

Development Control Committee



Title:	Agenda											
Date:	Wednesday 8 January 2020											
Time:	10.00am											
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
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-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Conservative Group (9)</u></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>The Independent Group (6)</u></td> <td>John Burns Jason Crooks Roger Dicker</td> <td>David Gathercole David Palmer Don Waldron</td> </tr> <tr> <td><u>Labour Group (1)</u></td> <td>David Smith</td> <td></td> </tr> </table>			<u>Conservative Group (9)</u>	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>The Independent Group (6)</u>	John Burns Jason Crooks Roger Dicker	David Gathercole David Palmer Don Waldron	<u>Labour Group (1)</u>	David Smith	
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Interests – Declaration and Restriction on Participation:	<p>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.</p>											
Quorum:	Six Members											
Site visit details overleaf...												

SITE VISITS WILL BE HELD ON MONDAY 6 JANUARY 2020 AT THE FOLLOWING TIMES (*please note all timings are approximate*):

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/19/1918/FUL - Land at Chardale, Dale Road, Stanton, IP31 2DY**
Planning Application - 1no dwelling and cart lodge
Site visit to be held at 9.55am

PLEASE NOTE: The following application is due to be considered by the Development Control Committee at the subsequent meeting on 5 February 2020; it was therefore considered sensible for Members to also visit this site whilst in Stanton:

- 2. Planning Application DC/19/1714/FUL - Marlows Home and Garden, Hepworth Road, Stanton, IP31 2BT**
i) 6no. dwellings (ii) 1no. convenience store with 15 no. parking spaces and associated works (following demolition of existing buildings)
Site visit to be held at 10.15am
- 3. Planning Application DC/19/1817/FUL - The Old Pumping Station, Lower Road, Hundon, CO10 8DZ**
Planning Application - (i) 3no. dwellings and associated garages (ii) pedestrian link to public footpath (iv) alterations to existing access
Site visit to be held at 11.20am

On conclusion of the site visits, the coach will return to West Suffolk House by the approximate time of 12.10pm.

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/altere, 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)
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- 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

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 - 12**

To confirm the minutes of the meeting held on 4 December 2019 (copy attached).
- 4. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath** **13 - 158**

Report No: **DEV/WS/20/001**

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/19/0514/FUL - Offices, James Reinman Marine Ltd, The Broadway, Pakenham** **159 - 194**

Report No: **DEV/WS/20/002**

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)
- 6. Planning Application DC/19/1817/FUL - The Old Pumping Station, Lower Road, Hundon** **195 - 220**

Report No: **DEV/WS/20/003**

Planning Application - (i) 3no. dwellings and associated garages (ii) pedestrian link to public footpath (iv) alterations to existing access

Continued overleaf...

7.

**Planning Application DC/19/1918/FUL - Land at Chardale,
Dale Road, Stanton**

**Page No
221 - 234**

Report No: **DEV/WS/20/004**

Planning Application - 1no dwelling and cart lodge

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 December 2019** at **10.00 am** in the **Council Chamber, College Heath Road, Mildenhall, Suffolk, IP28 7EY**

Present: **Councillors**

Chair Andrew Smith

Vice Chair Mike Chester

John Burns

Andy Neal

Jason Crooks

David Palmer

Roger Dicker

David Roach

Andy Drummond

David Smith

Susan Glossop

Peter Stevens

Ian Houlder

Don Waldron

Sara Mildmay-White

Ann Williamson

In attendance:

David Gathercole (Ward Member for Lakenheath)

63. Apologies for Absence

Apologies for absence were received from Councillors David Gathercole and Jim Thorndyke.

64. Substitutes

The following substitutions were declared:

Councillor Sara Mildmay-White substituting for Councillor Jim Thorndyke

Councillor Andy Neal substituting for Councillor David Gathercole

65. Minutes

The minutes of the meeting held on 6 November 2019 were confirmed as a correct record and signed by the Chair.

66. Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds (Report No: DEV/WS/19/044)

(The Chair agreed for this item to be brought forward on the agenda.)

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.)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and at the request of Ward Member (Abbeygate) Councillor Jo Rayner.

Contrary to Report No DEV/WS/19/044's opening paragraph, Bury St Edmunds Town Council did not support the application. A considerable number of objections had also been received from third parties.

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 Paragraph 137 of the report.

Attention was drawn to the supplementary 'late papers' which had been circulated following publication of the agenda and which set out an additional condition in respect of solar control glazing and an amendment to condition No 5 (surface water drainage scheme).

As part of her presentation the Principal Planning Officer highlighted the amendments that had been made to the scheme since original submission.

The Officer also advised the meeting that she was aware that the applicant had submitted information directly to Members of the Committee and the images they had received were included with her presentation.

Speakers: Celia Lawrence (representing Nelson Road Residents Association) spoke against the application
The Case Officer read out a prepared statement, on behalf of Ward Member (Abbeygate) Councillor Jo Rayner, against the application (who had been unable to attend the meeting)
Rosie Room (agent) spoke in support of the application

Councillor David Roach opened the debate by advising the meeting that he and other Committee Members had been contacted directly by the applicant via the telephone prior to the meeting, and he considered this to be inappropriate.

