A1 Date OCT 2019
Drawn BRS Checked QSL
Drawing No. Rev.
40034BS/PL02 B



Site Plan - (Lower Ground Floor) - 1:200

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Development Control Committee 4 December 2019

Planning Application DC/19/1019/FUL – Garages, Paske Avenue, Haverhill

Date Registered:	29.05.2019	Expiry Date:	28.08.2019
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - 9no. dwellings (Demolition of existing garages)		
Site:	Garages, Paske Avenue, Haverhill		
Applicant:	Havebury Housing Partnership		

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:

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

The application was referred to Delegation Panel at the request of local Ward Member Councillor Aaron Luccarini.

The Town Council object to the development, which is recommended for APPROVAL.

A site visit is proposed for Monday 2 December 2019.

Proposal:

1. The application proposes the demolition of 32 lock up garages and the construction of 6 one-bed flats, and 3 two-bed bungalows. An associated cycle store and parking also forms part of the scheme.

Application Supporting Material:

2. The application is accompanied by the following plans and supporting documents:
 - Plans and elevations
 - Arboricultural Impact Assessment
 - Ecology assessment
 - Site Investigation report
 - Transport Statement and Parking Assessment
 - Air Quality Assessment
 - Odour Assessment
 - Phase One Geo-Environmental Assessment
 - Topographical Survey

Site Details:

3. The site contains 32 garages that were constructed in the 1950's and adjoining existing dwellings constructed between 1930 and 1950 as social housing. Some of these dwellings are now private houses, with the remainder in the ownership of Havebury Housing Partnership. Of the 32 garages on the site, 12 (38%) are empty and unlet, and 5 (16%) are used for daily car use. Fourteen (43%) of the garages are used for storage.
4. The site is bounded by residential development to the north, south and east, including the older houses of Paske Avenue itself and more recently built bungalows at Orchard Close. The site is adjoined to the west by a bus depot, which comprises a large single storey building with a wide span roof. The gable end of this building provides the 'end-stop' to the cul-de-sac of Paske Avenue and is of typical industrial appearance. A footpath links the site to Duddery Hill to the south.
5. The site is within the settlement boundary and is outside the conservation area.

Planning History:

None relevant

Consultations:

6. SCC Highways – No objection, subject to appropriate conditions ensuring correct implementation of access and parking areas, the submission of a Construction Deliveries Management Plan and off-site highway works. The proposed development should not create any inappropriate on street parking caused by the removal of garages. A safe pedestrian access to Duddery Hill can be created.
7. Environment Team – No objection, subject to standard land contamination condition and a condition requiring the provision of Electric Vehicle Charging Points.
8. Strategic Housing – Support the amended scheme, which will provide much needed affordable housing for Haverhill.
9. SCC Food and Water Management – No objection, subject to conditions requiring detailed surface water drainage scheme and its management to be submitted and agreed.
10. Public Health and Housing – No objection, subject to conditions restricting hours of construction and the submission of a construction and site management programme, and minimum acoustic levels within bedrooms and living rooms being achieved.

Representations:

11. Haverhill Town Council – OBJECT. Revised scheme has not addressed the objections previously raised by the Town Council:

Layout and Density of Building Design

Over-development of the site. The proposal does not achieve good design and is out of character to the surrounding properties. There is no provision for recreation facilities or green space.

Highway issues

Traffic generated by the new development would increase vehicles using Paske Avenue, where there are already parking issues for existing residents, especially in the evening and at weekends. Further development would add to this congestion. There would not be sufficient provision for a vehicle turning circle

Noise and Smells, Fumes

The Town Council notes comments from Environment Team on Air Quality Assessment report, but are aware of contradictory air quality sampling which suggests that a formal study should be undertaken by the applicant in order

to inform any conditions or changes to the design to ensure the dwellings will be safe, particularly to young babies and children.

The Town Council supports objections raised by residents of Paske Avenue.

12. Councillor Aaron Luccarini (Local Ward Member) – taking into account the concerns of local residents, the application should be determined by Development Control Committee.
13. Local Residents - A total of 28 separate objections have been received from residents of Paske Avenue, Orchard Close, Mill Hill and Duddery Hill raising the following issues of concern:
 - Development will lead to increase parking on Paske Avenue
 - Noise and disturbance during construction
 - No recreation/amenity space for residents of the flats
 - Loss of wildlife habitat
 - Overdevelopment of the site
 - Proposed flats are out of scale and character
 - Overlooking from flats
 - Disturbance and smell from proposed bin stores
 - Paske Avenue not wide enough to accommodate cars and emergency vehicles
 - Potential for increase in crime
 - Safety of children playing in the street will be compromised
 - There is a need for the garages
 - Overlooking/loss of light to 16 Paske Avenue and 22 Orchard Close
 - Flat block is an imposing and dominating building
 - Urbanisation of a quiet cul-de-sac
 - Increase in use of footpath (linking Duddery Hill) which will cause increase in disturbance to amenity.

(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:

14. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
15. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:
 - Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS7 - Sustainable Transport
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Haverhill Vision 2031

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill

Other Planning Policy:

National Planning Policy Framework (2019)

16. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
 - Parking and highway impact
 - Amendments to the scheme
 - Design and layout
 - Residential amenity
 - Noise and air quality
18. 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. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of development

19. The site lies within the town of Haverhill, which is designated as an area for growth in Spatial Vision policy of the St Edmundsbury Core Strategy. The site is in a residential area where the principle of development, and in particular additional dwellings, is supported by the development plan in policies HV2, CS1 and CS4.
20. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area. The site is also brownfield, having been previously developed, and this lends further support to the principle of residential development on this site being acceptable.
21. The proposal seeks to redevelop an existing underused garage site to provide for affordable housing. The principle of developing these sites is acceptable, subject to appropriate consideration of the loss of potential parking, displacement parking and general highway impact, amenity and design.

Parking and highway impact

22. The application proposes to demolish the existing 32 no. lock-up garages. A total of 9 dwellings are proposed to be built in their place (6 x 1-bed flats and 2 x 3-bed bungalows). A total of 14 in-curtilage parking spaces are provided. The applicant has provided information to show that of the 32 existing garages, 20 are currently rented. Of the 20 rented garages, 14 are used for storage and 5 are used for everyday car use. One garage has an unknown use. Overall, 57% of the garages are not used for daily car use.
23. As of 30/8/2019 only two households within Paske Avenue rent Paske Avenue garages, and of those two, only one is in daily car use. Therefore, the removal of the existing garages would only result in the displacement on to Paske Avenue (assuming the offer of an alternative garage is not taken up) of one car in daily use.

24. The applicants have undertaken a car-parking survey of on-street car parking utilisation for roads within 200m of the site on Paske Avenue and Mill Hill. This was undertaken for the following days and time periods:
- Thursday 1/11/18 - 05:00
 - Thursday 1/11/18 - 07:00
 - Thursday 1/11/18 - 18:00
 - Friday 2/11/18 - 01:00
25. The survey indicated that during the worst case period (01:00 hrs 2nd November) 11 cars were parked on Paske Avenue and at 05:00 on the 1st November, 11 cars were parked on Mill Hill. This represented 46% and 58% utilisation respectively and would leave 13 free spaces on Paske Avenue and 6 spaces free on Mill Hill.
26. This survey clearly indicates that there is capacity on street, for at least one displaced vehicle (assuming the offer of another garage is not taken up).
27. A total of 14 car parking spaces is proposed to serve the new dwellings, two spaces each for the bungalows, and 1 space each for the flats. This leaves two spaces for visitor parking. The parking is provided in-curtilage meaning that parking is allocated for each dwelling within the site. All spaces will meet the SCC required design standards and will measure 2.5m x 5.0m. This level and disposition of parking is considered to accord with the requirements of SCC's adopted parking standards (April 2019) and in this regard the application accords with the requirements of policies DM2, DM22 and DM46.
28. Notwithstanding that only one of the garages is leased to a resident of Paske Avenue for the parking of a car, it is noted that some residents have raised concerns with the loss of a garage currently rented. The applicants have provided a snapshot of the garage voids in the area (August 2019), which are available to residents by application. The plan provided by Havebury shows 3 void garages within 350 metres of the site, and a further 7 void garages within 500 metres of the site. This would further mitigate for the loss of existing garages and provides options for some existing tenants to still have a rented garage within 0.5km of the site should they wish.

Amendments to the scheme

29. In response to Officer concerns, comments from neighbours, and the Town Council, the proposed dwellings have been reduced in scale and number, and additional on-site parking has been created. Amendments include:
- Reducing the number of units from ten to nine, now providing three bungalows rather than the originally proposed four two-storey houses. There will be a reduced impact on neighbouring properties in Orchard Close and Paske Avenue from overshadowing and loss of privacy. The bungalows have been designed to achieve The Lifetime Homes Standard.
 - The carrying out by Havebury of an on-street parking survey that identified legal on street available parking. Traffic demand will be similar to the existing daily use of the garages. Capacity for a turning circle remains the same and meets the standard for bin wagons.

- Increased provision of cycle storage.
- Rubbish bins will be kept in an enclosed storage area which is locked, ventilated to the side and will be inspected regularly.

Design and layout

30. The proposed layout has been designed to make the most efficient use of a brownfield site, which is challenging in terms of its tapered shape and location at the end of a cul-de-sac. Due to the narrowness of the south part of the site, and the need to accommodate the required parking, access and cycle store, a 3-storey flat block is proposed without amenity garden space.
31. The resulting building forms an end-stop to the cul-de-sac, masking views of the bus station building and providing a focal point. To minimise the impact on existing residential amenity, the building height reduces down to one and a half storeys adjacent to the rear garden of 72A Duddery Hill. Projections and variation in roof form provide relief to the front elevation. Enclosed balconies at first and second floor level provide for a small amount of external amenity space.
32. Where the site widens at the north, three 2-bed bungalows are proposed. These buildings loosely follow the existing building line on Paske Avenue and represent a significant amendment to the scheme where previously 2-storey dwellings were proposed. These were removed from the scheme due to the potential for significant overbearing and overlooking impact to properties in Orchard Close.
33. The concerns of local residents and the Town Council in respect of over-development are understood. However, Officers are of the opinion that as amended, the proposed development of 6 flats and 3 bungalows represents the most efficient use of the site, and one that responds well to its constraints creating buildings with an individual more modern character and set apart from the mid 20th century housing it would adjoin.
34. The applicant's revised design and access statement explains that

"The proposed development has been designed, picking up on elements of the existing Paske Avenue houses, whilst providing a sense of individuality, setting it apart from the 1950's housing. This is achieved by incorporating similarly pitched roofs and parapets, and using a brick finish. It is proposed that the new scheme incorporates a pink/ buff brick and a darker red to tie in with the existing light red brick. The use of different colour brick also brings variation to the elevations and separates the individual dwellings. A darker blue/ black brick is used to define the shared entrance to the flats and the bin and cycles stores."
35. Overall 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 existing garage site providing for new dwellings that will contribute positively to the street scene. The application therefore accords with policies DM2 and DM22 and the NPPF in this regard.

Residential amenity

36. The site is bounded by bungalows to the north (nos. 20 and 22 Orchard Close), and these occupy plots that are at a significantly lower level. To the east, at similar levels, are nos. 23 and 24 Paske Avenue, and these are two storey dwellings. No. 24 has significant extensions to the rear and side, and no. 23 has permission for a new attached dwelling to the side and this is currently under construction.
37. Taking into account the comments of local residents and the Town Council, direct impacts on existing residential amenity have been considered as follows:
- Nos. 22 and 23 Orchard Close – the amended scheme proposes single storey bungalows to the south of the existing boundary vegetation. As there are no openings or windows at first floor level, there will be no issues of overlooking. The roof and gable of the dwellings will be visible above normal fence height, however there will be no significant harm to the amenity of these neighbouring dwellings.
 - No 24 Paske Avenue – This two storey dwelling (as extended) now occupies a position on its plot that is close to the boundary with the site. A pair of semi-detached bungalows would adjoin the boundary to this property, and they would be set back from the building line to the extent that the gable end of the adjoining plot would occupy a position midway along no. 24's boundary. However due to the hipped roof design and low eaves height, the impact on amenity in terms of dominance and /or over shadowing is significantly reduced and is considered acceptable.
 - No 23 Paske Avenue – This property has an attached two storey dwelling currently under construction that will sit close to the SE boundary of the site. Due to the proposed flat block only being 1 ½ storeys in this area and with no windows overlooking the future garden area of this new dwelling, there would be no issues of overlooking or over bearing. A cycle store building would be located adjacent the neighbouring dwelling, separated by the retained footpath link to Duddery Hill. Again, this raises no significant amenity impact.
38. It is noted that some residents have raised concern with overlooking from the flat block. However, the position of this block is fairly central at the end of the cul-de-sac and between nos. 23 and 24 Paske Avenue. Whilst balconies and windows to the front of the building will allow for more direct views in an easterly direction. The views to the north east and south east will be more acute and interrupted by the roofs of nos. 23 and 24 and the new dwelling adjacent no. 23 when built. There will be no direct overlooking of private amenity space.
39. Taking into account the above, the proposals accord with the relevant requirements of policies DM2 and DM22 with respect to the impact on neighbouring amenity.

Noise and air quality

40. Criterion (h) of Policy DM2 requires development not to be sited *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.*
41. As the site is located close to an operational bus depot, the operations of this business have been considered. Operations would include morning bus inspections whilst idling, vehicle servicing and general movement of buses in and out of the site.
42. Local Planning Authorities should take account of the acoustic environment and in doing so consider:
 - Whether or not a significant adverse effect is occurring or likely to occur;
 - Whether or not an adverse effect is occurring or likely to occur; and
 - Whether or not a good standard of amenity can be achieved.
43. In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The Observed Effect Levels are as follows:

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
 - Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
 - No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.
44. A commercial Noise Assessment has been submitted with the application and this includes a methodology agreed with Public Health and Housing. This assessment concludes that

The overall effect of the commercial sound on proposed noise sensitive receptors is considered to be the "No Observed Effect Level" (NOAEL) with noise being noticeable and not intrusive and with the following advice:

"Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life."

45. Public Health and Housing have considered the above report and raise no objection to the application on noise grounds, but comment that due to the close proximity of the existing bus depot to the application site, there is the possibility that the proposed residential occupiers may be disturbed by activities at the depot, particularly when buses start up and depart in the early morning, which may give rise to some lack of amenity. To mitigate for this impact the acoustic insulation of each dwelling 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 the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00. This can be required by condition.

46. No concerns in respect of odour have been raised.
47. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with policy DM2 in this regard.
48. Air Quality - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'
49. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Furthermore, Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
50. In order for the development to accord with the above, an appropriately worded condition will need to be attached to any permission requiring all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge. At least one of the parking spaces within the flat block should have an electric vehicle charging point.

Other matters

51. 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."
52. The applicant intends to consider sustainability measures through their design approach. 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).

53. 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 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.
54. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 110 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.
55. An Ecology report included the results of a bat emergence survey which found no bats present and recommended no further surveys be undertaken. Very little flora and fauna of significance was found on site. However, the Ecology report recommends some mitigation and enhancements that if undertaken would discharge the Council's obligations under the Natural Environment and Rural Communities Act 2006 (NERC) and the relevant requirements for biodiversity enhancements in the NPPF and the development plan. A suitable condition requiring this mitigation and enhancement can be conditioned.

Conclusion:

56. The proposed dwellings are within the settlement boundary where the principle of residential is acceptable. The development represents an efficient use of a brownfield site which is supported by the NPPF.
57. 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 policies DM2, DM22 and DM46 in this regard.
58. The proposal would not have a significant harmful impact on the amenity of neighbouring dwellings and accords with the relevant requirements of policies DM2 and DM22.
59. Overall the development would have a positive contribution to the street scene and the design attributes of the scheme accords with the requirements of policies DM2 and DM22 and the NPPF in this regard.
60. Subject to appropriate conditions, the scheme can accord with policies DM2 and DM7 with respect to noise and energy efficiency.
61. The application accords with the development plan in all other regards, represents sustainable development and can be approved.

Recommendation:

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

Reference No:	Plan Type	Date Received
020 REV E	Sections	08.08.2019
001 REV A	Location Plan	13.05.2019
010 REV K	Proposed Floor Plans	24.09.2019
017 REV E	Proposed Elevations	08.08.2019
015 REV B	Proposed Elevations	13.05.2019
011 REV G	Site Plan	24.09.2019
016 REV A	Proposed Elevations	13.05.2019
D _ A	Design and Access Statement	16.10.2019
18-522-021	PLAN	16.10.2019

Reason: To define the scope and extent of this permission.

3. No development above slab level shall take place until samples of the facing and roof materials shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No.18-522 3 011 Rev G and be made available for use prior to the first occupation of any dwelling. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

5. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: Required pre-commencement to prevent hazards caused by flowing water or ice on the highway both during construction and occupation.

6. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

7. All HGV traffic and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include:

- Routes for HGV delivery traffic
- Means to ensure no water, mud or other debris can flow onto the highway.
- Means to ensure sufficient space is provided on-site for the parking and manoeuvring of all delivery and construction vehicles.
- Means to ensure sufficient space is provided on-site for the storage of materials and equipment.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive residential areas.

8. Before the development is commenced above ground level details shall be submitted to and approved in writing by the Local Planning Authority showing the means to create a continuous pedestrian link between Paske Avenue and Duddery Hill. The approved scheme shall be carried out in its entirety before the first occupation and shall be retained thereafter in its approved form.