Considerable discussion took place on the application with a number of Members remarking on the level of parking to be provided within the scheme.

Comments were also made on the S106 calculations, particularly with regard to the vacant building credit and NHS contribution.

The Principal Planning Officer responded to Members' questions/comments as follows:

S106 Contributions – the Committee were assured that all calculations were correct and in line with current legislation. The Officer also advised that the West Suffolk Clinical Commissioning Group had confirmed that they would accept £15,000 from the scheme.

Resident Age Restriction – it was clarified to Members that residents of the proposed scheme were to be aged 60 and over. In addition, the applicant had advised that the average age of residents within their existing premises was 80.

Parking Provision – Members were advised that the average number of parking spaces provided as part of the scheme was 0.46 which was above the applicant's average of 0.42, based on all their existing UK premises. The Committee was also advised that similar premises that already existed within Bury St Edmunds (from other developers) had less parking than the level proposed in the application.

Pedestrian Crossing – attention was drawn to Paragraph 97 of the report and the Officer highlighted that the provision of a pedestrian crossing did not meet the test of the CIL Regulations; the application site was situated very close to the Town Centre with amenities easily accessible to pedestrians without a designated crossing.

Some Members spoke in support of the application; making reference to the bus and taxi services available to residents. The design of the scheme was also commented upon as being in keeping with surrounding buildings.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Mike Chester.

Further discussion then took place specifically with regard to the overlooking concerns that had been raised by neighbouring residents.

Councillor Andy Neal asked it if would be possible to increase the height of the brick wall which formed one of the site's boundaries. In response, the Principal Planning Officer explained that the wall was already fairly imposing and it would be unable to be increased to such a height that would prevent any overlooking.

Councillor Roger Dicker proposed an amendment; that consideration of the application be deferred in order to allow additional time in which for Officers to consult with the applicant, to establish if it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents. This was duly seconded by Councillor David Palmer.

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

Decision

Consideration of the application be **DEFERRED** in order to allow additional time in which for Officers to consult with the applicant to establish if it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents.

(Following this resolution Councillor Peter Stevens sought clarification as to the next steps that would be taken; the Service Manager (Planning – Development) advised that the Planning Authority would, in the first instance, seek to agree a further extension of time with the applicant beyond 6 December 2019.)

(On conclusion of this item the Chair permitted short comfort break.)

67. **Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/WS/19/042)**

The Chair advised the Committee that a letter had been received from a law firm this morning in relation to this application.

As a result of the timing of this and the matters raised, this item was **WITHDRAWN** from the agenda and deferred in order to allow Officers time in which to undertake consideration of the issues raised.

68. **Planning Application DC/19/1392/VAR - Land off Briscoe Way, Lakenheath (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

This application was referred to the Development Control Committee as Lakenheath Parish Council had raised objection which was contrary to the Officer recommendation of approval as set out in Paragraphs 52 and 53 of Report No DEV/WS/19/043.

A Member site visit was held prior to the meeting.

As part of his presentation to the Committee the Principal Planning Officer - Major Projects explained that the 'parent' planning permission for 67 dwellings at the site was granted by (the now dissolved) Forest Heath District Council's Development Control Committee in October 2018.

The application before Members was simply seeking to amend the wording of one condition attached to the permission.

Since publication of the agenda one further late representation had been received from Lakenheath Parish Council which reaffirmed their earlier comments made, as set out in the report.

During the debate there was some discussion as to the noise contours and the future aircraft to be stationed at RAF Lakenheath. Whilst the Principal Planning Officer - Major Projects responded to these comments and provided explanation, he also reiterated that the dwellings in the scheme had permission and the application before Members purely related to the wording of one condition.

Councillor Andy Drummond proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 12 voting for the motion and 4 against, it was resolved that

Decision

1. Following completion of a S106 Agreement (or equivalent) to secure the planning obligations captured from the related planning permission DC/13/0660/FUL planning permission be **GRANTED**; and
2. The planning permission shall be subject to the same conditions as attached to planning permission DC/13/0660/FUL with the exception of condition 20 which shall be amended as follows:

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.

(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 1.00pm. During the interval Members of the Committee received a short training seminar where Officers delivered an update on West Suffolk appeals.)

69. **Planning Application DC/19/1019/FUL - Garages, Paske Avenue, Haverhill (Report No: DEV/WS/19/045)**

Planning Application - 9no. dwellings (Demolition of existing garages)

This application was referred to the Development Control Committee following consideration by the Delegation Panel; having been referred to the Panel at the request of Ward Member (Haverhill Central) Councillor Aaron Luccarini.

Haverhill Town Council had raised objections to the scheme which was in contrast to the Officer recommendation of approval, subject to conditions as set out in Paragraph 62 of Report No DEV/WS/19/045.

A Member site visit was held prior to the meeting. Attention was drawn to the supplementary late paper which had been circulated following publication of the agenda and which set out a superseded site plan.

The Principal Planning Officer advised that further public late representations had been received which largely covered earlier points raised by local residents. These had been forwarded to Members of the Committee for their reference.

Speakers: Donna Anderson (neighbouring resident) spoke against the application
The Chair advised that Ward Member (Haverhill Central) Councillor Aaron Luccarini had registered to speak at the Committee but had been unable to attend the meeting. Instead, Councillor Luccarini had emailed all Members of the Committee directly with his written representation
Scott Bailey (Havebury – applicant) spoke in support of the application

A number of Members voiced comment on the application with the majority raising concerns in respect of the scheme being out of keeping with the surrounding area and overbearing.

Councillor Jason Crooks proposed that the application be refused, contrary to the Officer recommendation, on the basis of it being inappropriate for the site and overdevelopment. This was duly seconded by Councillor Don Waldron.

The Service Manager (Planning – Development) explained that if Members were minded to refuse the application, contrary to the Officer recommendation, then the Decision Making Protocol would not need to be invoked. She further advised on the Policies that could be appended to the reasons for refusal as being: CS3 DM2 and DM22.

Upon being put to the vote and with 15 voting for the motion and with 1 abstention it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reasons:

1. Existing development in Paske Avenue is characterised by small two-storey red brick semi-detached houses generally of a uniform scale and appearance. The scale, design and appearance of the 3-storey flat block is out-of-keeping with the adjoining development, resulting in an awkward and dominant relationship harmful to the appearance of the street scene.
The proposal is therefore contrary to Core Strategy Policy CS3, Joint Development Management Policies DM2 and DM22, and paragraph 127 of the National Planning Policy Framework (2019).
2. This small (0.14 hectare) site is at the end of a residential cul-de-sac adjacent to a large bus-depot building and has a narrow tapered shape at its southern end. The need to accommodate parking, access, cycle storage and turning space has resulted in a flat block with no outside amenity garden space. The proposed 3-storey flat block would also dominate the site and have an over-bearing impact on the proposed bungalows and the neighbouring dwellings on Paske Avenue. For these reasons a proposal of 9 dwellings is considered to be over-development of the site, contrary to Core Strategy Policy CS3, Joint Development Management Policies DM2 and DM22, and paragraph 127 of the National Planning Policy Framework (2019).

70. **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)

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

Both Pakenham Parish Council and the Ward Member (Pakenham and Troston) Councillor Simon Brown supported the application, which was contrary to the Officer recommendation of refusal, for the reasons set out in Paragraph 102 of Report No DEV/WS/19/046.

A Member site visit was held prior to the meeting. As part of her presentation to the Committee the Senior Planning Officer spoke in detail on the planning and appeal history of the site.

Speaker: James Platt (agent) spoke in support of the application

Following discussion by the Committee, the Officer gave further explanation on the lawful use of the site, the subdivision of the site and the buildings on the site that had been converted under Permitted Development rights.

Members were also advised that as the application was not for a change of use this did not trigger the marketing criteria for loss of a commercial use.

Councillor David Roach spoke in support of the scheme and moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) clarified with Members what their reasoning was for supporting the application. Members agreed that their reasons for support related to the complex nature of the planning history of the site, whether there was a fallback position and the unsuitability of local roads for commercial vehicles.

The Service Manger then explained that if Members were minded to approve the application, contrary to the Officer recommendation, then the Decision Making Protocol would need to be invoked and a risk assessment would be produced for consideration by the Committee at a subsequent meeting.

Upon being put to the vote and with 15 voting for the motion and 1 against it was resolved that

Decision

Members be **MINDED TO APPROVE PLANNING PERMISSION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL**. The application was therefore **DEFERRED** in order to allow a Risk Assessment to be produced for consideration by the Committee at a future meeting.

71. **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

This application had been originally referred to the Development Control Committee of (the now dissolved) St Edmundsbury Borough Council in January 2019 at the request of the Assistant Director (Planning and Regulatory Services) on behalf of Councillor John Griffiths (Ward Member: Ixworth).

At the January meeting the Committee resolved that they were 'minded to approve' the application contrary to the Officer recommendation of refusal. The Decision Making Protocol was invoked and a Risk Assessment was produced, as set out in Report No DEV/WS/19/047.

A Member site visit was held prior to the meeting for the West Suffolk Committee. The Parish Council supported the proposal.

Officers were continuing to recommend that the application be refused for the reason set out in Paragraph 36 of the report.

Speakers: Councillor Ben Lord (Chairman, Ixworth & Ixworth Thorpe Parish Council) spoke in support of the application
Councillor Andrew Smith (neighbouring Ward Member of Bardwell) read out a statement in support of the application on behalf of Ward Member (Ixworth) Councillor John Griffiths
Phil Cobbold (agent) spoke in support of the application

In response to comments made by the Committee during the debate, the Service Manager (Planning – Development) made reference to Policy DM27 and asked Members to give particular consideration to those recent appeal decisions made in connection with this policy.

The Committee was also advised that Ixworth was currently in the process of developing its Neighbourhood Plan; small developments such as the application site could be addressed as part of the Plan's development as well as having the potential to be put forward as part of the consultation on the emerging West Suffolk Local Plan.

Councillor David Roach proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with 4 voting for the motion and 12 against, the Chair declared the motion lost.

Councillor Roger Dicker then proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 12 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

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

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.