Reason: To ensure a safe pedestrian facility is provided in the interest of highway and pedestrian safety.

9. The use shall not commence until the area(s) within the site shown on drawing 18-522 3 011 Rev G for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

10. Before the development is first occupied details of the secure cycle storage for both apartments and bungalows, at the locations shown on drawing 15-522 3 011 Rev G shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the secure storage of bicycles and in accordance with Suffolk Guidance for Parking (2019) to promote sustainable modes of travel.

- 11.No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 12.No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 13.Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a minimum 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air

quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework and the Suffolk Parking Standards.

- 14.No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy by Richard Jackson (drawing ref:- 49415-PP-001 and dated 24/04/2019) and will demonstrate that surface water run-off generated by the development will be limited to 5l/s up to and including the critical 100 year+CC storm.

Reasons:

- To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control).
- To ensure the development is adequately protected from flooding.
- To ensure the development does not cause increased pollution to water environment. This condition is required pre-commencement to ensure that drainage details are agreed before below ground works are begun.

- 15.No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: Required pre-commencement to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage both during construction and post occupation.

- 16.The site demolition, preparation and construction works, including deliveries to the site and the removal of excavated materials and waste from the site shall only be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

- 17.Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-

a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;

b. noise method statements and noise levels for each construction activity including any piling and excavation operations;

- c. dust, dirt and vibration method statements and arrangements;
- d. site lighting.

Reason: Required pre-commencement to ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance during construction.

18. The acoustic insulation of each dwelling 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 the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

Reason: To protect the amenity of the future occupiers of the properties.

19. No development above ground level shall take place until, an energy and sustainability statement for the development shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development has adhered to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of design, layout, orientation, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

20. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

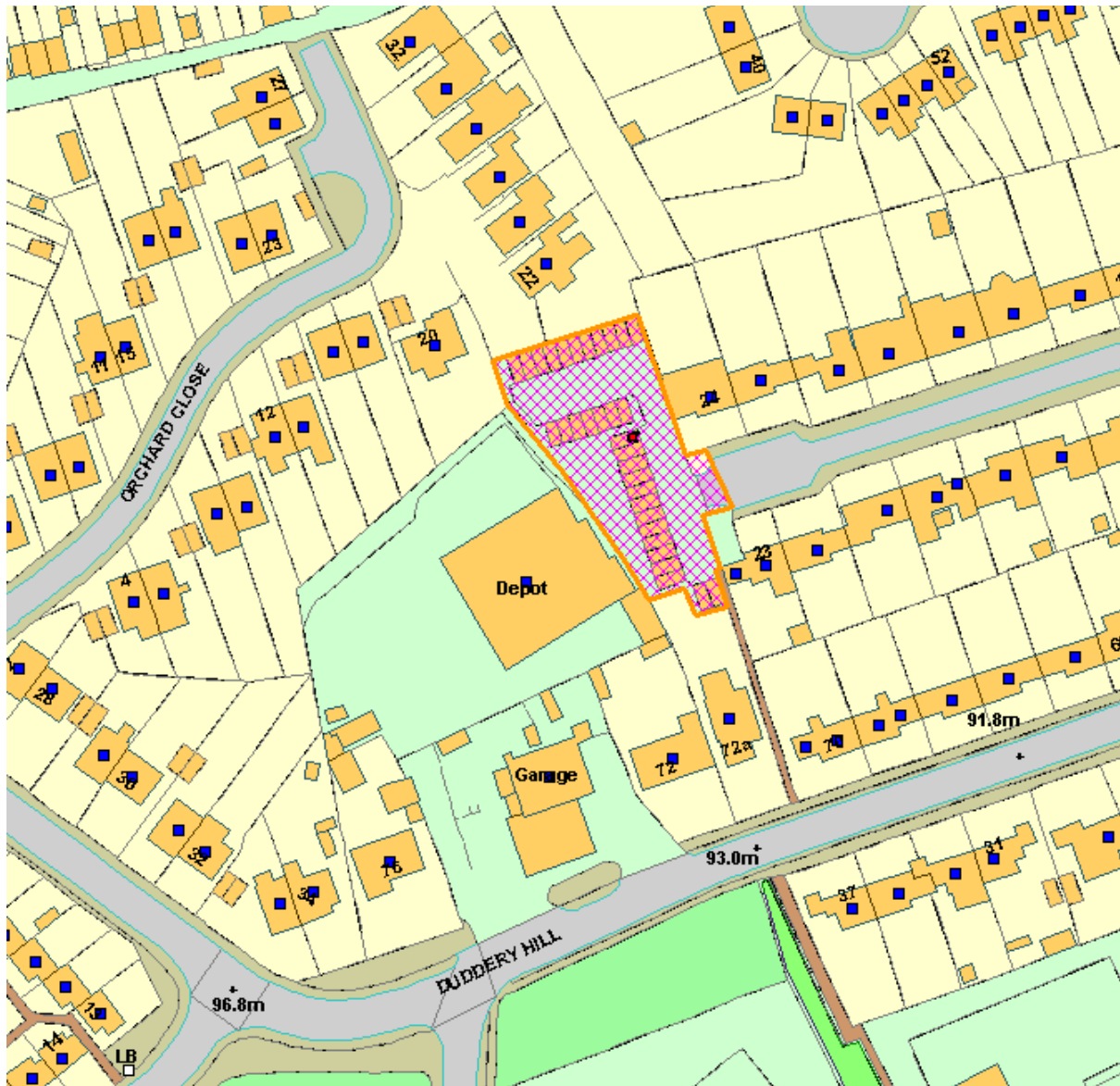
Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1019/FUL](https://www.westsuffolk.gov.uk/DC/19/1019/FUL)



Dc/19/1019/FUL – Garages – Paske Avenue, Haverhill



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CLIENT
 Havebury Housing Partnership

PROJECT
 Paske Avenue

DRAWING TITLE
 Proposed Site Plan

DRAWING STATUS PRELIMINARY	DRAWING SCALE @ A1 1:200
DRAWN BY SR	REVIEWED BY GJ
	DATE OF FIRST ISSUE March 2018

PROJECT NUMBER 18-522	WORK STAGE 3	DRAWING NUMBER 011	REVISION D
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Development Control Committee 4 December 2019

Planning Application DC/19/0514/FUL – Offices, James Reinman Marine Ltd, The Broadway, Pakenham

Date Registered:	08.04.2019	Expiry Date:	03.06.2019 EOT agreed
Case Officer:	Britta Heidecke	Recommendation:	Refuse Application
Parish:	Pakenham	Ward:	Pakenham & Troston
Proposal:	Planning Application - 2 no. dwellings (following demolition of existing work sheds) and associated works (as amended by email received 31.07.2019 to reduce the scheme from 3 dwellings to 2)		
Site:	Offices, James Reinman Marine Ltd, The Broadway		
Applicant:	Mr James Reinman		

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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

The application is referred to the Development Control Committee following consideration by the Delegation Panel. Pakenham Parish Council support the application and the recommendation is for REFUSAL.

The application is also supported by the Ward Member (Councillor Simon Brown).

A site visit is scheduled to take place on Monday 2 December 2019.

Proposal:

1. The application seeks permission for two detached 4-bedroom dwellings each with an attached garage, following the demolition of existing work sheds.

Site Details:

2. The application site is approx. 0.75ha in size and lies between Ixworth and Pakenham, within the open countryside. Access to the site is from The Broadway at the south-west corner of the site. There is established landscaping on the boundaries and within the site.
3. The site was part of a larger site which was used for the extraction of sand and gravel in the 1960's and is at a notably lower level than the road.
4. The application site comprises of a larger commercial building, two smaller ancillary buildings, plus open and landscaped areas. The site is currently used for a boat building operation.
5. Two former office buildings, some 40m north and previously associated with the application site, have been converted into dwellings.
6. Residential properties which form part of the hamlet of Grimstone End lie further north and east of the site. These properties form a loose cluster along either side of Fen Road / Mill Road.

Planning History:

7.

N/73/1686/Tu: Creation of builders depot with workshop, offices, store and 4 dwellings (as amended to omit four dwellings)

E/74/2276/P: office and store building – refused

E/74/1220/P: mesh fence - approved

E/77/2511/P: Erection of vehicle maintenance and service bay with store for builders depot. Grant

E/82/1105/P: Erection of building materials store – as amended. Application Granted (01.03.1982)

E/84/2971/P: Erection of replacement offices. Grant

E/88/1406/P: Erection of extension to workshops (light industrial). Grant

E/89/1919/P: Provision of external fire escape. Grant (Buildwell)

SE/02/3812/P: Planning Application - (i) Erection of two detached houses with detached garages/storage; and (ii) change of use of builders office to Class B1 office (demolition of remaining buildings on site) as supported by information supplied on 14th April 2003 with regard to a Flood Risk Assessment. Grant (Buildwell (in liquidation) (expired before implemented)

SE/04/1536/P: Planning Application - Continued use of former builders' yard for boat building as supported by letter received 18/3/04 with details of machinery and vehicles operated onsite and by letter dated 9th June 2004 containing traffic survey as supported by letter dated 16th July 2004. Grant

SE/04/4084/P: Planning Application - Change of use of offices associated with Builders' Yard to Class B1 (Business). Grant

SE/07/0507: Planning Application - Continued use of former builder's yard for boat building. Grant

SE/08/0156: Planning Application - Continued use of former builders yard for joinery work and soft furnishings in connection with fitting out moulded glass fibre boats for a temporary period (until 31st July 2008). Grant

SE/09/0092: Planning Application - Continued use of former builders yard for joinery work and soft furnishings in connection with fitting out moulded glass fibre boats for a temporary period. Grant

SE/10/0177: Planning Application - (i) Conversion and extension of existing commercial building to dwelling and (ii) erection of 2 no. dwellings and associated car port. Refused

SE/10/0632: Planning Application - (i) Conversion and extension of existing commercial building to dwelling and (ii) erection of 2 no. dwellings and associated car ports (re-submission) as supported by plan received 11th June 2010 indicating Plot 1 elevations and email dated 6th October 2010 including details of a marketing campaign. Refused / Appeal dismissed

SE/11/1174: Planning Application - Erection of 2 no detached dwellings and associated car ports. Grant

SE/12/1651/FUL: Planning Application - Erection of dwelling & garage (Plot 2) (revised application of SE/11/1174). Grant

DC/13/0105/P3JPA: Prior Notification Application under part 3 J - Change of use of Office building Class B1(a) to dwelling Class C3. Not Required

DC/13/0106/P3JPA: Prior Notification Application under part 3 J - Change of use of Office building Class B1(a) to dwelling Class C3. Not Required

DC/17/2199/FUL: Planning Application - Continued use of former builder's yard for joinery work and soft furnishings in connection with the fitting out of moulded glass fibre boats for a temporary period (12 months). Grant

Consultations:

8. Public Health And Housing: No objection subject to conditions to control.
9. Environment Team: No objection subject to conditions to control impacts from demolition and construction phase.
10. Environment & Transport – Highways: No objection subject to conditions.
11. Ecology And Landscape Officer: No objection verbally, subject to implementation in accordance with the recommendations in the ecology report and enhancement measures as set out
12. Suffolk Wildlife Trust: No comments received
13. Strategy And Enabling Officer, Housing: Based on what a Registered Provider would pay for an Affordable Rent property and a Shared Ownership property, we would be seeking to secure a commuted sum of £90,780 for the loss of 0.6 of an affordable dwelling.
14. Parish Council: No objection – *'it is asked that a condition is made that before any building works take place it is ensured the existing workshops are demolished and all commercial use on this site is extinguished.'*
15. Ward Councillor: Councillor Simon Brown called the application in to the Delegation Panel. Councillor Brown submitted comments to the Delegation Panel summarised below:
 - There is already housing development taking place with approval on site.
 - The request is for just two additional houses.
 - It is to replace a commercial workshop, which holds no local trade that will be impacted by change of use.
 - The village will benefit from additional housing.
 - Having no commercial use means no trucks, lorries etc., driving along the lanes causing damage to the hedgerows, conservation, roads and at times of an early morning / late evening.
 - Residents would prefer houses.
 - The Parish Council have no objection and would prefer houses.

Representations:

16. No third party representations have been received.

Policy:

17. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried

forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

18. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

Joint Development Management Policies Document

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM46 Parking Standards

Other Planning Policy:

National Planning Policy Framework (2019)

19. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Planning Policy Evaluation

20. Policy CS1, CS4 and CS13 of the Core Strategy seek to direct development to suitable, sustainable locations with easy access to local services and facilities. These are aims that are consistent with Paragraphs 78 and 79 of the Framework.

21. Policy CS13 of the Core Strategy does not prevent development outside settlements defined in Policy CS4, but states that it will be strictly controlled. It goes on to state that '*Policies in the Development Management DPD and Rural Site Allocations DPD will set out detailed uses which are appropriate in rural areas*'. The Joint Development Management Policies have since been adopted and Policy DM5 concerns development in the countryside.

22. Policy DM5 was adopted following the introduction of the original National Planning Policy Framework in 2012 and therefore takes a more permissive approach to rural housing than Policy CS4 and its supporting text did. It seeks to facilitate some residential development in smaller settlements by permitting infilling in more than exceptional circumstances. Being more recently adopted, Policy DM5 takes precedent over Policies CS1 and CS4.

23. Policy DM5 permits small scale residential developments on small undeveloped plots in clusters in accordance with Policy DM27. DM27 requires proposals for new dwellings in the countryside to be in a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway, as well as consisting of the infilling of a small, undeveloped, plot by one or a pair of semi-detached dwellings commensurate with the scale and character of the dwellings existing in the area. Proposals for dwellings in the countryside must also be located and designed such as to not harm

or undermine a visually important gap that contributes to the character and distinctiveness of the area and would not have an adverse impact of the environment or on issues relating to highway safety.

24. Paragraphs 77-79 of the NPPF discuss rural housing matters similar to this policy, in that the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Furthermore, these paragraphs state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, as well as stating that planning policies and decisions should avoid the development of isolated homes in the countryside except in exceptional circumstances as outlined in paragraph 79 of the NPPF.
25. Paragraph 79 of the NPPF does however not imply that a dwelling has to be isolated for a restrictive policy, such as Policy DM5 and DM27, to apply. There may be other circumstances, such as the evidenced based requirements of a development plan, which would suggest development in the countryside should be avoided.
26. Policy DM27 is part of an overall spatial strategy that seeks to promote sustainable travel, maintain local character and enhance and maintain the vitality of rural communities. Its clear intent is to provide some opportunities for housing in smaller settlements as a means of balancing these aims. Accordingly, there is an important element of control in the policy. This is how it has been written and should be applied.
27. Given the consistency between the points raised in the local policy and the paragraphs of the 2019 NPPF above, officers are satisfied that there is no material conflict between Policies DM5 and DM27 and the provisions of the NPPF, such that it is considered that full weight can be given to policies DM5 and DM27 in this case.

Five Year Supply of Housing

28. On 1st April 2019 West Suffolk Council was created. A joint five year housing land supply report (5YHLS) for West Suffolk taking a baseline date of 31 March 2019 was published in September 2019. This confirmed that the new single council can demonstrate a 6.2 year supply of housing land. The report is accompanied by detailed evidence set out in 8 appendices which support the delivery of sites over the period 2019 to 2024. Alongside this report is the West Suffolk Housing Delivery study prepared by consultants Turleys. This report reviews past and current rates of housing delivery and determinants of demand and makes recommendations to accelerate housing delivery across West Suffolk. The report sits alongside the 5YHLS as it provides evidence to support the benchmarks and assumptions used in it.
29. In conclusion, on the basis of the above the policies which are most important for determining the application are not out-of-date and the tilted balance set out in para 11 of the NPPF does not apply.

Officer Comment:

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

- Compliance with relevant policies for housing
- Planning history
- Fall-back position
- Loss of employment use
- Layout and design,
- Impact upon residential amenity
- Ecology
- Highways matters
- Affordable housing
- Contamination
- Flood risk and drainage
- Air quality
- Sustainable Construction
- Planning Balance

Principle of development:

31.Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

32.The NPPF is a 'material consideration' which does not alter the primacy of the development plan, but remains a significant material consideration in the determination of planning applications. As paragraph 12 states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

33.Core Strategy Policy CS1 sets out the Council's spatial strategy for the former St Edmundsbury Borough Council area. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015). The application site lies outside of any defined settlement boundary, and is therefore situated in the countryside for the purposes of interpreting planning policy.