72. **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

This application was referred to the Development Control Committee as the development related to a cross boundary application with Mid Suffolk Council.

The Principal Planning Officer advised that the development within West Suffolk concerned the realignment of the junction known as Fishwick Corner. The remainder of the development was within Mid Suffolk and related to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

A Member site visit was held prior to the meeting. Since publication of the agenda a late representation had been received from Thurston Parish Council which the Officer had circulated to all Members of the Committee.

Officers were recommending that the application be approved subject to conditions as set out in Paragraph 91 of Report No DEV/WS/19/048 and subject to Mid Suffolk Council approving the remainder of the cross-boundary application at their Committee meeting in January 2020.

Speakers: Councillor Sara Mildmay-White (Ward Member for Rougham) spoke against the application
Sophie Waggett (applicant) spoke in support of the application

A number of Members voiced concern at the application and objected to determining it prior to Mid Suffolk Council considering their element of the scheme.

The Committee also expressed disappointment that the Suffolk County Council Highways representative who was due to attend the meeting had, at the last minute, been unable to do so.

Councillor David Roach proposed that consideration of the application be deferred in order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination. 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

Consideration of the application be **DEFERRED** in order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

The meeting concluded at 3.20pm

Signed by:

Chair

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Development Control Committee

8 January 2020

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. It was then withdrawn from the December meeting to enable a short consultation to be carried out following a minor change to the description of the development. The need to slightly change the description of the development arose from amendments made to the planning application in September 2015.

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 Eriswell Road, Lakenheath	Up to 140	Outline planning permission 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 six separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015, iv) June 2016, v) in July 2018 and vi) in December 2019. 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. In December 2019 **Anglian Water Services** repeated much of their earlier comments and, with regard to waste water treatment, noted the close proximity of the development to the Lakenheath Sewage Treatment Works water recycling centre (WRC) and drew attention to the potential for nuisance associated with the operation of the works to effect the development. Anglian Water's initial odour risk assessment indicates that there is potential for loss of amenity at sensitive property within the proposed development due to odour emissions from the operation of the WRC.
30. **Anglian Water Services** go on to comment that this WRC is operated in compliance with the appropriate regulatory standards and in accordance with established best practice, however, the process is inherently prone to short periods of relatively strong odorous emissions, against which there is little practical mitigation. They go on to advise that the proposed layout should seek to maintain an effective distance between the treatment works and sensitive accommodation. They further recommend that a detailed odour risk assessment is undertaken to establish the range at which the amenity of neighbouring property is likely to be impaired.
31. **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).
32. 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 Maidscross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.

33. 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.
34. 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.

35. 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.*

36. 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 34 above). In December 2019, following consultation, **Natural England** confirmed the amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

37. **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.

38. 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.
39. **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.
40. **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.
41. 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.

42. 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

43. **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.
44. 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.
45. **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.
46. **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.
47. **Lakenheath Internal Drainage Board** (December 2014) - **no objections** on the basis of the submitted SW drainage strategy.
48. **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. In December 2019, following consultation, further comments were received from the **Environment Team**. Conditions were requested regarding remediation of any land contamination and provision of electric vehicle charge points for dwellings with off-street parking.

49. **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.
50. 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.

51. 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.

52. 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.
53. In December 2019, following consultation, **Public Health and Housing** confirmed they did not wish to make additional comments.
54. **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.
55. **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.
56. **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.]*
57. 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 Rabbithill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity and delivery program of all the public open space to be delivered must form part of the remedial matters secured by condition.
- The site is connected to the Public Rights of Way (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.

58. 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.
59. 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.

60. 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. In December 2019 the **Ecology and Landscape Officer** reviewed the Appropriate Assessment in light of the slight change to the description of development and reached the same conclusions.
61. **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).
62. **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.
63. 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.

64. 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.

65. 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. In December 2019, following consultation, the **Highway Authority** confirmed that previous comments and requests for developer contributions still apply.

66. **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).
67. 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.
68. 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.

69. 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

70. In December 2019, following consultation, the **Travel Plan Officer** did not wish to make further comment.
71. **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.
72. 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.
73. In September 2015 and December 2019, following re-consultation, the **Archaeological Service** repeated its earlier comments.
74. **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).

75. 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.

76. **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.

77. 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). In December 2019, in response to consultation, the **Development Contributions Manager** did not wish to make any further comments.

78. **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.

79. **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.
80. 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.
81. **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:

82. 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.
83. **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.

84. 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.

85. **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).

86. **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).

87. 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).

88. **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.

89. **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.

90. 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.

91. **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".

92. 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.
93. **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.
94. **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".
95. 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*].

96. 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.

97. 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.
98. 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.
99. 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.
100. 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.

101. 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.

102. 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.

103. 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).

104. 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.

105. 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. 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.

111. 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.

112. 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.

113. 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.

114. 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:

115. 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)

116. 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)

117. 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)

118. 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)

119. 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

120. 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

121. 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?

122. 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)

123. 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.

124. 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:

125. 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

126. 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.
127. 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).

128. 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.
129. 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.

130. 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 recently adopted planning policy and a slight change to the description of the development. 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

131. 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)

132. 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

133. 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.

134. 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.

135. 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

136. 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

137. 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

138. 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

139. 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).
140. 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.
141. 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.

142. 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'.
143. 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.

144. 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

145. 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

146. 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).

147. 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.

148. 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.

149. 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.

150. 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 dwellings 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.

151. 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

152. 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.

153. 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.

154. 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.

155. 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.

156. 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.

157. 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.
158. 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.
159. 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.
160. 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.
161. 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).

162. 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.

163. 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.

164. 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.

165. 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.

166. 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.

167. 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.
168. 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)).
169. 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

170. 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.
171. 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.
172. 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

173. 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.
174. 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.
175. 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.
176. 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.
177. 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

178. 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.

179. 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.

180. 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 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.*

181. 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.

182. 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

183. 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.

184. 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.

185. 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.
186. 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 Maidscross 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 Maidscross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
- Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.

187. 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.

188. 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.

189. 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.

190. 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.

191. 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.
192. 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.
193. 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.
194. 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.

195. 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.

196. 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.

197. 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.

198. 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.

199. 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.
200. 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

201. 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.
202. 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.
203. 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.
204. The impact of the development upon existing trees is considered acceptable.

Impact upon built heritage

205. 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).

206. 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.
207. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
208. 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).
209. 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.
210. 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.
211. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at s 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.
212. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

213. 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.

214. 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".

215. 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.
216. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
217. 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

218. 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.
219. 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.
220. 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

221. 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

222. 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

223. 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.

224. 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.

225. 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.

226. 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.

227. 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.

228. 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.

229. 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.
230. 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.
231. 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.
232. 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.
233. 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

234. 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.
235. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement.

236. 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.
237. 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.
238. 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.
239. 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.
240. 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

241. 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.

242. 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.

243. 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.

244. 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.

245. 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.

246. 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.

247. 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.
248. 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.
249. 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

250. 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.
251. 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)

252. 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

253. 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

254. 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.

255. 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 LMax 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.

256. 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)

257. 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.

258. 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.

259. 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.'

260. For regular individual noise events with the potential to cause sleep disturbance it is stated that a guideline value may be set in terms of sound exposure level (SEL) or L_{Amax,F}. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.

261. Recommendations for design criteria for external noise are also provided, in this regard it is stated;

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

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

ProPG: Planning and Noise (New Residential Development)

263. 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.

264. 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.

265. 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.

266. 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.