34.Accordingly, the application site is outside of any settlement boundary, in the open countryside and where Policy DM5 applies, and which seeks to protect the countryside from unsustainable development. The distance to the edge of the nearest village Ixworth is approx. 1.8km, there are no footpaths, the roads are not lit and the speed is not generally restricted below 60mph. A journey to Ixworth would also involve crossing the A143 with limited safe pedestrian crossing points of an otherwise busy road. The village of Pakenham is in excess of 2km away, but again the journey is not conducive to travel other than by the private car. The distances and road conditions to local facilities and services in the nearest villages are such that sustainable modes of transport such as walking and cycling would not particularly be encouraged. Therefore, occupiers of the proposed dwellings are most likely to frequently rely on the private car to access day to day

services and facilities, which would have negative environmental and social effects. A recent 2018 appeal decision (AP/18/0015/REF) for a single dwelling some 70m east of the application site was dismissed for similar reasons, with the Inspector considering what was then paragraph 55 (isolated dwellings in the countryside, now paragraph 79) of the then relevant NPPF 2018 and concluding as follows –

‘In this regard, I consider the appeal site to be poorly located. I did not observe any shops, community facilities or bus stops within a reasonable walking distance of the site and the various services cited by the appellant are located in neighbouring villages and not proximate to the site. Moreover, the local road network lacks pedestrian footways and is inherently unsuited to walking or cycling, particularly after dark or in bad weather. In any event, whilst the limited range of services and facilities in Ixworth might provide for some day-to-day essentials, future occupants of the dwelling would still be dependent on longer distance car journeys to access supermarkets, employment areas and the like. (...) For these reasons, the proposal would conflict with one of the core principles of the Framework which is stated as; *‘to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling’.*’

35. There is nothing before us that calls into question this Inspector’s judgement in relation to this matter, notwithstanding the updating of the NPPF in 2019, and the clear locational similarities between that site and this add considerable weight in support of the view above that this is NOT a sustainable location for residential dwellings and that the provision of such in this location would strongly conflict with the provisions of the NPPF. This is a very clear example of the way a Planning Inspector would be expected to determine a matter such as this in light not only of local policies, but also bearing in mind the provisions of the NPPF. That, when analysing a dwelling in an immaterially different location, against identical policies as before us now, an Inspector reached such a robust decision is telling, and points very clearly to the strong policy conflict arising. This conflict is a factor which weighs very heavily against the proposal.
36. Policy DM5 sets out forms of development that will be permitted in the countryside (affordable exemption sites, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings). The proposal does not fall within any of these categories and, therefore, would be contrary to Policy DM5.
37. Policy DM27 referred to by policy DM5 permits small-scale development of a small undeveloped plot in the countryside provided it accords with the criteria set out within the policy.
38. Policy DM27 states that such housing should be within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and the scale of development should consist of infilling a small undeveloped plot by a dwelling commensurate with the scale and character of existing dwellings within an otherwise continuous built-up frontage. The policy clarifies that plot sizes and spacing between dwellings should be similar to adjacent properties and that permission will not be granted for proposals that harm a visually important gap or have an adverse effect on the environment.

39. There are some dwellings north and south of the site but these are scattered very loosely along the road. The proposal is for two detached dwellings, each sited on large plots clearly not within any cluster. There is also, in any event, not a continuous built-up frontage along Broadway.
40. Based on the above the proposed development is contrary to policies CS1, CS4, CS13, RV1 and RV3, DM5 and DM27 and as such is not acceptable as a matter of principle. As with the conflict with the provisions of the NPPF identified above, this is a conclusion that weighs very heavily against the proposal.
41. Accordingly, unless there are material considerations to indicate that the plan should be set aside, the only reasonable conclusion that can be drawn is that the proposal should not be approved.

Loss of employment use

42. Policy DM30 seeks to protect existing employment sites. Non-employment uses proposed will only be permitted where the proposal can demonstrate that it meets certain criteria.
43. The site is currently used for boat building operations. The proposal is therefore also considered against policy DM30. The applicant accepts that in this respect the proposal does not strictly comply with that policy but argues however, that *'a key question is the extent to which any policy tension in that regard is of significance, especially where the employment use is of itself unsustainable by virtue not only of its location but its harmful impact upon surrounding environs.'*
44. The NPPF at para 84 advises that *'sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.'* It goes on to say that *'In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*
45. Whilst it is agreed that the location is remote from any settlement boundary and services and facilities, the site being close to the settlement of Grimestone End is not in and of itself physically 'isolated' and employment uses on small rural sites will provide rural employment and may in turn reduce the need to travel further afield. As such a location whilst being very clearly unsuitable for housing may be more suitable for appropriate employment uses, and this is considered the case here.
46. The existing, albeit currently unauthorised, use of the site for boat building operations is one such use which would gain support from local and national policy and was considered acceptable previously in this respect noting the recent history of approvals.

47. Impacts from the existing boat building operations or potential alternative employment uses can be controlled by the LPA and mitigation secured by conditions as appropriate, and as had been the case previously.
48. In conclusion, the proposal would result in the loss of an existing employment site and is as such contrary to Policy DM30. Without adequate justification for the loss of such this will weigh against the proposal in the planning balance.
49. Based on the above the proposal does not comply with the relevant policies in the local plan for housing (CS1, CS4, RV1, RV3, DM5 and DM27) and would result in the loss of an employment site, contrary to policy DM30. The very strong conflict with the provisions of the NPPF is also a very significant factor. Taken together, the principle of development is not considered acceptable.
50. However, it is also important to consider what other material considerations exist. The application has been submitted by the applicant on the basis of their argument that the relevant development plan policies are out of date, that there is a claimed fall-back position to builder's yard and that there is material planning history to this site which justifies a decision otherwise contrary to the development plan. Conformity of local plan policies with the NPPF and the Council's 5 YHLS have been addressed above, with neither argument presented by the applicant bearing scrutiny. The Council has an up to date suite of policies, compliant with the provisions of the NPPF, as well as a demonstrable five year housing land supply. This means that full weight can be given to local policy, and when such is done, it leads inevitably towards the conclusions reached above. The further matters of planning history and fall-back position are addressed below:

Planning history:

51. Planning permission has previously been granted on the site for two dwellings in 2003, after the, at that time, established builder's yard went into liquidation, and again in 2011, following an appeal decision in 2010, which albeit dismissed on other grounds, had regard to the potential for the overall site to revert back to a builder's yard use and considered that the associated heavy vehicle movements and disturbance to residents would be such as to outweigh the policy conflict of residential development. The Inspector concluded in 2010 that *'In the particular circumstances of the appeal I therefore conclude that the proposed provision of two new detached houses would be justified.'*
52. However, the circumstances have since materially changed. At the time (2010) the Inspector considered that there was a *'real possibility'* for the whole site to revert back to a builder's yard. As expanded upon below Officers do not consider that the builder's yard use remains a fall-back position now, almost ten years on from the conclusions of that Inspector. Moreover, the appeal scheme also included the substantial north-eastern part of the site, including two buildings. This part of the site has since changed use to residential under the prior approval provisions of permitted development rights and the two buildings that previously supported the builder's yard use have since been converted into dwellings. This subdivision of the former planning unit has created a new chapter in the planning history of the site and matters must be considered within this new context.

New chapter in the planning history

53. Case law indicates that the later implemented approvals for change of use to dwellings have create a new chapter in the planning history of the site. Case law has established that if land forming part of a larger area in one occupation has an established use, and if planning permission for the erection or enlargement of a building on another part of the same area is granted and the development takes place, this does not necessarily terminate or remove the established use. It only does so if in some way the development which took place is inconsistent with the established use.
54. In this case, the former builder's yard use area was reduced to the remainder of the site. This means, in the opinion of your officers, that any historic builder's yard use is considered inconsistent and incompatible with the residential use of the other part of the site. Subsequently, following case law, and on any reasonable interpretation, the builder's yard use, even if it was still considered to exist at the time of the prior notification approvals, which is moot, would most certainly in the opinion of your officers, have terminated at the point when the prior notification approvals were implemented, noting that these subdivided and diluted the former larger planning unit containing the builder's yard. The significantly reduced area available plus the loss of the buildings associated with that former builder's yard use would have had a profound, and terminal, effect on the ability of any residual use to survive in law as an extant use of that remaining land. Instead, the former builder's yard area outside of that area subsequently converted to dwellings and curtilages would have had no lawful formal planning use, which is not an unusual scenario on rural sites such as this.
55. In the view of officers therefore, the granting and implementation of subsequent consents on the site, not least the prior notification dwellings, have started a new chapter in the planning history of the site, superseding any former consents, given the incompatibility of the former use with the new use noting this loss of area and buildings. What this means is that any claimed historical use of the site as a builder's yard cannot offer any support as the kind of material consideration that might otherwise offer more support for the residential re-use of the site.

Fall-back position

56. Even if the position set out in the above paragraphs is not accepted, and for the record, Officers consider this to be a cogent, legally sound, and otherwise well-made and reasonable argument on the facts of the case before us, and even if it is considered that, somehow, and at odds with the reality of how the site has subsequently been subdivided and used, that it can be argued that the builder's yard otherwise was extant even after the implementation of the Prior Notification applications, then your officers believe, without prejudice, that there is a further argument that would readily counter this position anyway. This relates to the fact that even on the hypothetical basis that the subdivision of the site to create the additional dwellings did not somehow start a new chapter in the planning history, then the facts otherwise will show that any builder's yard use has very clearly been abandoned, as the following paragraphs will demonstrate.

Abandonment:

57. After gravel and sand extraction the wider site including two larger buildings now converted to dwellings, were used as a builder contractors depot from the late 1970's until 2002 when the contractor went into liquidation. The larger part of the site has since been used by the applicant for a boat building operation and one building on the site had been rented out for office use to another business, until the two larger buildings on site changed use to dwellings under permitted development rights.

58. Case law has established that there are tests to consider in order to ascertain whether a building/use has been abandoned. These are:

- The intention of the owner
- The physical condition of the building/site
- The period of non-use
- Whether there have been intervening uses

(Trustees of the Castle-Mynach Estate v SoS for Wales [1985] JPL 40 amongst other more recent authorities)

59. The intention of the owner: The planning history, in the view of officers, shows little evidence to support an intention for the site to be used as a builder's yard again. There have been numerous applications in relation to the boat building operation and applications for conversion of existing buildings to and construction of new dwellings on site over the last 15+ years. This is considered to be a considerable and material period of time, and casts significant doubt on the intentions of the owner ever to 'fall back' to this use. The fact that many of the intervening permissions for boat building were 'temporary' does not, in the opinion of officers, cast material doubt on this conclusion.

60. The physical condition of the building/site: Two of the three main buildings associated with the former builder contractors depot have been converted to dwellings, which means that the buildings and this considerable part of the site are no longer capable of being used for former uses. This is part of the reason why officers, as set out above, believe a new chapter in the planning history has, in any event, been created. Again, this casts considerable doubt on the suitability for the site to retain any lawful use and the close proximity of the site to former office buildings now converted to dwellings also casts doubt on the ability of the site to accommodate any such 'fall back' use.

61. The period of non-use: The site has not been used as a builder contractor's depot since 2002, for the last 17 years. It is logical to conclude that the shorter the period of non use the more likely it is that any such use may not have been abandoned, and also that the longer the period of non use is the more likely it is that any former use has been abandoned. Officers consider that 17 years is a considerable period of time, and even if, contrary to the available evidence, a new chapter in the planning history has NOT been created, then the period of time since the site was last used as a builder's yard leads to a reasonable conclusion that any such use has been abandoned.

62. Whether there have been intervening uses: The site has in most parts been used for boat building operations. One building was used for B1 office use and considerable parts of the site have since changed use to residential.

Notwithstanding the fact that the intervening permissions for boat building were temporary, nothing has demonstrated any indication to otherwise revert back to these uses, with the number and regularity of the renewals for the 'temporary' boat building use all pointing, reasonably, to an 'intervening' use which is in fact permanent in all reality on the site.

63. Whilst the claims of being able to implement the builder's yard use might have had merit in 2010 when considered by an Inspector, due to the passage of time since then, the extended period of alternative use on the site, and the change of use of considerable, and material, parts of the site to residential in the meantime leads to a conclusion that the previous use has been abandoned and is no longer capable of being implemented.

64. On the basis of the tests applied above and notwithstanding the applicant's assertions to the contrary regarding their possible future intentions to reinstate a builder's yard use at the site, it can reasonably be concluded that the previous use is highly likely to have been abandoned. It must also be remembered that this argument is made by officers entirely without prejudice to A) the fact that planning policy points very clearly towards a refusal in any event and B) that the conversion of existing buildings into new dwellings within substantial parts of the site very clearly started a new chapter in the planning history of the site, thereby superseding any historic established uses that may have existed at that time.

Weight to be attached to any hypothetical fall-back

65. There is a further argument that officers consider is important to rebut. Again, this argument is made without prejudice to the arguments above. In the eventuality that it is not accepted that the changes of use on the site created a new chapter in the planning history of the site, and on the basis that, notwithstanding the arguments above, that any former use has also not been abandoned, then it is important to understand, entirely without prejudice, how much weight might otherwise be attached to this fall-back.

66. In this regard, and for the purposes of this analysis, even if it were accepted, notwithstanding all the above arguments, that there was somehow shown to be a fall-back position of a lawful use of the site for a builder's yard, officers are very firmly of the opinion that only very limited weight could otherwise be attached to this in the balance of considerations in any event. Certainly, any such weight, even if such was shown to exist, would not be sufficient to outweigh the strong policy conflict and the harm identified above. The site contains limited buildings, is remote otherwise, and in the opinion of officers, would only ever reasonably be used for a low key and relatively unobtrusive use, if at all. The unlikelihood therefore that the site would ever be attractive for reuse as anything other than a small scale builder's yard significantly limits any weight to be attached to this as a fall-back. In reaching this conclusion it should be further noted that any such use, which it should also be noted is likely to accord with relevant Development Management policies supporting economic uses within the countryside, would be preferable to the development of the site in the manner sought, noting the strong conflict with policy and the conflict of the proposal with the provisions of the NPPF.

Summary and conclusion on fall-back arguments

67. Firstly, the subdivision of the site, for substantial parts to be used for residential, has created a new chapter in the planning history which terminates any former builder's yard use given the scale and extent of land lost to other uses and given the inconsistency of the new and established use. Secondly, for the reasons set out above the builder's yard use is considered to have been abandoned, even if it is somehow accepted that the subdivision of the site has NOT created a new chapter in the planning history. There is therefore no likely fall-back position in this case, to indicate that the application should be determined other than in accordance with the plan.
68. Even if there was a fall-back position to builder's yard, without prejudice, this further argument fails anyway since Officers do not consider that this former use would ever be reasonably reinstated thereby significantly reducing the weight to be attached here.
69. However, even if a builder's yard could be reinstated on the application site, again without prejudice, the area available for such a use has significantly reduced and the historic permissions this use would rely on did restrict noise levels to limit impacts on amenity. In the view of officers, such a small scale business which will still generate some employment is still considered more sustainable in this location than two dwellings remote from any services and facilities. Therefore only very modest or even no weight could be attached to such argument, and would be insufficient to outweigh the clear and obvious conflict with policy.

Layout and design

70. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 requires all development to fully consider the context in which it sits, to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit.
71. The application proposes the erection of two detached two-storey dwellings of traditional form and design set within spacious plots.
72. Development in the immediate locality of Grimstone End is characterised by detached dwellings on large plots fronting the road. There is a variety of building designs in the area. Whilst the density here would be very low and notwithstanding the overriding policy objection to the principle of residential development, it is considered that in a rural location such as this, a low density development is more in keeping with the character of the locality.
73. Additionally, the application site is well screened by existing landscaping on the site boundaries. Albeit of a considerable scale and massing the design of the proposed dwellings would not have a significant impact upon the character of the area due to their secluded position.
74. On the basis of the above the proposal is not objectionable with regards to layout and design.

Amenity

75. The separation between the proposed dwellings and existing properties is such that the proposals would have no adverse impact by reason of overlooking, overshadowing or being overbearing.
76. The dwellings would benefit from large gardens and overall provide a good standard of amenity for future residents. The proposal in this respect would be acceptable in line with policy DM2 and DM22 and guidance within the NPPF.

Ecology

77. The application has been submitted with a Preliminary Ecology Survey which, following a desk study and site survey, concluded that further ecological surveys or mitigation were considered unnecessary.
78. The site supported an area of common and widespread habitat low in ecological value, excluding boundary vegetation which would not be affected by the proposal.
79. The reports set out impact avoidance precautionary measures and habitat compensation for bats, birds, reptiles, amphibians, hedgehogs and habitats to further minimise any residual risk of harm or impact to protected, priority or rare species. This and biodiversity enhancement measures as set out in the report could be secured by condition to ensure compliance with policy DM10, DM11 and DM12 of the JDMPD.

Highways matters

80. Policy DM2 requires development (*inter alia*) to produce designs, in accordance with standards, that maintain or enhance the safety of the highway network
81. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
82. The proposed access currently serves the commercial site and two dwellings. It is considered to be adequate to serve the proposed development, with sufficient visibility in both directions. Parking will be provided within the garages and on the drive in accordance with the current SCC Guidance for Parking. As such the proposal would be acceptable in this respect. SCC Highways have raised no objection subject to conditions.

Affordable housing

83. The National Planning Policy Framework states that affordable housing shall only be required for sites of 0.5ha and over or for 10 dwellings and over. The application site is 0.75 ha in site area.
84. In line with the economic and social dimensions of sustainable development, which (*inter alia*) seek to provide a supply of housing to meet the needs of the present and future generations, Policy CS5 of the St Edmundsbury Core Strategy requires developments of the scale proposed

to contribute towards the provision of affordable housing. In this case the requirement is 30% which would equate to 0.6 units.

85. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.

86. The strategic housing team, based on what an RP would pay for an Affordable Rent property and a Shared Ownership property, would be seeking to secure a commuted sum of £90,780 because it is not possible to secure 0.6 of an affordable dwelling on site.

87. The proposals were subject to a viability assessment. A financial contribution of £45,000 was considered viable by the applicant and is offered as a benefit of the scheme. On the basis of the evidence available, this is considered to be an acceptable contribution in this case. This will weigh in favour of the proposal in the planning balance.

Contamination

88. The application is supported by a Phase 1 Desk Study and Risk Assessment which provides a summary of the history and environmental setting of the site, includes a walkover survey and gives recommendations for intrusive investigations.