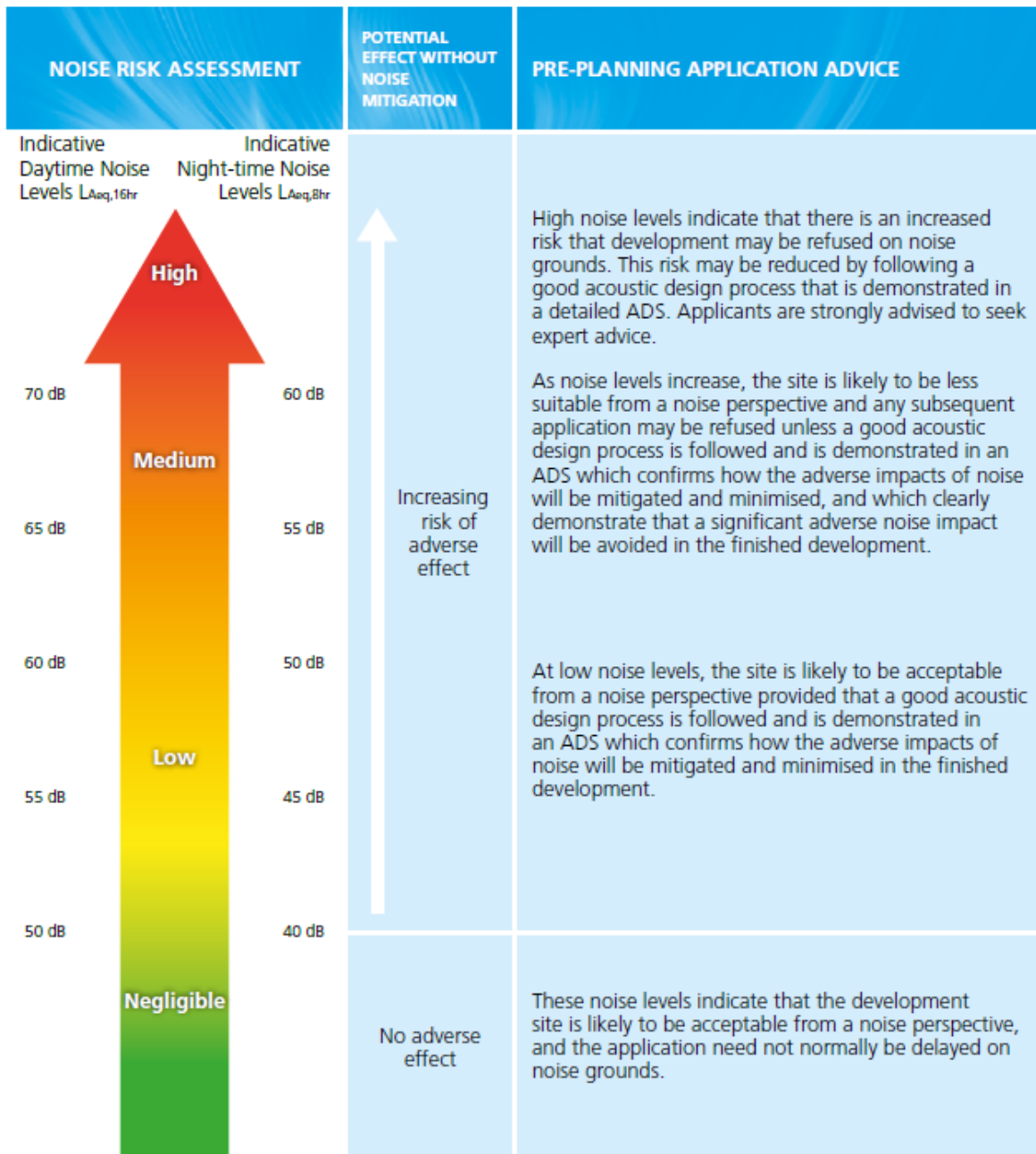


Figure 1 Notes:

- 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)

267. 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.

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

Element 1 - Good Acoustic Design Process

269. 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.
270. 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.).
271. 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

272. 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 LAmax more than 10 times per night.
273. 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

274. ProPG recommends the guideline values of 50 – 55 dB LAeq,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

275. 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.

276. 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"

277. 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.

278. 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).

279. 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.

280. 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.

281. 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'

282. 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.*

283. 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).

284. 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

285. 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).
286. 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 52 above).
287. 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.
288. 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.

289. 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.
290. 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.
291. 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.
292. 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).

293. 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.

294. 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.
295. 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.

296. 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.
297. 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.
298. 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.
299. 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.
300. 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.
301. 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).
302. 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.

303. 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.
304. 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.
305. 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

306. 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.
307. 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.
308. 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.
309. 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.

310. 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.

311. 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.

312. 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 251 above). In relation to the ProPG guidance, the noise risk assessment is considered between a low and medium risk (ref paragraph 266). 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.

313. 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).
314. 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.
315. 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.
316. 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."*

317. 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.

318. 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.

319. 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.

320. 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.

321. 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.
322. 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.
323. 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.
324. 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.
325. 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.
326. 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.

327. 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).

328. 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.

329. 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.

330. 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.
331. 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).
332. 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.
333. 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.

Other noise and amenity related matters

Odour

334. The NPPF states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. It also advises planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.
335. The NPPF also confirms the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
336. Policy DM2 of the Joint Development Management Policies document requires that proposals for all development should (inter alia) not site sensitive development where its users would be significantly and adversely affected by noise, smell, vibration or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.
337. Anglian Water Services has advised that parts of the proposed development site might be at risk of odours arising from the waste recycling facility which is situated just over 400 metres to the east of the rear parts of the application site. The Service advises that the layout should seek to maintain an effective distance between the treatment works and sensitive accommodation and has suggested that an odour assessment is carried out to establish the range at which residential amenity is likely to be impaired.
338. The application site is situated over 400 metres away from the waste water recycling facility (at its closest point). Further separation would be provided by the strategic open space which is to be provided along the north boundary of the site. Whilst this issue has been flagged up by Anglian Water, officers consider that the risk of incursion of significant odours into the application site is low given the separation that would exist between the uses. Accordingly, it is recommended that a condition is imposed upon any outline planning permission granted for the residential component of the planning application to establish firstly if the application site is affected by odours from the treatment facility and, if it is, the extent of that impact. This information would need to be submitted and approved before any Reserved Matters for housing at the site are approved.
339. The developable area of the application site is proposed to be developed with housing at a reasonably low density (circa 25 dwellings per hectare nett) and will be required to provided public open space over and above the strategic public open space already secured to the north and east site boundaries. Accordingly there will be opportunities via the location of public open space and concentrating housing density to overcome concerns at the northern end of the site, in the highly unlikely event that odour is demonstrated to be a significant constraint. Furthermore, the application proposes 'up to' 375 dwellings such that the number of dwellings proposed could be reduced at reserved matters stage if the need

arises.

340. The site proposed for the construction of a primary school is sufficiently distant from the waste water recycling facility such that no odour assessment is required.

Vibration

341. 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."

342. 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).
343. 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.

344. 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.
345. 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.
346. 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

347. 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.
348. 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.
349. 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.
350. 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.

351. 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

352. 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.
353. 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

354. 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.
355. 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

356. 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".
357. 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.
358. 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.*

359. 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.

360. 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).

361. 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.

362. 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

363. 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.

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

Primary education

365. 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.
366. 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.
367. 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

368. 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).
369. 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).

370. 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.
371. 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.
372. 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.
373. 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.
374. 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.

375. 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.

376. 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."

377. 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."

378. 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.

379. 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.

380. 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

381. 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

382. 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

383. 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

384. 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.
385. 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.
386. 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

387. 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.

388. 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

389. 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

390. 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 139-141 above. The Framework (and the National Planning Policy Guidance) also advises with respect to the approach to be taken in relation to development viability.
391. 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.
392. 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.
393. 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.
394. The following developer contributions have been secured in the S106

Agreement.

Affordable Housing

395. 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.
396. 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)
397. 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).
398. 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.
399. 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

400. 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.

401. 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).
402. 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

403. 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).
404. 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.
405. 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.
406. 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).

407. 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.
408. 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

409. 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

410. 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

411. 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.

Procedural Issue

412. The S106 Agreement which has already been completed for the development proposals included some typographical errors insofar as spend for some potential contributions (relating to health provision and public open space) were defined to be spent in the Parishes of Red Lodge and Mildenhall when the spend should have been defined for the Parish of Lakenheath. A further Deed is required to vary the terms of the 'parent' S106 Agreement to make the necessary corrections discussed above. At the time of writing the Deed had been signed by the applicant and had been returned to the Council for completion. It is anticipated that the Deed of Variation will be fully completed by the time the Committee considers the planning application. In the meantime, the recommendation (below) has been prepared to reflect current circumstances.

Summary

413. 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 139-141 above.

Conclusions and Planning Balance:

414. 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.
415. 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.

416. 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.
417. 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:

418. Following completion of a satisfactory Deed of Variation under S106A of the Town and Country Planning Act to correct errors identified in the completed S106 Agreement (as discussed at Paragraph 412 above), 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.
- Submission of an odour assessment which must be approved by the LPA prior to submission of any reserved matters for housing. The assessment will need to establish if the application site is affected by odour emissions from the sewage treatment works located to the east, the extent of any impact identified and, if required, proposals for mitigation. Any reserved matters considered subsequently would need to adhere to the recommendations of the odour assessment.

Documents:

Attachments:

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

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/simpleSearchResults.do?action=firstPage>

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Habitats Regulations Assessment (HRA) – Updated December 2019
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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 construction of 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 updates

July 2018

- 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

- 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 Maidscross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.

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.

December 2019

- 7 An amendment to the description of the proposal was made to clearly describe the application proposals in particular the outline part of the application relating to the primary school. The wording has been amended

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

from *the provision of land for a new primary school to the construction of a new primary school*. No further plans or information has been submitted. The HRA has been reviewed to ensure that it fully takes into account the revised wording of the proposals.

Consultation

- 8 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.
- 9 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.
- 10 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”.
- 11 Natural England and other consultees were further consulted in December 2019 in relation to the change in description of the proposals. Natural England has commented that *the advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal*.

European sites and location in relation to the development site

- 12 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

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

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 oediconemus</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 - 425m to the east Lakenheath Warren SSSI 2.1km
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 <i>Magnopotamion</i> or <i>Hydrocharition</i> -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 (<i>Festuco-Brometalia</i>); Dry grasslands and scrublands on chalk or limestone H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>); Alder woodland on floodplains* S1166. <i>Triturus cristatus</i> ; 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; <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

- | |
|--|
| <ul style="list-style-type: none"><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?

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

Direct effects

14 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.

15 It has been generally understood for some years that stone curlews display avoidance behaviours in response to the built environment (and particularly housing). Recent research papers have explored this relationship in both scientific and statistical terms (Footprint Ecology 2008, 2013). In summary, a negative relationship exists between stone curlew and new housing, which is significant to a distance of 1.5km but detectable to a distance of 2.5km. The effects of housing result in a reduced nest density.

16 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.

17 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.

- 18 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 Plan¹⁰ as an ecology zone, where no built development would take place. The same plan shows that the school would be located within the south east corner of the development. 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, which includes the primary school, 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.
- 19 The potential for construction effects has also been considered. The closest component of the SPA is a distance of 1.7km. In addition review of the nest records showed that these are also at sufficient distance from the development site such that there are unlikely to be significant effects.
- 20 No direct likely significant effect on Breckland Special Protection Area have been identified.
- 21 The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI, the closest component of the SAC. This SSSI/SAC 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.
- 22 No direct likely significant effects on the Breckland Special Area of Conservation have been identified.

Indirect effects

- 23 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

¹⁰ Lakenheath North - Concept plan 0012/7.8.12/0001 Sept 15

taking a precautionary approach it is not possible to rule out the likelihood of significant effects and Appropriate Assessment is required.

- 24 The Planning Concept Plan 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 SANG¹¹ was submitted which shows how the space would meet the requirements set out in the Council's Natural Greenspace Study.
- 25 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) which is still applicable in this part of West Suffolk. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which must 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.
- 26 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.
- 27 The Planning 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

¹¹ SANG Concept landscape Proposal (ELD) COCS291/6-001A 16.10.19

north west of the site would enable access to additional walking routes along the Cut-Off channel and to the west of the village.

28 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

29 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)

30 The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment¹² which for Lakenheath was 670 homes¹³. 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 cumulative traffic movements.

31 Natural England's internal advice on in-combination effects¹⁴ 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.

32 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

¹² Habitats Regulations Assessment: Forest Heath District Council Core Strategy DPD(March 2009)

¹³ Forest Heath District Core Strategy (adopted 2010)

¹⁴ NE letter of 4 June 2015

Curlew; for the application site this has been assessed and measures identified, therefore in-combination effects need no further consideration.