89. The Environment team welcome this new opportunity to appropriately investigate and (if necessary) remediate the site. The standard land contamination condition is recommended to be attached, should planning be granted.

Flood risk and drainage

90. The site lies within Flood Zone 1, where the chance of flooding from rivers and the sea occurring each year is less than a 0.1 per cent (1 in 1000). The application form indicates that drainage will be dealt with by soakaways. Given the minor scale of development proposed details would be secured through the Building Regulations.

91. The application accords with policy DM6 and would therefore be acceptable in this respect.

Air quality

92. Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible

and convenient locations.’ On this basis a condition should be attached to any consent to secure a vehicle charging point for the new dwellings.

Sustainable Construction

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

Planning Balance

94.In terms of the planning balance West Suffolk Council can demonstrate a 5 years supply of deliverable housing and the relevant development plan policies are considered to be broadly consistent with the NPPF. Full weight can therefore be attached to these policies. The proposal is contrary to the development plan policies in relation to housing in the countryside and will result in the loss of employment use without adequate justification, contrary to policy DM30.

95.Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. By any objective analysis of this assessment this clearly points towards a recommendation of refusal.

96.Officers do not consider that there is a fall-back position to builder’s yard because, firstly the changes of use on the site started a new chapter in the planning history of the site which would have superseded any extant lawful uses at that point and, even if it is accepted that they did not, then any former builder’s yard use has clearly been abandoned given the length of time and the extent of intervening uses since it was last in such use. The circumstances of the site have also materially changed since the planning permission and appeal decision referenced by the applicant to justify the proposal. Therefore very limited weight can be attached to those.

97.Even if, without prejudice, the conclusion was that there is a fall-back position to builder’s yard, the area available for such a use has significantly reduced and the historic permissions this use would rely on did restrict noise levels to limit impacts on amenity. This would mean that any such use, even if it was considered to be lawful, would be an otherwise generally acceptable use noting the provisions of present policy. Therefore, no weight could be attached to any such fallback as offering support for the development now proposed, firstly on the basis that officers do not consider that there is any material fall back, but that even if such is shown to exist, that it would not otherwise justify approval of a scheme which otherwise very clearly fails policy, in a location where a recent Planning Inspector has considered that residential development would not be suitable.

98.The proposed development would not be in a suitable location when considering the policies concerned with housing in rural areas. As such, it would significantly and harmfully undermine the adopted spatial strategy for rural housing and employment in the development plan and the

consistency and relative certainty that should flow from a plan led approach to the location of new development.

99. The provision of two dwellings are a social benefit of the scheme, so would the financial contribution to affordable housing (£45k). Modest weight can be attached.

100. Overall the conflict with policy with regards to housing in the countryside and the loss of a rural employment site are however considered to significantly outweigh the modest benefit arising from the affordable housing contribution and any marginal benefit arising from the limited social and economic benefits such as the contribution to the housing supply, construction period and additional local spend.

Conclusion:

101. In conclusion, as set out above, the principle of the development is considered to be unacceptable and fails to comply with relevant development plan policies and the National Planning Policy Framework. The limited benefits from the provision of a financial contribution to affordable housing, marginal social and economic benefits from the provision of two dwellings and commensurate biodiversity enhancements are not considered to outweigh the significant and demonstrable harm by reason of undermining the spatial strategy for housing and employment.

Recommendation:

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. The site is in the open countryside in a location remote from services and facilities. Policy RV3 of the Rural Vision 2031 states that residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. There are exceptions to allow for housing development in the countryside as set out under DM5 (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings), but this proposal does not satisfy any of these exceptions. The site is also not allocated for residential development in the Local Plan. West Suffolk can demonstrate a deliverable five year housing land supply and therefore the development plan can be considered up to date. The proposal therefore fails to comply with policy RV3 of the Rural Vision 2031, Core Strategy policy CS1 and CS4 and Policy DM5 of the Joint Development Management Policies Local Plan and the NPPF, particularly paragraphs 11, 77 and 79 and is considered unacceptable as a matter of principle. Moreover the proposal would result in the loss of an existing employment site. Without sufficient justification the proposal is contrary to policy DM30. The limited social benefits from a financial contribution to affordable housing and marginal social and economic benefits from the provision of two market houses is not considered to outweigh the substantial harm by the proposal undermining the adopted spatial strategy for rural housing and employment in the development plan.

The Local Planning Authority does not consider that there are material factors that justify any other decision. The claims of a 'fall back' builder's yard use by the applicant do not bear scrutiny. Firstly, the Authority is of the opinion that

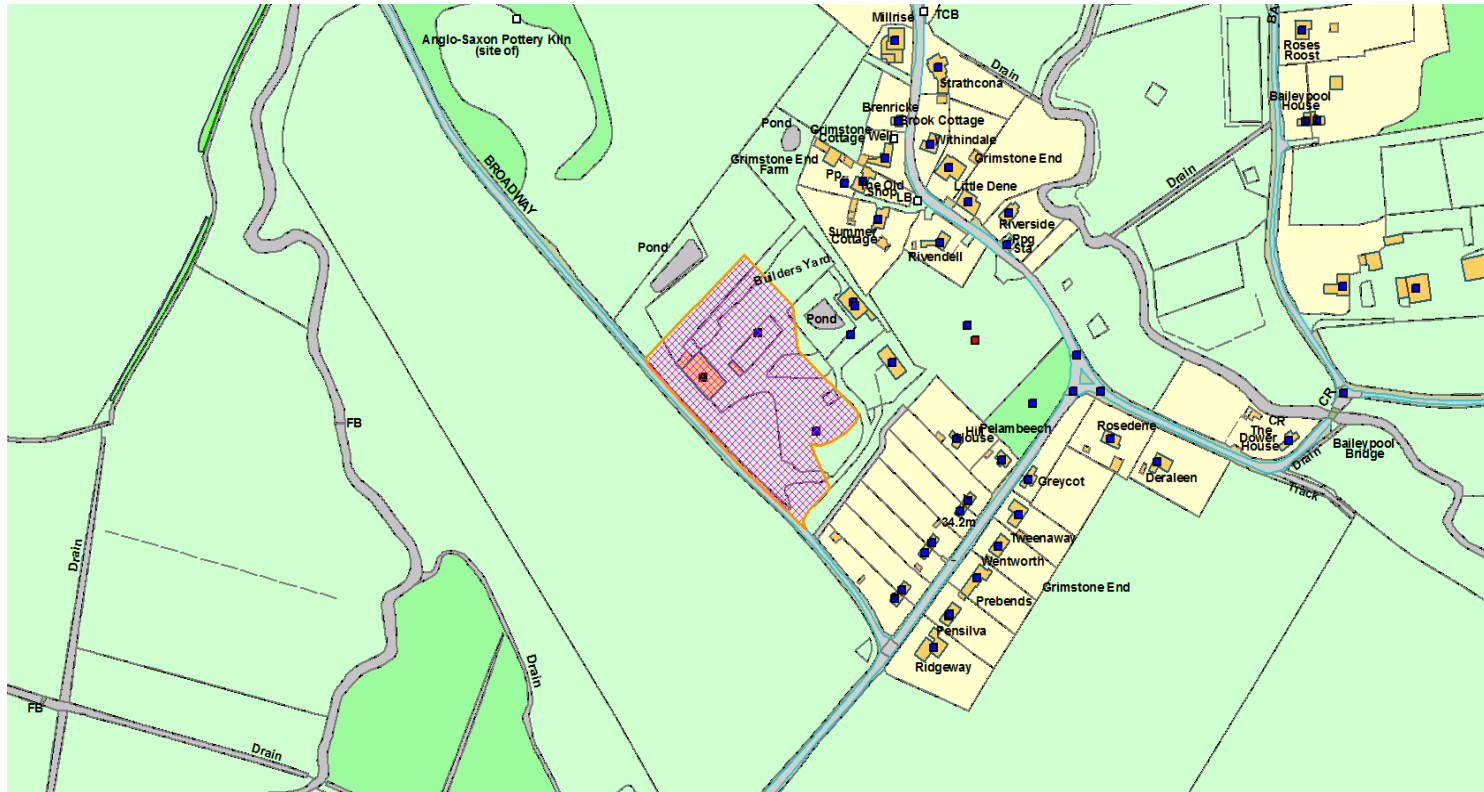
subsequent changes in the use of the site, including the change of use using permitted development rights of two buildings to dwellings started a new chapter in the planning history of the site. This would mean that any former builder's yard use would have been extinguished at this point. If, and without prejudice, this argument is not accepted, then the facts of the situation, including the period of time and the extent of intervening uses, indicate very firmly that any builder's yard use that might have existed, and may still have existed beyond the implementation of the prior notification approvals, has otherwise been abandoned. Even if this argument is not accepted, then the Authority would argue that the likelihood of any builder's yard use recommencing is unlikely, significantly limiting the weight to be attached to such. Furthermore, even if such a use was shown to be extant, and however unlikely, it did recommence, the Authority is of the view that any such use would be preferable to the provision of two dwellings on the site, noting the clear harm arising from such. On this basis, the Authority is of the opinion that no weight can be attached to any claimed 'fall-back' arguments relating to the planning history of the site and that determination should be made in accordance with the provisions of the NPPF and the Development Plan, both of which very clearly indicate refusal.

2. Policy CS5 sets out the Council's requirements for affordable housing provision. In this case 30% equating to 0.6 units would be required. It has been demonstrated that a financial contribution of £45,000 is viable. However, no mechanism is in place to secure the required affordable housing contribution arising from this development and, in the absence of an appropriate contribution the development would have significantly adverse impacts upon the delivery of affordable housing, further reducing its sustainability credentials. The proposals are therefore also contrary to the policy CS5, Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013) and the objectives of the National Planning Policy Framework (2019) that seek to deliver sustainable development.

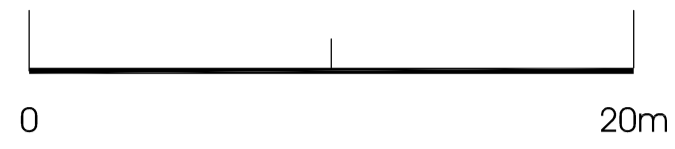
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0514/FUL](https://www.forestheath.gov.uk/DC/19/0514/FUL)

Case Officer: Britta Heidecke Phone: 01638 719456



PROPOSED SITE PLAN 1:250



DASHED DOT LINES INDICATED PROPOSED 1.8m HIGH CONCRETE POST AND TIMBER PANEL FENCE

HEDGE MIX TO BOUNDARY-
 ENGLISH HOLLY (Ilex Aquifolium)
 SPINDLE (Euonymus Europaeus)
 WILD PRIVIT (Ligustrum vulgare)
 HAWTHORN (Crataegus)
 3 OR 4 PER METRE
 1800mm HIGH

PLOT 1

PLOT 2

BIN COLLECTION POINT

PIN OAK (QUERCUS PALUSTRIS) 1.8m



EXISTING SITE LOCATION PLAN 1:1250

DEVELOPMENT PHASING

PRIOR TO THE OCCUPATION OF PLOT 1, THE EXISTING BUILDING SHALL BE DEMOLISHED AND THE SITE CLEARED OF RESULTANT RUBBLE AND SPOIL TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY.

LANDSCAPING

LANDSCAPING SCHEME SHOWN ON THIS DRAWING IS TO BE IMPLEMENTED DURING THE FIRST PLANTING SEASON FOLLOWING THE COMPLETION OF THE DEVELOPMENT. ANY TREES, SHRUBS OR PLANTS THAT DIE WITHIN A PERIOD OF 5 YEARS FROM COMPLETION OR ARE REMOVED AND/OR BECOME SERIOUSLY DAMAGED OR DISEASED IN THAT PERIOD, SHALL BE REPLACED (AND IF NECESSARY CONTINUE TO BE REPLACED) IN THE FIRST AVAILABLE PLANTING SEASON WITH OTHERS OF A SIMILAR SIZE AND SPECIES.

HEDGING

12m BARE ROOT HEDGING TO BE PLANTED AT A RATE OF 5-7 PLANTS PER METRE DOUBLE STAGGERED ROW.

PREPARE GROUND IN ADVANCE AND CLEAR WEEDS ETC 300mm EITHER SIDE OF HEDGE LINE. DIG A TRENCH TWICE AS WIDE AS ROOT STRUCTURE ENRICH SOIL WITH BONEMEAL AND ROOTGROW.

WATER THE PLANTS AND ALLOW TO DRAIN. PLANT BARE ROOT TO A DEPTH AT LEAST AS DEEP AS BEFORE THEY WERE LIFTED GENTLY TEASING THE ROOTS OUT.

PROVIDE SUPPORT CANES AND SPIRAL GUARDS TO EACH PLANT.

FIRM SOIL AND ELIMINATE AIR POCKETS AND WATER IN WELL COVER WITH MULCH AND KEEP WELL WATERED UNTIL ESTABLISHED.

TREES:

ALL TREES TO BE 8/10 STD 2.75-3.00m WITH 8/10cm GIRTH 1m ABOVE GND

LOOSEN SOIL TO A DEPTH EQUIVALENT TO THE HEIGHT OF THE ROOT BALL TO ELIMINATE COMPACTION AND IMPROVE DRAINAGE. INCORPORATE ORGANIC MATTER AND MYCORRHIZAL FUNGI TO HELP ESTABLISHMENT

TRIM POT BOUND ROOTS AND GIVE A GOOD SOAKING BEFORE PLANTING AND PLACE IN HOLE WITH FIRST FLARE OF ROOTS LEVEL WITH GROUND

INSERT SUPPORT STAKES AND REFILL PLANTING HOLE AVOIDING AIR POCKETS. FIRM GENTLY AND WATER IN.

PROVIDE A 12m MULCH MAT AROUND THE PERIMETER AND COVER WITH MULCH.

SHRUBBERY: SHRUBS SHOULD BE PLANTED USING SAME METHOD AS HEDGING ABOVE.

REV DATE DESCRIPTION

AD **Architects** **LLP**

30 ROBIN HOUSE NEWCOURT ST LONDON NW8 7AD
 TEL 020 77229558 www.angliadesign.co.uk
 11 CHARING CROSS NORWICH NR2 4AX
 TEL 01603 666576 mail@angliadesign.co.uk

JOB TITLE
 GRIMSTONE END, THE BROADWAY
 PAKENHAM IP31 2JG

CLIENT
 MR J REINMAN

DWG STAGE
 PLANNING

DWG TITLE
 SITE PLANS

SCALE
 1:1250 & 250@A1

DATE
 FEB 19

DRAWING NO
 NS-4231 -100

REV
 B

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Development Control Committee 4 December 2019

Planning Application DC/18/0544/HYB – Land North of Green Acre, Thetford Road, Ixworth Thorpe

Date Registered:	14.06.2018	Expiry Date:	09.08.2018
Case Officer:	Jo-Anne Rasmussen	Recommendation:	Refuse Application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018		
Site:	Land North of Green Acre, Thetford Road, Ixworth Thorpe		
Applicant:	Frederick Hiam 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:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

Section A - Background:

1. This application was deferred from consideration at the (now dissolved) St Edmundsbury Borough Council Development Control Committee meeting on 3 January 2019. Members at that meeting resolved that they were 'minded to approve' planning permission contrary to the Officer recommendation of refusal. At this point, the Risk Assessment protocol was invoked requiring the further reporting of this matter before a decision was able to be made.
2. A Committee site visit was undertaken on 20 December 2018. Members were minded to approve the application as they considered the proposal would not have an adverse impact upon the character of the countryside and would not contravene policy DM27. However, Members were mindful that a biodiversity survey had not been submitted and that an application should not be approved without one.
3. The purpose of this report is to provide a more detailed analysis of DM27 and its interpretation, an update on the submission and acceptability of a Biodiversity Survey, as well as a risk assessment for Members in accordance with the Decision Making Protocol, which sets out the potential risks that might arise should planning permission be approved.
4. The previous Officer report for the 3 January 2019 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.
5. A Committee site visit was scheduled for the West Suffolk Development Control Committee on 2 December 2019.

Proposal:

6. Please refer to working paper 1 for a description of the proposal

Application Supporting Material:

7. Please refer to working paper 1 for a description of the supporting material.
8. Additional Material; Biodiversity Survey, February 2019 and supplements, including October 2019.

Site Details:

9. Please refer to working paper 1 for site details.

Planning History:

10. Please refer to working paper 1 for planning history.

Consultations:

11. Please refer to working paper 1 for a summary of consultation responses.

Representations:

12. Please refer to working paper 1 for representations received.

Policy:

13. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

14. Please refer to working paper 1 for a list of policies and guidance that have been taken into account in the consideration of the application.

Other Planning Policy:

15. National Planning Policy Framework (2019)

16. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

17. Please refer to working paper 1 for the officer assessment of the proposals. There is nothing in the February 2019 NPPF that calls into question the assessment set out within that report.

Section B – Update:

Policy DM27

18. Following January's Development Control Committee meeting an analysis of DM27 and its interpretation in regards to the proposal has been undertaken.

19. Policy DM27 states;

Proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:

- a. the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway;

b. the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

Note: A small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.

20. The proposal site is not considered to be in a closely knit cluster. The surrounding dwellings are extremely loose with considerable separation distances between many, and which is a factor which contributes positively to the rural character of the area. However the site is adjacent to a highway.
21. The development also proposes five dwellings, clearly at odds with the provisions of DM27. However the Committee was minded to take into account the three dwellings existing on site, which would effectively result in three replacement dwellings and two new infill dwellings. This is not considered to even loosely align with the criteria of DM27 which restricts development to one dwelling or a pair of semi-detached dwellings, and, furthermore, the size of the site is comfortably sufficient to accommodate five dwellings and could not therefore be considered as a "small undeveloped plot". Further the site is not within an otherwise continuous built up frontage as the dwellings are set varying distances apart, characteristic of such a rural settlement. Whilst there are some semi-detached and terraced properties, these are set back from the highway and some distance from neighbouring dwellings and it is the very loose collections of individually designed dwellings that contributes so strongly to the attractive rural character, with gaps and views between dwellings being the defining characteristic. This proposal will destroy that characteristic, with a dense and overly suburban layout, with a frontage and visually prominent private access driveway, regularly spaced buildings, and prominent car parking.
22. DM27 states within the clarification of a "small undeveloped plot" that the plot should be of a similar size and spacing between dwellings as adjacent plots. The very character of this countryside location is that the properties are loosely grained with often wide spacings between properties. The plot sizes vary between properties, however most are set within large plots. It could not be said that the proposal would provide plots which would be commensurate with those surrounding the site as there is no uniformity apart from the wide spacing between properties which itself adds positively to the open, rural character.
23. Thorough analysis of DM27 illustrates therefore that the proposal is contrary to the criteria set out within DM27. Given the loose grain of the settlement and wide spacings between properties it is not considered the proposal complies with the policy, which is to allow the development of a small undeveloped plot within an otherwise continuous frontage. This is also without prejudice to the argument that replacing three modest terraced dwellings with five more expansively laid out dwellings simply does not accord as a matter of principle with the provisions of DM27.

Impact upon Biodiversity

24. Concerns in regards to the lack of a bat survey were raised at the last committee meeting, with members minded not to approve the development without adequate investigation to illustrate the proposal would not harm protected species.
25. Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife & Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations (2017, as amended) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications.
26. Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) sets out a list of habitats and species that are of principal importance for the conservation of biodiversity in England. Section 40 of the NERC Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
27. Policy DM10 requires that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
28. A biodiversity survey was submitted by the applicant in February 2019, which concluded;
- The building has high potential to support roosting bats due to the presence of droppings and suitable roost features.
 - A suite of surveys will be required to establish how bats are using the buildings. The demolition of the cottages has the potential to injure or kill roosting bats if present at the time of demolition and could result in the loss of a bat roost; if bats are recorded roosting a European Protected Species Licence will therefore be required supported by appropriate mitigation measures.
 - The survey recommended that as the building had the high potential to support roosting bats three emergence and return to roost surveys should be undertaken to provide an understanding of how the buildings are used by bats.
29. The applicant then undertook the required surveys, submitting a further report on this matter in October 2019. This concluded;
- Evidence of bats was recorded during the initial inspection and further surveys recommended.
 - The nocturnal surveys recorded maximum counts of four Brown Long-eared and two Common Pipistrelle roosting in the cottages.
 - The demolition will result in the loss of the roosts and a Natural England licence will therefore be required.
 - The licence will need to be supported by appropriate mitigation.
30. The submitted bat survey report advises that a full mitigation package will be required with a Natural England Licence; the conservation significance is very

low using a scale of very low to very high and the proportionate mitigation recommended in the Bat Mitigation Guidelines (2004) says for small numbers of common species there should be the following:

- No timing constraints
- Provision of bat boxes
- No conditions about monitoring.

31. In this case there will be the provision of bat boxes, comprising of one Integrated Eco Crevice Bat Box and two Integrated Eco Cavity Bat Boxes; these boxes are readily used by the species recorded.
32. The exact location of the bat boxes is yet to be determined but can be agreed by condition if necessary. They would be installed in the new cottages in south facing positions at a height not less than three metres from the ground. The boxes will be complemented by bat friendly lighting; avoiding lighting of the boxes and generally directing light downwards through the use of hoods and cowls as appropriate which will also benefit those species using the site for foraging and commuting. Again this is a matter that could be agreed through the imposition of a condition if required.
33. The report indicates that preferred work period is October to April; this will have minimal impact on bats as the buildings are thought to be unsuitable for hibernating bats. Again, this is a matter which can be controlled through the imposition of a planning condition.
34. Prior to work commencing an inspection of the buildings will be carried out by the licenced bat worker. Any works to the roof must be carried out by hand and supervised by the licenced bat worker; all other works with the potential to impact on roosting bats will be supervised by the licenced bat worker as required. Prior to commencement of works on site workers will be given a 'tool box' talk on the brief ecology of bats, how to remove materials carefully, what to look for and what to do if a bat is found. Should a bat be found, works will immediately cease and if the bat has not already flown away it will be removed by the ecologist wearing a glove. It will be placed in a cloth bag before being placed into one of the onsite bat boxes which will have already been suitably located. The ecologist will be on call for the duration of the works and workers will have been informed to stop works and call should a bat be found. The ecologist will then visit the site immediately, or instructions provided verbally if bat appears injured and needs instant help. These matters can all be secured through a condition which requires compliance with the provisions of the submitted ecological survey report.
35. Accordingly, with appropriate conditions in relation to mitigation and enhancement works, the proposal is considered to comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as with the provisions of the NPPF in relation to biodiversity.

Section C – Refusal Reasons:

36. The Officer recommendation remains one of Refusal, with the reasons set out below; refusal reason 2 has been removed to take into account the Ecology report.

Refusal reason 1:

The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material

consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

37. However, in response to the views of members that the proposal should be approved Officers would recommend the following conditions;

In relation to the FULL element of this proposal (that being the demolition of the existing dwellings)

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

i) A licence issued pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or

ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

3. All works of demolition shall take place outside of the period October – April inclusive.

Reason: To secure biodiversity protection in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. All ecological measures, recommendation and/or works as relevant to this full permission shall be carried out in accordance with the details and timescales contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

In relation to the Outline element of the proposal (that being the erection of five dwellings)

5. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

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

6. Prior to commencement of development (other than demolition) details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

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

Site Plan - 5850-10 REV B

Reason: To define the scope and extent of this permission.

8. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

10. Before the development is first occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

11. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

12. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

13. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

Identify those areas/features on site that are particularly sensitive and that are likely to be disturbed by lighting; Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

14. Prior to the first occupation of any of the dwellings hereby approved, details, including, design, locations and timings for installation, shall be submitted to and approved in writing by the Local Planning Authority of the bat boxes to be installed on site in accordance with the recommendations contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019. There shall be no occupation of the dwellings hereby approved unless and until bat boxes, the detail of which may be agreed through this condition, have been installed. The bat boxes as so installed shall thereafter be retained.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

15. All ecological measures, recommendation and/or works as relevant to this outline permission shall be carried out in accordance with the details and timescales contained within the Hillier Ecology Bat Nocturnal Surveys report dated October 2019.

To secure biodiversity protection, mitigation and enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Section D – Risk Assessment:

38. Members are again reminded that, notwithstanding these conditions, and for the reasons set out above, Officers remain very firmly of the view that this proposal should not be supported. However, if the Committee remains of the opinion that this application should be approved then they must be aware of any potential risks that may arise.

39. The proposal is considered contrary to local and national policies which look to protect the countryside from unsustainable development as well as protecting the countryside from visual intrusion and harm. The proposal would be contrary to DM2, DM5 and DM27. The reasons set out above have examined the developments compliance with Policy DM27 and illustrate it does not comply with the policy.
40. Officers consider the development proposed in this case to be contrary to Policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, CS4, CS13 DM10, DM11 and DM12. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. It is not considered that in this case there are any material planning considerations which would outweigh the conflict with policy and a risk is that the Authority would make a decision that could be challengeable if adequate reasons are not provided to depart from the statutory presumption of the primacy of the development plan. The further obvious risk here therefore is that approval will undermine well established policies of restraint, all of which have been very successfully defended through multiple appeals on many occasions.
41. A further risk to the Authority from an approval is reputational as it may show a lack of regard for the interpretation of countryside protection policies. In coming to their decision Members must clearly identify whether they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to approve the application, the material considerations which justify the departure must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.
42. Whilst every application must be considered on its own merit, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. Failure to provide clear reasons for the decision could expose the Council to the risk and cost of Judicial Review in the High Court and would impact on the ability for the Council to be consistent for other applications of a similar nature. This would also adversely impact upon the reputation of the Council.
43. Officers consider that if the Local Planning Authority were to accept the development being put forward by allowing the new dwellings, then it would become increasingly challenging to continue to defend the Council's position in similar circumstances, particularly in relation to Policy DM27, potentially resulting in further unsustainable development in the countryside and undermining the principles behind Policies DM5 and DM27.
44. If applications are not treated fairly, in the event that a similar application is refused the applicant could have the right to seek to recover their appeal costs (in full or part depending on the circumstances) from the Council should the Inspector conclude that the Council has acted unreasonably. This would result in financial and reputational implications for the Council.

Section E – Conclusions:

45. For the reasons outlined above and also set out within the original report to Development Control Committee, Officers consider that the development would provide unjustified housing in an unsustainable location, which would be significantly harmful to the character of the settlement and have an urbanising impact upon the countryside. The proposal fails to comply with policies which aim to protect the countryside and steer development to sustainable locations, there are no material considerations which outweigh that conflict.
46. In coming to their decision, Members must clearly identify how they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does comply with the policies of the development plan and they wish to approve the application the reasons for the decision must be clearly articulated.

Recommendation:

47. It is recommended that planning permission be **REFUSED** for the following reason:

Refusal Reason 1

The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities

are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

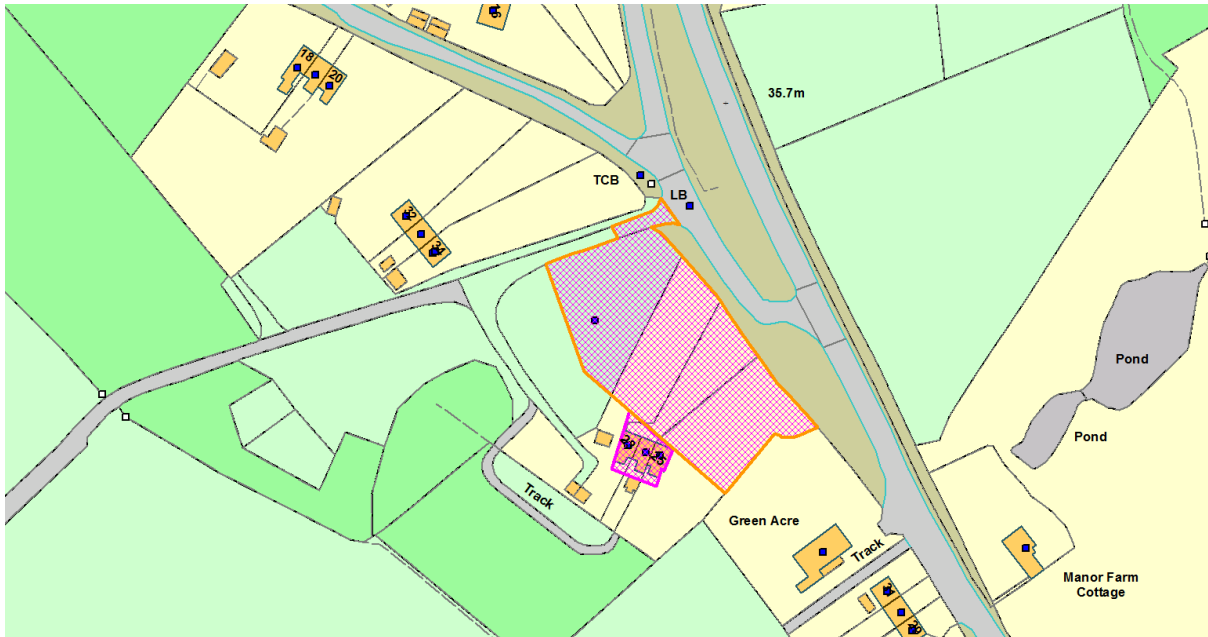
Documents:

- All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0544/HYB](#)
- Working Paper 1 (attached) – Committee report 3.1.2019



DC/18/0544/HYB

Land North Of Green Acre, Thetford Road, Ixworth Thorpe



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Materials	
Walls	Cream painted render Red facing brickwork Painted boarding
Roofs	Red clay pantiles Black clay pantiles

existing access to farm

existing access upgraded

existing frontage hedge retained

boundary hedge retained

3 existing cottages demolished

Green Acre

NOTE:
The client should be aware of his/her statutory requirement to appoint a principle designer and principle contractor under the CDM 2015 regulations.
Peter Codling Architects does not undertake this H&S role unless specifically appointed.

C Nov 2018 red line revision
B Feb 2018 Final Revisions
A Jan 2018 Layout revisions

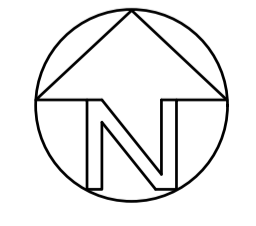
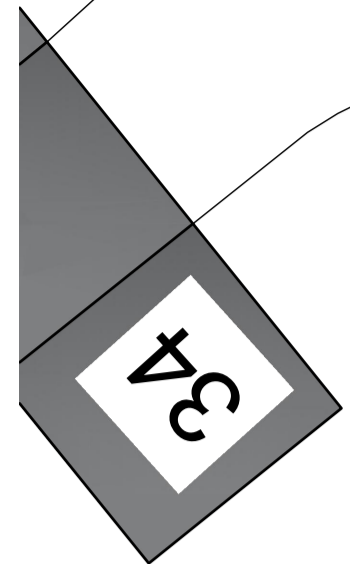
PETER CODLING ARCHITECTS
7 THE OLD CHURCH, ST. MATTHEWS ROAD, NORWICH, NR1 1SP Tel: 01603 650408 Fax: 01603 630339

Ixworth Thorpe Village
Site development plan
Site Plan

SCALE	1 / 200	@ A1
JOB NO	5850	10 C
DATE	Dec 2017	DRAWN BY

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Site Plan 1 / 200

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DEV/SE/19/007

WORKING PAPER 1

Development Control Committee 3 January 2019

Planning Application DC/18/0544/HYB – Land North of Green Acre, Thetford Road, Ixworth Thorpe

Date Registered: 14.06.2018 **Expiry Date:** 16.11.2018

Case Officer: James Claxton **Recommendation:** Refuse Application

Parish: Ixworth & Ixworth **Ward:** Ixworth
Thorpe

Proposal: Hybrid Planning Application - (i) Full Planning Application - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings

Site: Land North Of Green Acre, Thetford Road, Ixworth Thorpe

Applicant: Frederick Hiam 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:

James Claxton

Email: James.Claxton@westsuffolk.gov.uk

Telephone: 01284 757382

Background:

The application is reported to the Development Control Committee at the request of the Assistant Director (Planning & Regulatory Services) David Collinson, on behalf of the local Ward Member John Griffiths (Ixworth). The Parish Council do not object, contrary to the Officer recommendation of REFUSAL.

A site visit will take place on the 20 December 2018.

Proposal:

1. Outline permission is sought for the erection of 5no dwellings, with the means of access to be considered. Full planning permission is sought for the demolition of 3no. existing dwellings to enable development of the site. All other matters are reserved, and any other information submitted is indicative only and not capable of being taken into account at this stage, except to otherwise indicate how it might be possible to develop the site.

Application Supporting Material:

- Application Form
- Drawings of existing and proposed
- Indicative drawings of site layouts

Site Details:

2. The site is located to the west of the A1088 in the village of Ixworth Thorpe, which for planning purposes does not have a settlement boundary and is therefore considered to be countryside. The site consists of a terrace of 3no. two storey dwellings. On the northern boundary of the site, running along east to west, is a public foot path.

Planning History:

3. None relevant

Consultations:

- | | |
|-----------------------|-----------------------|
| 4. Environment Team | No objections |
| Highways | No objections |
| Parish Council | No objections |
| Rights of Way officer | No objections |
| Ward Member | No comments received. |

Representations:

5. One representation was received from Green Acre which objected to this proposal on the following material planning considerations –
 - Impacts on amenity
 - Irregular local bus service
 - Possible biodiversity impacts

Policy:

6. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

Joint Development Management Policies Document:

DM1 Presumption in Favour of Sustainable Development.
DM2 Creating Places – Development Principles and Local Distinctiveness
DM5: Development in the Countryside
Policy DM11 Protected Species
Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
DM13 Landscape Features
DM22 Residential Design
DM27: Housing in the Countryside

St Edmundsbury Core Strategy December 2010

Policy CS2 (Sustainable Development)
Policy CS3 (Design and Local Distinctiveness)
Policy CS4 (Settlement Hierarchy and Identity)
Policy CS13 (Rural Areas)

Other Planning Policy:

National Planning Policy Framework (2018)

7. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM5, DM11, DM12, DM13, DM22, DM27, CS2, CS3, CS4 and CS13, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

Officer Comment:

8. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Demolition of the existing dwelling
 - Settlement Hierarchy and Sustainable development

- Impact on Character
- Highway safety
- Residential Amenity
- Biodiversity
- Other Matters

Principle of Development

9. Decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with development plans unless there are material considerations that indicate otherwise.
10. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". The relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.
11. The Council's settlement strategy derives from a detailed understanding of the character of the borough and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel. The principle of development in this case would not accord to the pattern of settlement established in the Core Strategy.
12. Ixworth Thorpe does not have a settlement boundary and is identified in the Core Strategy as Countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. Policy CS13 further states that development permitted in such locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.
13. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are within a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
14. The proposal is not within a closely knit cluster. It is located in a generally extremely loose collection of dwellings, which in themselves sit approximately 1.4km from the closest settlement boundary which is at Honington Village which itself has limited services, all of which are located to the west of the A1088. Development in this loosely coalesced collection of dwellings should be resisted in accordance with Policies DM5 and DM27.

This proposal does not comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements, or otherwise within more defined 'clusters' of dwellings. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan, indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

Demolition of the existing dwellings

15. Policy DM5 also allows for the demolition and replacement of dwellings in the open countryside provided that the replacement respects the scale and floor area of the existing dwelling and that extensions to existing curtilages are fully justified. In this case the existing dwellings on the site are a terrace of 3no. dwellings which are considered to be in-keeping with other more traditional properties in the area both in terms of scale and form. The proposed dwellings detailed on the indicative drawings are of a scale that is not reflective of the originals, nor of other traditional properties in the immediate area. However the matters of scale and layout have not been submitted for consideration in this proposal, and it could be considered that appropriate details could be secured.
16. Notwithstanding that whilst there could be considered to be an element of policy compliance through the delivery of replacement dwellings with DM5 subsection (g) on a one for one basis, no justification has been provided for the inclusion for 2no. further dwellings beyond those three that would otherwise form replacements. Therefore it is considered that the principle of demolishing 3no. existing dwellings is acceptable, but the principle for the additional dwellings has not been established.

Impact on Character

17. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
18. Arguments that the proposal might otherwise be acceptable since it is located near to existing built development could be applied to many cases and could result in significant unplanned and incremental expansion of rural settlements. There is a very modest element of existing vegetation but not at a level which would provide any notable degree of screening to the proposal, and in any event, the proposal will have an intrinsic adverse effect upon the character of the area. By intruding into the widely spaced dwellings which form part of the intrinsic character for this otherwise loosely grained setting, it is considered that the proposal would be to the significant and material detriment of the character and appearance of the area, and would, by reason its siting any also by reason of the more closely spaces and generously scaled dwellings proposed, have an unwelcome, intrusive and visually harmful urbanising effect on public views of the locality. This would

be the case regardless of the scale or specific position of dwellings on this site.

19. In addition further harm stems from an unsustainable form of development outside defined settlement boundaries. It extends existing ribbon development in the countryside eroding patterns of development between settlements.
20. The proposal would therefore create a significant level of visual intrusion in this rural location, spreading beyond those boundaries enshrined in policy, creating a significant impact so as to cause material harm to the surrounding landscape character, and which would not accord with policies CS3 and DM13.

Highway safety

21. As detailed in the Highways consultation response it is considered that the existing access can be made acceptable, subject to the submission of further detail secured via conditions.

Residential Amenity

22. It is reasonable to suggest that by virtue of the proposed location, and as scale is a reserved matter, dwellings on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.

Biodiversity

23. The application is not accompanied by a protected species survey. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. Noting the development includes the demolition of 3 no. existing older dwelling dwellings which sit within a vegetated area consisting of hedgerows, scrub and deciduous trees, and which abut open countryside, there is a reasonable chance that the site may be used by protected species.
24. It is considered that, without evidence otherwise to the contrary and noting the requirements of the above legislation, the proposal could have repercussions on biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered, contrary to Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as to the provisions of the NPPF in relation to biodiversity.

Other Matters

25. One representation was received from Green Acre which objected to this proposal, in regards to impacts on amenity as detailed in this report it is possible through the submission of Reserved Matters for an appropriate design to be secured that reduces the impact, or risk of, negative harm to amenity spaces. Furthermore possible biodiversity impacts from this proposal have been addressed within this report, and the lack of information submitted on this matter are included as an additional reason for refusal.

Considerations around the irregular local bus service are noted, and have been considered in the determination of this application.

Conclusion:

26. The aim of the adopted policies is not to stop all development, but to allow modest development to support rural economies, restricting sprawl on the edges of settlements, or otherwise within loosely spaced dwellings where that loose spacing is an intrinsic part of the character of the countryside, that might otherwise harm landscapes and result in undesirable development.
27. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within the NPPF does not apply and development should be considered in accordance with the Development Plan. Furthermore there are no material considerations that would outweigh that conflict, and the Local Planning Authority is under no additional pressure to release land that does not accord with adopted plans and policies.
28. The development would be visible from public view points, afforded from the A1088 to the east of the site which runs north to south, and those views could be considered to be moderately effected due to the distances involved, approximately 35 metres and above. However from the public footpath which is located on the northern boundary of the site provides immediate and uninterrupted views of the site, and the impacts would be significant due to the urbanising effect. The visual incursion by development in this location would be significantly harmful from both a countryside and locational sustainability aspect, as it does not accord with settlement policies as detailed above. Noting the weight that must be attached to the development plan this is a factor which weighs very heavily against the proposal in the balance of considerations.
29. As detailed in the report it there is only very limited public benefit from allowing development in this location, which in itself is, in any event, not policy compliant. As detailed the dwellings would provide little, if any, vitality to local services and facilities, but what positives could be drawn from that would be outweighed by the unsustainability of the site itself.
30. The proposal is considered to be an inappropriate and unsustainable development in the countryside. Decision making in the planning system is expected to have a consistent approach. This proposal would deliver development outside of defined clusters that would erode the character of settlements and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, DM33, CS2, CS4 and CS13 and paragraphs 47 and 83 of the NPPF.
31. In addition no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species. Without evidence to the contrary and noting the requirements of the above legislation, the proposal could harmful to biodiversity and protected species within the area. Without an appropriate

survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

32. Balancing what positives the proposal may have against negatives is it deemed from the overall assessment detailed in this report that it is reasonable to conclude that the proposal is contrary to the local and national planning policies identified above and should be refused.

Recommendation:

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

1. The broad overall aim of paragraphs 47 and 83 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1. However only new isolated dwellings with accepted exceptional circumstances will be permitted. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited outside of a very loose collection of dwellings, and therefore represents unsustainable development contrary to the provisions of Policies DM5 and DM27. By virtue of this location the proposal would create a visual intrusion, increasing the urban characteristics of this location which is otherwise inherently rural noting the loosely grained character of existing development in the vicinity, contrary to the provisions of Policies CS3 and DM2.

There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are approximately 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions. The proposal would be contrary to the pattern of settlement established in the Core Strategy, and would not respect the character and context of countryside settlement.

Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, CS4 and CS13 and paragraphs 47 and 83 in particular of the NPPF, which seek to tightly constrain development in the

countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

2. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. In this case, no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species.

Without evidence to the contrary and noting the requirements of the above legislation, the proposal could harmful to biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to Policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

Documents:

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

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5XNXXPDMXM00>

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Development Control Committee 4 December 2019

Planning Application DC/19/1519/OUT – Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Date Registered: 23.07.2019 **Expiry Date:** 06.12.2019 (EOT)

Case Officer: Julie Barrow **Recommendation:** Approve

Parish: Rushbrooke with **Ward:** Rougham
Rougham

Proposal: Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council

Site: Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Applicant: Bloor Homes and Sir George A. Agnew

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:

Julie Barrow

Email: julie.barrow@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Development Control Committee as the development relates to a cross boundary application with Mid Suffolk Council.

The development within West Suffolk relates to the realignment of the junction known as Fishwick Corner. The remainder of the development is within Mid Suffolk and relates to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

A site visit is proposed for Monday 2 December 2019.

Proposal:

1. The application as submitted to West Suffolk Council seeks consent for the realignment of New Road to create a staggered junction, where New Road meets Thurston Road at the current crossroads. The junction is known locally as Fishwick Corner.
2. The proposal involves a flared southern approach, moving the junction to the west of its current position. The proposal also includes the provision of drainage infrastructure and new landscaping.

Figure 1 below details the realignment of New Road

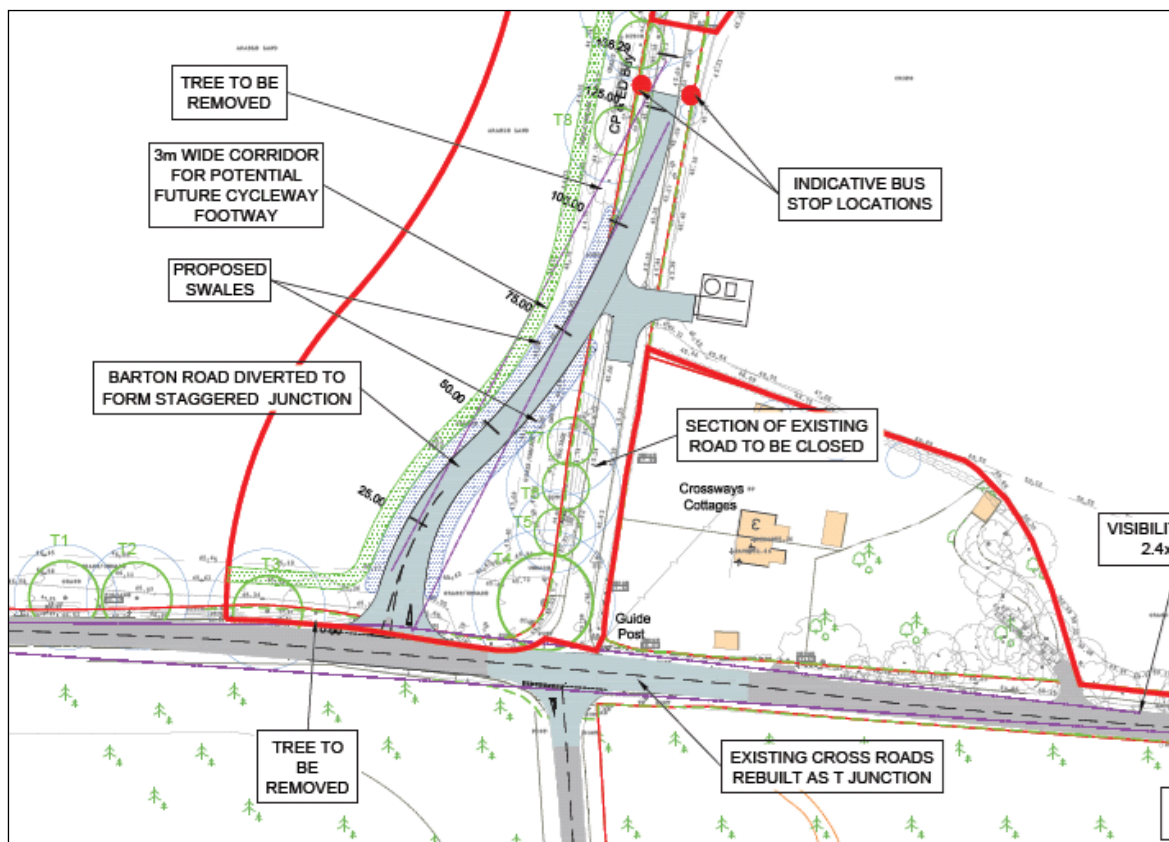
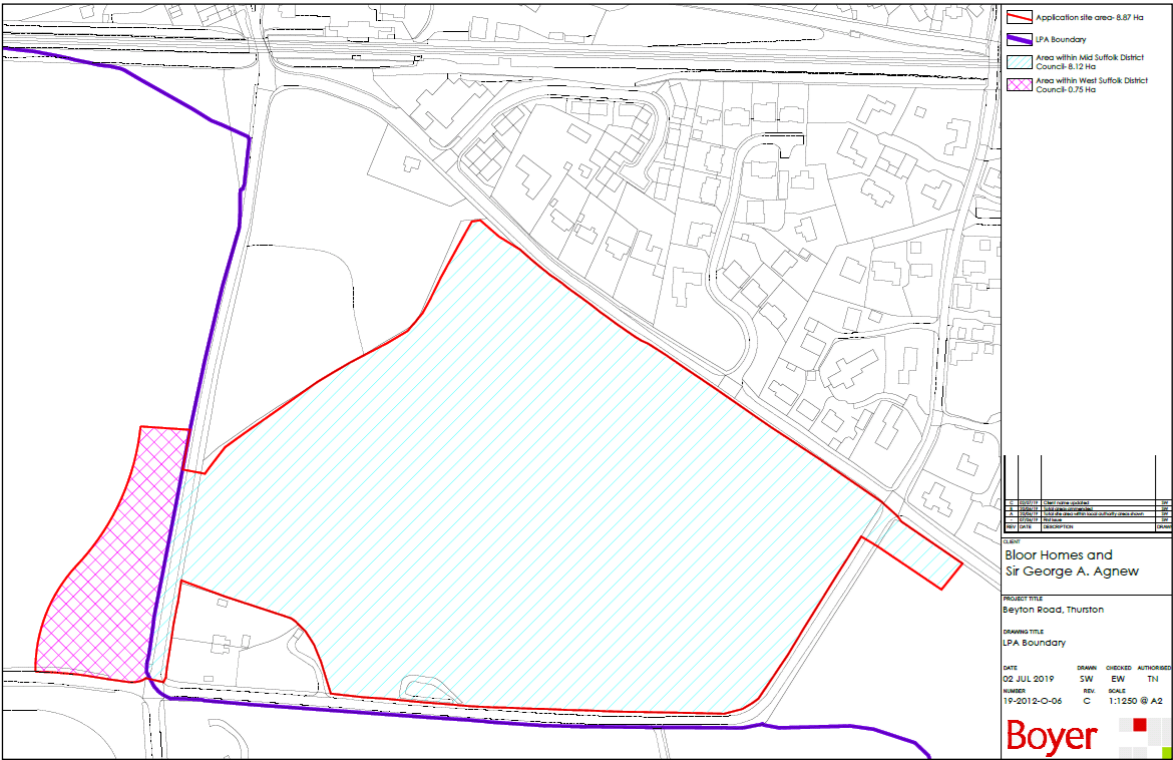


Figure 2 below is the Illustrative Masterplan for the development as a whole



Figure 3 below indicates the extent of the development in West Suffolk and the extent within Mid Suffolk



Application Supporting Material (as it relates to the West Suffolk element of the planning application):

- Illustrative Masterplan
- Land Use Parameter Plan
- Building Densities Parameter Plan
- Existing Vegetation Parameter Plan
- Fishwick Corner Landscaping Plan
- Staggered Junction Visibility Plan
- Site Access Strategy and Local Junction Improvements Plan
- Arboricultural Impact Assessment
- Written Scheme of Investigation for an Archaeological Evaluation
- Design and Access Statement
- Flood Risk Assessment
- Ecological Site Walkover and Ground Level Tree Assessment

Site Details:

3. The application site as a whole comprises 8.87ha of land located within two local planning authorities. Within West Suffolk the area of land proposed for the road realignment extends to 0.75ha and comprises the corner of an agricultural field together with the current highway that leads to the New Road/Mount Road junction. There are a number of Oak Trees alongside the existing highway that have been made the subject of a Tree Preservation Order during the course of the application. The site as a whole lies outside any established settlement boundary, however, the north-east boundary of the site with Mid Suffolk's jurisdiction adjoins the settlement boundary for the village of Thurston.

Planning History:

4. No relevant planning history

Consultations:

5. SCC Highways – N.B. Joint response issued to West Suffolk and Mid Suffolk Councils. The details below relate to the extent of the highway matters that relate to West Suffolk:

Following the receipt of five major planning applications within Thurston village received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned highways consultants (AECOM) to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. Mitigation measures proposed for Fishwick Corner involved a change in priority at the junction and the introduction of a 40mph speed limit. Constraints were identified with regard to capacity and safety and SCC highlighted that future mitigation was limited by the restricted land available within the highway boundary. Any further development in Thurston would not be supported without suitable mitigation to address capacity and safety.

Existing situation – Fishwick Corner is a junction where the primary cause for congestion is due to limited visibility at the junction with a crossroads configuration which adds delay with each vehicle making that manoeuvre. This junction is also an accident cluster site with 13 recorded injury accidents.

Proposed mitigation – The land to the north west of the junction is within the applicants' control and the highway boundary is no longer a constraint for further improvements with regard to the safety and capacity of the junction. The dominant turning movement in the AM peak is from the north arm turning right towards Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into the north arm.

By introducing a staggered junction delays will be reduced by approximately 3 minutes, improving capacity. The staggered junction will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60%. The proposed layout does not affect the trees that are subject to a preservation order.

The question of a roundabout has been raised by councillors. This mitigation would not necessarily be deemed as proportionate as the proposal for a staggered junction delivers sufficient mitigation therefore, not necessary for the scale of development. Also, roundabouts are more dangerous for cyclists than to any other kind of road user and there would be a need to remove the protected trees. SCC have also requested an additional area to be secured to allow for a cycle/footway scheme that may come to fruition.

Conditions recommended in relation to detailed designs of the mitigation measures being submitted for approval and the submission of a Construction Management Plan.

6. SCC Floods – Initially put a holding objection on the proposal subject to further preliminary infiltration testing being carried out.

Following receipt of further information the objection is lifted. Acknowledged that infiltration is unsuitable and the new highway layout will be drained via positive discharge to existing watercourses nearby.

7. SCC Archaeology – High potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundworks have the potential to damage or destroy any archaeological remains that exist. No objection to development proceeding subject to a programme of archaeological work being secured by condition.
8. SCC Growth – Make reference to response given to Babergh and Mid Suffolk Councils. CIL payments required in respect of education (secondary and sixth form), libraries and waste infrastructure. S106 contributions requested in respect of education (primary), early years provision and highways.

Land will need to be dedicated for highway purposes and a cumulative highways impact assessment will be required on the basis of schemes already granted planning permission in Thurston and the wider locality. Consideration must be given to addressing pedestrian safety issues at Thurston Railway Station.

9. SCC Minerals – The Environmental Study and Minerals Investigation dated 4 July 2019 notes that the site contains sand deposits which may be suitable for incidental extraction. Recommend that a scheme for the prior extraction of mineral resources is secured by condition.
10. Suffolk Fire & Rescue – Recommends installation of fire hydrants and consideration given to the installation of a fire sprinkler system.
11. Suffolk Constabulary – Comments relate to residential element of scheme.
12. West Suffolk Planning Policy – The residential site is situated outside the settlement boundary of Thurston as shown in the Mid Suffolk Local Plan 1998. The site is contrary to the policy principle in relation to development in the countryside and is contrary to the settlement boundary shown in the Regulation 17 Thurston Neighbourhood Plan, which has some weight post examination.

The site is one of a series of land parcels proposed to be allocated in the Babergh and Mid Suffolk Joint Local Plan. Since the site is allocated within a Regulation 18 Plan, proposals for its development may be given some weight, dependent on whether there are unresolved objections to the policy.

The scale of new development proposed in Thurston, combined with existing growth planned in Bury St Edmunds is likely to place pressure on existing services and infrastructure.

The application should have regard to highway capacity issues and potential implications for Great Barton's Air Quality Management Area.

13. Landscape and Ecology Officer (September 2019) – The site is located in the *Plateau estate farmlands* character area and is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Any loss of mature oak trees and hedgerow, as a consequence of the proposals, is likely to affect landscape character.

The assessment of the effects of the road re-alignment on existing trees is insufficient to conclude there would not be significant harm to the trees. No landscape proposals to compensate for the loss of existing trees and hedges and to mitigate potential visual effects of the new road and abandonment of the old alignment are included. Potential for the application to contribute to an existing woodland enhancement corridor. The Preliminary Ecological Appraisal does not cover the area and features that would be affected.

Further comments received following the submission of additional landscaping details. Suggestions made to enhance the landscaping scheme and to ensure existing and future trees and hedges are protected. Disappointed that the opportunity to contribute to the existing woodland corridor has not been taken up.

The Ecological Site Walkover and Ground Level Tree Assessment is noted. The tree which is to be removed to facilitate the works does not appear to have been assessed. The recommendations of the ecology report should be implemented in full if the application is approved.

14. Environment Team – No comments on land contamination. The development on its own is unlikely to have a significant impact on air quality in West Suffolk, however, the cumulative impacts of proposed and approved Thurston development should be considered, in particular in relation to the existing Air Quality Management Area in Great Barton.
15. Public Health & Housing – No objection subject to conditions to minimise impacts on any nearby residents.
16. Strategic Housing – No comment to make.

Representations:

17. Site notice posted and advertisement placed in the East Anglian Daily Times – No responses received.
18. Rougham Parish Council – Consider that whilst safety has to be improved at Fishwick Corner a roundabout rather than a staggered junction would be far more effective.

Policy:

19. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
20. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM5 Development in the Countryside
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM11 Protected Species
 - Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - Policy DM13 Landscape Features
 - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 - Policy DM15 Listed Buildings
 - Policy DM20 Archaeology
 - Policy DM45 Transport Assessments and Travel Plans

 - Core Strategy Policy CS2 - Sustainable Development
 - Core Strategy Policy CS7 - Sustainable Transport
 - Core Strategy Policy CS8 - Strategic Transport Improvements

- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other Planning Policy:

21.National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Highway safety
- Landscape and visual impact
- Drainage and Flood Risk
- Ecology
- Archaeology
- Other planning considerations

Principle of development and background to the proposal

22.The extent of the application due to be determined by West Suffolk Council relates solely to the highway works associated with the realignment of the Fishwick Corner Junction. The remainder of the development, including the residential element and associated infrastructure together with other off-site highway works, falls within the jurisdiction of Mid-Suffolk District Council. As such West Suffolk is not tasked with considering the merits of the residential development, rather whether the proposed works at Fishwick Corner are acceptable in planning terms. It should be noted that the main access to the residential development is off Beyton Road and the works to Fishwick Corner do not facilitate access to the residential development.

23.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.

24.Policy CS2 of the Core Strategy 2010 seeks to ensure that a high quality sustainable environment is achieved by designing and incorporating measures appropriate to the nature and scale of development. The policy goes on to set out the criteria that will achieve a high quality sustainable environment, including the conservation, and where possible, enhancement of the character and quality of local landscapes and the wider countryside.

25. Policy CS7 states that the Council will develop and promote a high quality and sustainable transport system across the borough. Policy CS8 relates to strategic transport improvements.
26. Policy CS13 relates to development in rural areas and states that development outside defined settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
27. Policy DM5 relates to development in the countryside and states that areas designated as countryside will be protected from unsustainable development. New or extended buildings will be permitted in the countryside where they meet the specific exceptions set out in Policy DM5.
28. Policy RV1 of the Rural Vision 2031 reaffirms the principle of the presumption in favour of sustainable development, stating that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making a decision planning permission will be granted unless material considerations indicate otherwise, taking into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole or specific policies in the NPPF indicate that development should be restricted.
29. The Rural Vision 2031 sets out a number of aspirations for the area, with Aspiration 8 stating 'safety of all road users is improved'. The text that accompanies the aspiration acknowledges that there needs to be a balance between the safety of road users and the rural environment. One of the actions identified to achieve this aspiration is to encourage the county council, as highways authority, to implement safety measures on rural roads.
30. The Rural Vision 2031 acknowledges that the car remains the main mode of transport for people who live in rural areas due to lack of alternatives. The application site of the highway works is situated within the parish of Rougham. The Rural Vision 2031 states that Rougham is a Local Service Centre with the main settlement spread across two main areas – Blackthorpe and Kingshall Street. Both areas lie to the south of the application site, beyond the A14. There are various routes that can be taken to access the A14 and the main settlement of Bury St Edmunds but any traffic heading north from the Kingshall area may be required to cross the Fishwick Corner junction. Such trips may include those accessing Thurston railway station.
31. The Rural Vision 2031 goes on to state that as the local roads are rural in nature any new development in Rougham could lead to upgrade requirements to both the roads and junctions.
32. The proposal to realign the Fishwick Corner junction has been put forward as a direct result of planned development in the village of Thurston. Planning permission for up to 827 dwellings has been granted since 2017. The current draft Babergh Mid-Suffolk Joint Local Plan allocates seven sites for

development in Thurston, including those that already have planning permission and the site that is the subject of the current cross boundary application, with provision for up to 978 dwellings. The draft Local Plan is still at an early stage therefore any weight afforded to its policies is limited.

33. A detailed study commissioned by Suffolk County Council in 2017 of the cumulative impacts of the approved schemes on the local highway network demonstrated that the majority of traffic leaving Thurston travels through Fishwick Corner and that the junction is operating close to its capacity. The accidents data also confirmed that there is a road safety issue at the junction. The implementation of mitigation measures was considered necessary at this junction and a number of proposals, including a change in priority, a reduction in the speed limit and enhanced road signs and markings were put forward. These measures were secured through a number of s106 planning obligation agreements attached to the consented schemes.
34. The study went on to consider that the junction could not be improved further in terms of either road safety or capacity due to the highway boundary constraints. It was envisaged that in order to deliver a focused and extensive improvement to the junction additional land beyond the site and highway boundary would need to be secured. The current cross boundary application offers the additional land needed to further improve the Fishwick Corner junction, in the manner suggested by the detailed study.
35. As stated earlier in this report the site lies outside of any settlement boundary, in an area designated as countryside for planning purposes. The proposal to realign New Road and divert it through the corner of an agricultural field does not meet any of the exceptions for development set out in Policies DM5 and CS13 and is therefore contrary to the development plan in this regard. However, it has already been identified that the junction is operating close to capacity and that it has a poor safety record. The extent of committed development in Thurston is such that there will be additional traffic using the junction regardless of whether the residential development that forms part of the cross boundary application goes ahead. As detailed below, Suffolk County Council as Highway Authority, supports the principle of development and had the land been available at the time, it is likely that the works would have been secured as part of the five consented schemes in Thurston.
36. The Rural Vision clearly identifies the need to ensure that the safety of all road users is improved and acknowledges the importance of the private motor vehicle for rural communities. The proposal to realign Fishwick Corner meets the aspirations of the Rural Vision in this regard. Of note is the fact that the Thurston Neighbourhood Plan identifies Fishwick Corner as being 'the most dangerous junction within the village'
37. Whilst it is accepted that the proposals for Fishwick Corner do not meet any of the exceptions to development in the countryside, it is considered that there are other material considerations that indicate that the development should be approved. In particular the improvements to highway safety, as discussed in detail below, are one such material consideration that weighs heavily in favour of the proposal.

Highway safety

38. Policy DM2 relates to the creation of places and sets out the criteria that proposals for development should meet, including the production of designs that maintain or enhance the safety of the highway network.
39. Policy DM45 states that for major development or where a proposals is likely to have significant transport implications, the applicant is required to submit a Transport Assessment with the planning application. The policy places a requirement on developers to negate the transport impacts of development. This may be in the form of the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport.
40. The Transport Assessment submitted with the application details the background work that has taken place over the past two years in respect of the assessment of highway capacity in and around Thurston and the works required to mitigate for the planned development in the village.
41. As stated above, the changes being proposed to Fishwick Corner are considered by the applicant to represent an improvement to highway safety, a view shared by Suffolk County Council as the Highway Authority. As already detailed, had the land at Fishwick Corner been available at the time the consented schemes were approved, it is likely that the improvements would have been secured at that time.
42. It should also be noted that the Site Access Strategy and Local Junction Improvements plan submitted with the application details the full extent of on and off-site highway works proposed in connection with the development as a whole, including the residential element. A mini roundabout is proposed at the Barton Road/Beyton Road junction and Barton Road will be realigned where it passes under the railway bridge to allow for a 1.5m footway on the eastern side of the road. The existing Station Road mini roundabout will be adjusted to suit the changes made to the south of it. Traffic calming measures are proposed along Beyton Road and the main access into the residential development will be off Beyton Road. Improvements are also proposed to the Pokeriage Corner junction, including the provision of a zebra crossing. These works are in addition to the changes proposed to the Fishwick Corner Junction.
43. During the course of the application a number of amended plans have been submitted as a result of discussions with various consultees. Two indicative bus stop locations are detailed on the amended plans, north of Crossways Cottages. At the request of SCC Highways the amended plans also show a 3m wide corridor that could form a future cycleway and footway, improving connections towards Rougham and Bury St Edmunds.
44. The Transport Assessment demonstrates that the works will significantly improve capacity at the junction, with all arms operating within capacity. The creation of a staggered junction as opposed to a traditional crossroads improves visibility, the lack of which at the current junction is a significant contributory factor towards the number and frequency of accidents that have occurred at the junction.
45. Suffolk County Council, as Highway Authority, has provided its advice to West Suffolk Council as the determining authority in respect of the proposed

works to Fishwick Corner. The Highway Authority supports the realignment of the highway, stating that it will result in increased capacity and improve the safety of the junction.

46. In response to comments made by Rougham Parish Council that a roundabout would be preferable in this location, the Highway Authority has stated that the construction of a roundabout would not be proportionate as the proposal for a staggered junction delivers sufficient mitigation. In addition, the Highway Authority has stated that roundabouts are more dangerous to cyclists than any other kind of road user and a roundabout in this location is likely to result in the loss of protected trees.
47. The Highway Authority has advised that any further growth in Thurston, over and above that already consented, would not be supported without further mitigation measures being put in place at a number of key locations/junctions. The current proposal for additional residential development in Thurston facilitates the delivery of much needed highway improvements although it is acknowledged that should the residential element of the scheme be refused then the highway improvements are unlikely to be delivered. Notwithstanding this point it is considered that the proposal to realign the Fishwick Corner junction will result in improvements to capacity and safety and that the proposal complies with Policies DM2 and DM45 in this regard.

Landscape and visual impact

48. Policy DM13 seeks to ensure that development will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. All proposals for development should be informed by, and be sympathetic to the character of the landscape. In addition, proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape.
49. The site is located in the *Plateau estate farmlands*. This landscape typology is characterised by large regular fields with small woodlands on light loamy soils. This locality south-west of Thurston village is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Mature Oak trees are a typical occurrence in the area, typically but not exclusively within hedgerows, and which make a significant contribution to the landscape character. Any loss of mature Oak trees, and hedgerow as a consequence of the proposals is likely to affect landscape character including the character of Thurston Road and New Road and potentially visual amenity as views towards the new dwellings would be opened up.
50. During the course of the application West Suffolk Council served a Tree Preservation Order in respect of 11 Oak trees located on New Road and Thurston Road. The Order cites the fact that the trees are a visually prominent feature along Thurston Road, providing a notable degree of landscape value, both collectively and as individuals.
51. An Arboricultural Impact Assessment submitted with the application identifies one Oak tree as requiring removal due to extensive decay at its base. The Tree Officer and Landscape Officer do not contest the removal of

this, however, further information in respect of the effects of the road realignment on existing trees was requested together with landscape proposals to compensate for the loss of the tree and sections of hedgerow alongside the site of the realignment.

52. A landscaping plan has been submitted during the course of the application, with mitigation proposed in the form of the planting of a new native hedgerow and hedgerow trees, alongside native cover crops within the adjoining arable field. To either side of the road areas will be planted with wild bird seed mix with amenity grass margin/verges. At the southern extent of the road swales are proposed alongside the carriageway for drainage purposes. The applicant proposes to plant a number of trees on the western side of the road, which will define the boundary between the new piece of carriageway and the adjacent arable field.
53. The Landscape and Ecology Officer has assessed the planting proposals and is broadly accepting of the scheme. Further details in respect of the placement of trees will be required together with details of the proposals for the re-instatement of the existing section of carriageway that will become disused.
54. The extent of the road realignment works will result in a marked change in the landscape character of the immediate area with the addition of hard surface carriageway, adjacent footpaths and drainage swales and the loss of sections of hedgerow. At present the site forms the edge of an arable field with tree and hedgerow cover on the peripheries. By necessity parts of the site will be opened up to achieve the required visibility splays and the addition of street light and other such paraphernalia the development will appear conspicuous in its immediate surroundings. This brings the application into conflict with Policy DM13 as the scheme is likely to result in some adverse effects on landscape character. The mitigation proposed goes some way to assimilating the development into its surroundings and the harm caused must be weighed against the benefits of the proposal, which in this case principally relate to highway safety and capacity.
55. The Arboricultural Impact Assessment submitted with the proposal also refers to the proposed net gain in tree numbers as a result of the scheme as a whole. Policy DM13 is clear that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. In respect of the trees protected by Order it is considered that the road realignment is generally sensitive to tree retention and that there is no direct conflict with the Order.

Drainage and flood risk

56. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
57. A Flood Risk Assessment (FRA) accompanies the application. This states that the site is located in Flood Zone 1, where the majority of development should be directed. The FRA considers the fact that the highway works proposed at Fishwick Corner are in West Suffolk with the remainder of the

development in Mid Suffolk. Cross border flow paths have therefore been considered.

58. Consideration has been given to extreme flood events and the interaction between the parts of the sites. The ditch on the west side of New Road will intercept any flows from West Suffolk and the existing highway acts as a barrier from flows from Mid Suffolk. However, as an additional measure levels to the east of New Road will be designed to fall back towards the infiltration basin proposed on the residential development, preventing surface run-off crossing the border and containing any extreme event in close vicinity of the basin whilst it infiltrates the ground.
59. The FRA advises that the geology of much of the is such that infiltration devices such as crate soakaways, infiltration basins, swales, filter traps and permeable pavements are likely to form a solution to surface water drainage. However, infiltration is not a viable option at the Fishwick Corner junction. Here, roadside swales are proposed to collect highway run-off by the use of periodic repeating flush kerbing and check dams to attenuate, subsequently discharging to the existing ditch alongside New Road. The applicant envisages that the swales will be put forward for adoption by the highway authority.
60. The Lead Local Flood Authority has confirmed that the drainage strategy for both parts of the development is acceptable and subject to a condition requiring the detailed design of the system to be submitted it is considered that the proposal complies with Policy DM6.

Ecology

61. Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity.
62. At the request of the Landscape and Ecology Officer further ecological investigative work has been carried out by the applicant and an Ecological Site Walkover and Ground Level Tree Assessment has been submitted to supplement the investigative work undertaken on the residential development site. The Ground Level Tree Assessment was undertaken in order to establish if the trees within the site of the highway works held potential roosting features for bats and assess the need for any subsequent survey.
63. Habitats within the site include arable, poor semi-improved grassland, scattered trees, amenity grassland and species poor hedgerow with trees, with arable land being dominant. The trees on or close to the site were assessed as having low roost value for bats and as these are being retained (with the exception of one Oak tree), the potential roosting features will not be directly affected and as such no further surveys are recommended in respect of roosting bats.
64. The existing hedgerows provide suitable foraging habitat for bats and the loss of sections of hedgerow on the peripheries of the site in order to achieve satisfactory visibility will have an adverse effect on biodiversity. Further indirect effects from lighting may also arise, although a number of strategies to minimise impacts can be employed.

65. Subject to the development being carried out in accordance with the recommendations of the ecological reports submitted with the application it is considered that the proposal will not result in adverse effects on biodiversity and ecology and the proposal complies with policies DM11 and DM12 in this regard.

Cultural heritage

66. Policy DM20 states that on site of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.

67. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting its setting and sets out the criteria to be met in order for development to be permitted.

68. 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.

69. Suffolk County Council Archaeological Service has advised that the whole development site is in an area of archaeological potential as recorded on the County Historic Environment Record. It is in close proximity to a Roman Road and in a general landscape of later prehistoric activity. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

70. The Archaeological Service raises no objection to development proceeding subject to a programme of archaeological investigation being undertaken. A Written Scheme of Investigation (WSI) for an Archaeological Evaluation has been submitted with the application and details the extent of evaluation works that will be carried out across the whole site. The Archaeological Service has confirmed that the WSI is acceptable its implementation can be secured by condition. The proposal therefore accords with Policy DM20.

71. The Round House is Grade II listed and is located to the west of the application site. It is described as a former lodge building in its listing and it has some distinctive features, however, it does not feature prominently in the streetscene and is surrounded by dense woodland to the west, south and east. The application site forms a part of the wider setting of the building given its location on the Rougham Estates, however there is no intervisibility between the site and the building and the arable field where the road realignment works are proposed makes no particular contribution to the significance of the heritage asset. The proposal is not therefore considered to result in any harm to the setting of The Round House.

72. Crossway Cottages are a pair of semi-detached late C19 cottages located to the east of New Road and within the district of Mid Suffolk. Mid Suffolk

Council has identified these cottages as non-designated heritage assets due to their architectural and aesthetic quality. The setting of these cottages is predominantly rural with the site of the residential development providing separation from the cottages from the village. This area therefore makes a positive contribution to the setting of the cottages, and would be affected by the residential development. Mid Suffolk Council has identified that the Mid Suffolk element of the development would cause a low to medium level of less than substantial harm to the significance of the non-designated heritage assets as it would detract from their historically isolated rural setting.

73. The road realignment works will change the character of the area immediately to the west of the cottages, however, they are already bound by the highway leading to Fishwick Corner and this forms part of the setting for the cottages. The proposed highway works will move the carriageway away from the cottages and allow the area of existing highway to be stopped up and returned to the landowner. The proposals therefore offer an opportunity to enhance rather than harm the setting of the cottages and as such there is no requirement to weigh any harm against the public benefits of the proposal as required by the NPPF. The proposal is considered to meet the requirements of Policy DM15 and the LPA has had regard to its duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

74. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.

75. The site of the road realignment is rural in nature with the closest residential dwellings being Crossway Cottages, located to the east of the existing carriageway. The cottages are set back some distance from the highway and although the development is likely to result in some noise and disturbance during construction, any adverse effects can be minimised through the employment of a construction management plan. Given that the cottages are already located adjacent to a highway it is considered that the movement of the carriageway away from their curtilages will improve living conditions with less traffic noise and light being omitted from vehicle headlights. On balance therefore it is considered that the proposal will not result in any long term adverse effects on the residential amenity of nearby residents and the proposal accords with Policy DM2 in this regard.

Other matters

Cumulative impact of growth in Thurston

76. As discussed earlier in this report a number of sites within Thurston have the benefit of planning permission with a further application on land to the north of the village pending consideration with Mid Suffolk Council. Mid Suffolk Council are proposing to allocate the area for residential

development under this cross-boundary application in addition to the committed development in the village. As detailed above, the weight that can be afforded to this allocation is limited given the stage of preparation that the plan is at and the outstanding objections to it.

77. West Suffolk Council has made representations to Mid Suffolk Council in respect of the draft joint local plan and in respect of Mid Suffolk's element of this planning application. West Suffolk Council considers that the scale of new development proposed in Thurston, combined with existing growth planned within Bury St Edmunds is likely to place pressure on existing services and infrastructure. It is also concerned that no mitigation is proposed to address these factors.
78. It should be noted that all five of the consented schemes in Thurston are committed to either delivering improvements to the highway network or to making a financial contribution to the County Council to enable such works to be carried out. In addition all the developments are making significant financial contributions towards all levels of education provision.
79. Mid Suffolk Council has advised that its leisure Service is actively discussing improved sport and leisure facilities for the village with Thurston Parish Council and a number of projects have been identified in response to the level of growth that is anticipated.
80. Mid Suffolk Council is a CIL (Community Infrastructure Levy) charging authority and a CIL contribution towards health care will be generated by the residential development. The Clinical Commissioning Group has advised that these funds will be used to increase capacity at the Woolpit Health Centre.
81. The Highway Authority has been asked to consider the cumulative impact of all proposed development in Thurston on the local highway network and it raises no objection to the proposal on this basis. The applicants have also indicated that a robust travel plan will be put in place for the site, which includes the establishment of a car club.

Minerals

82. SCC Minerals and Waste has commented on the application and recommends a condition requiring the submission of a minerals management plan, detailing the incidental extraction of mineral resources, with the first reserved matters application. The works to be undertaken in West Suffolk are on a relatively small area of land in comparison to the remainder of the development site and the area is distinctly separate from the main parcel of land. On this basis it is not considered to be practicable or reasonable for the extraction of mineral resources on the West Suffolk area and such a condition is not proposed by officers.

Loss of agricultural land

83. The proposal will result in a loss of agricultural land. An Agricultural Land Classification submitted with the application relates to the residential development and identifies the area as being grade 2 and 3a, i.e. best and most versatile land. Given the proximity of the site of the road realignment to the remainder of the development it is considered likely that the land

within West Suffolk is a similar grade. The area of land proposed for the road realignment extends to approximately 0.75 ha and not all of the land is actively farmed. It is therefore considered that any loss of agricultural land is minor and the refusal of the application on these grounds could not be justified when balanced against the benefits of the scheme.

Contaminated land

84.A Geoenvironmental and Geotechnical Site Investigation has been submitted with the application, although it excludes land required for the road realignment. However, given that the construction of a highway is not a sensitive end use no further action required in this regard.

Planning balance

85.This is a cross boundary application with the extent of development within West Suffolk restricted to the realignment of the Fishwick Corner junction. The application site lies outside of any established settlement boundaries, in an area designated as countryside for planning purposes. The development does not meet any of the exceptions to development in the countryside as set out in Policy DM5 and therefore conflicts with the adopted development plan in this regard. This conflict attracts significant weight against the proposal. However, the Rural Vision 2031 recognises the importance of the motor vehicle and the local highway network in rural areas and advocates the need to improve highway safety. The proposed highway improvement works seek to deliver on these aspirations.

86.The Highway Authority has set out the fact that the junction is operating close to or at capacity and that it has a poor safety record. It highlights that a number of mitigation measures are due to be delivered as part of the permitted development in Thurston, however, further mitigation measures will be required to accommodate any further growth and had the land been available at the time the consented schemes were considered the works would have been delivered in connection with those developments. The improvements to highway safety and capacity are considered to attract very significant weight in favour of the proposal.

87.The proposal will result in some adverse effects on the landscape character of the area, contrary to Policy DM13. This attracts some weight against the proposal, although mitigation in the form of new planting reduces the weight attributed to this policy conflict. The proposal accords with development plan policies in relation to drainage and flood risk and subject to the implementation of the recommended ecological enhancements the proposal is not considered to result in adverse effects on ecology and biodiversity.

88.Subject to the imposition of conditions in relation to the carrying out of archaeological investigation the proposal accords with relevant development plan policies in relation to cultural heritage. Similarly, the imposition of conditions relating to construction the proposal will not result in any significant adverse effects on the residential amenity of nearby occupiers. Any loss of best and most versatile agricultural is considered to be minor and would attract very limited weight against the proposal.

89.The road realignment is intrinsically connected to the residential development on the remainder of the application site given that there is one

landowner and developer involved and any further growth in the village of Thurston may result in increased pressure on facilities and infrastructure in the district of West Suffolk. However, it is considered that the benefits of the scheme in relation to highway safety and increased capacity on the local highway network would outweigh any adverse effects of the scheme and on this basis the application is recommended for approval.

Conclusion:

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

Recommendation:

91. It is recommended that planning permission be **APPROVED** subject to Mid Suffolk Council (MSDC) resolving to approve the remainder of this cross-boundary application and the completion of a s106 agreement in respect of the planning obligations considered necessary by Mid Suffolk Council.

Planning conditions are recommended in respect of the planning matters listed below in so far as they relate to the works within West Suffolk. The final detail of the conditions required in respect of the whole development to be agreed with Mid Suffolk Council, with authority delegated to the Assistant Director for Planning and Regulatory in consultation with the Chair of the Development Control Committee to agree the conditions.

Suggested planning conditions in respect of the development within West Suffolk:

- Approved plans
- Time limit
- Reserved matters for the construction of access in the WS administrative area
- Surface water drainage details
- Detailed design of road realignment
- HGV construction management plan
- Provision of fire hydrants
- Archaeological investigation and evaluation
- Landscaping scheme
- Ecological mitigation and enhancement measures
- Arboricultural method statement
- Tree Protection details
- Scheme for the reinstatement of the stopped up highway
- All conditions imposed by MSDC for the parts of the development situated in its administrative area

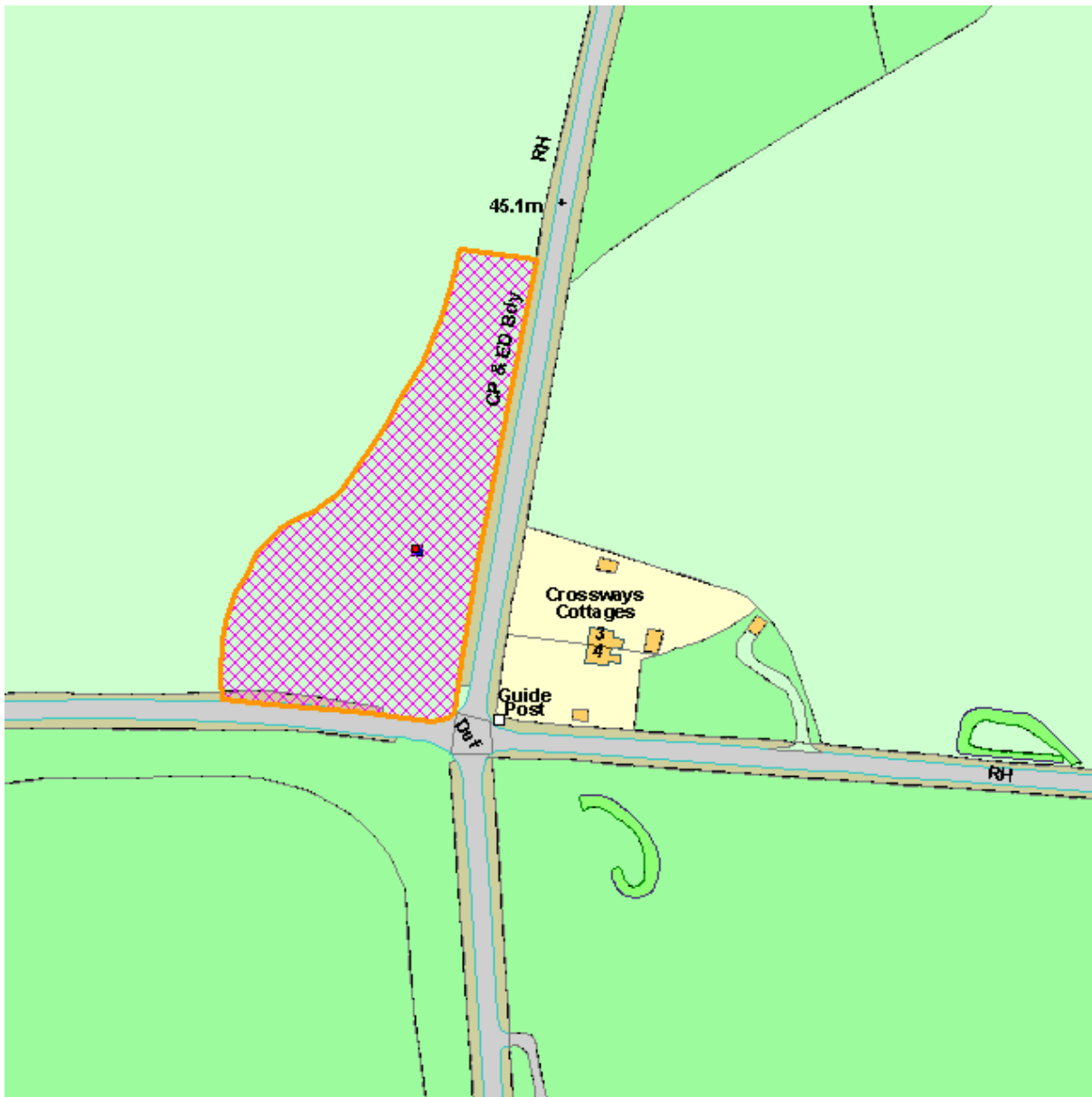
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1519/OUT](#)





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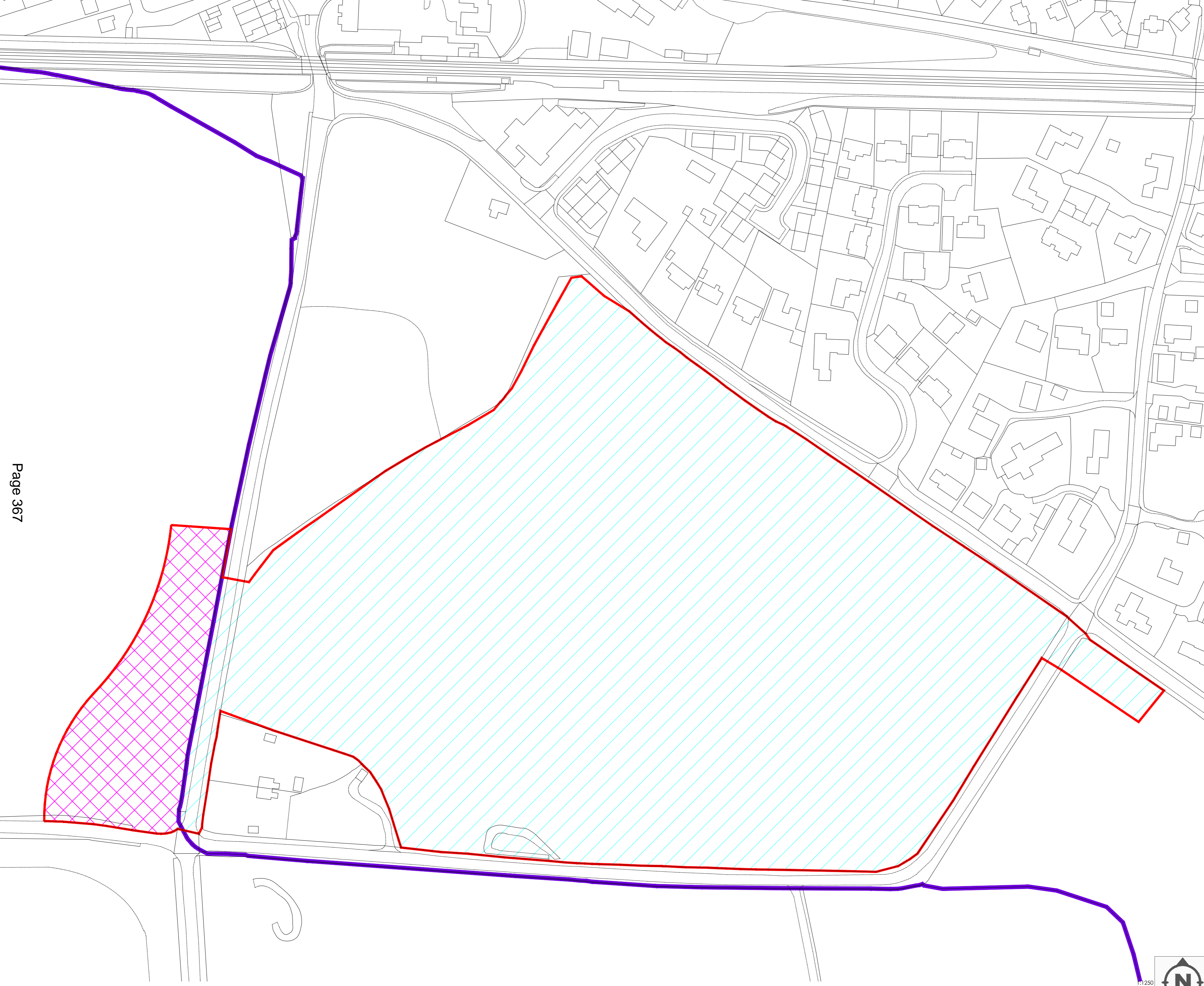


DC/19/1519/OUT – Land Adjacent To Fishwick Corner, Thurston Road, Rougham



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- LEGEND**
-  Application site area- 8.87 Ha
 -  LPA Boundary
 -  Area within Mid Suffolk District Council- 8.12 Ha
 -  Area within West Suffolk District Council- 0.75 Ha



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REV	DATE	DESCRIPTION	DRAWN
C	02/07/19	Client name updated	SW
B	20/06/19	Total areas ammended	SW
A	20/06/19	Total site area within local authority areas shown	SW
-	07/06/19	First issue	SW

CLIENT
Bloor Homes and Sir George A. Agnew

PROJECT TITLE
 Beyton Road, Thurston

DRAWING TITLE
 LPA Boundary

DATE	DRAWN	CHECKED	AUTHORISED
02 JUL 2019	SW	EW	TN
NUMBER	REV.	SCALE	
19-2012-O-06	C	1:1250 @ A2	



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