- 33 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.
- 34 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.
- 35 In 2010 a visitor survey of Breckland SPA¹⁵ 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 occurring. It is not currently understood whether distribution is affected by recreation, for example.
- 36 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.

¹⁵ Fearnley, H., Liley, D. and Cruickshanks, K. (2010). Visitor survey from results Breckland SPA. Footprint Ecology.

37 To support the SALP, the Council has undertaken a Natural Greenspace Study¹⁶ 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 Madsdross 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 Madsdross 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 Madsdross Hill SSSI and new access routes which could potentially focus on the Cut-Off Channel.

38 Natural England supports the provision of additional natural green space¹⁷ 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 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)

¹⁶ 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

¹⁷ NE correspondence 4 June 2015

- 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)

39 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.

40 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.

- 41 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 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.
- 42 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 studies¹⁸ undertaken on behalf of the local highway authority to assess the impact of the various proposals has been published (7 June 2016). This confirms that the level of proposed development being considered in Lakenheath could be delivered without any effects on the Wangford Road / A1065 Brandon Road signalised junction. With regard to the B1112 / A1065 priority cross-roads, the study indicates that 663 dwellings (the total within the submitted planning applications that are being supported by the council) could also be accommodated and would not trigger improvements to the junction, however development amounting to 1465 dwellings would result in a severe traffic impact on this junction and hence mitigation would be required. The identified mitigation would be advanced warning signage and significant in-combination effects are not likely.

Conclusion

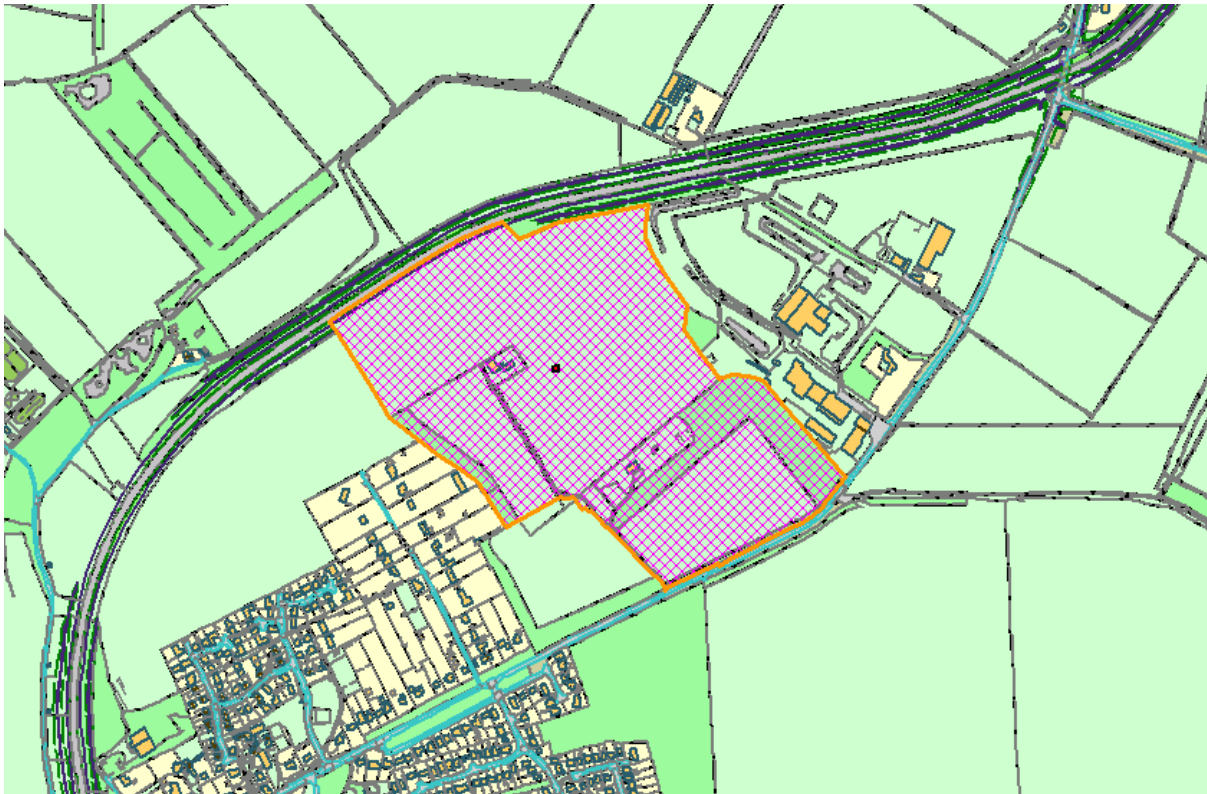
- 43 No likely significant direct effects on Breckland SAC or SPA have been identified, and no significant effects are likely in relation to the implementation of road improvements required as a result of cumulative traffic in combination with other projects or plans.
- 44 The avoidance and reduction measures described in paragraph 38 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.

¹⁸ Lakenheath Cumulative Traffic Study – Study Overview AECOM 7 June 2016

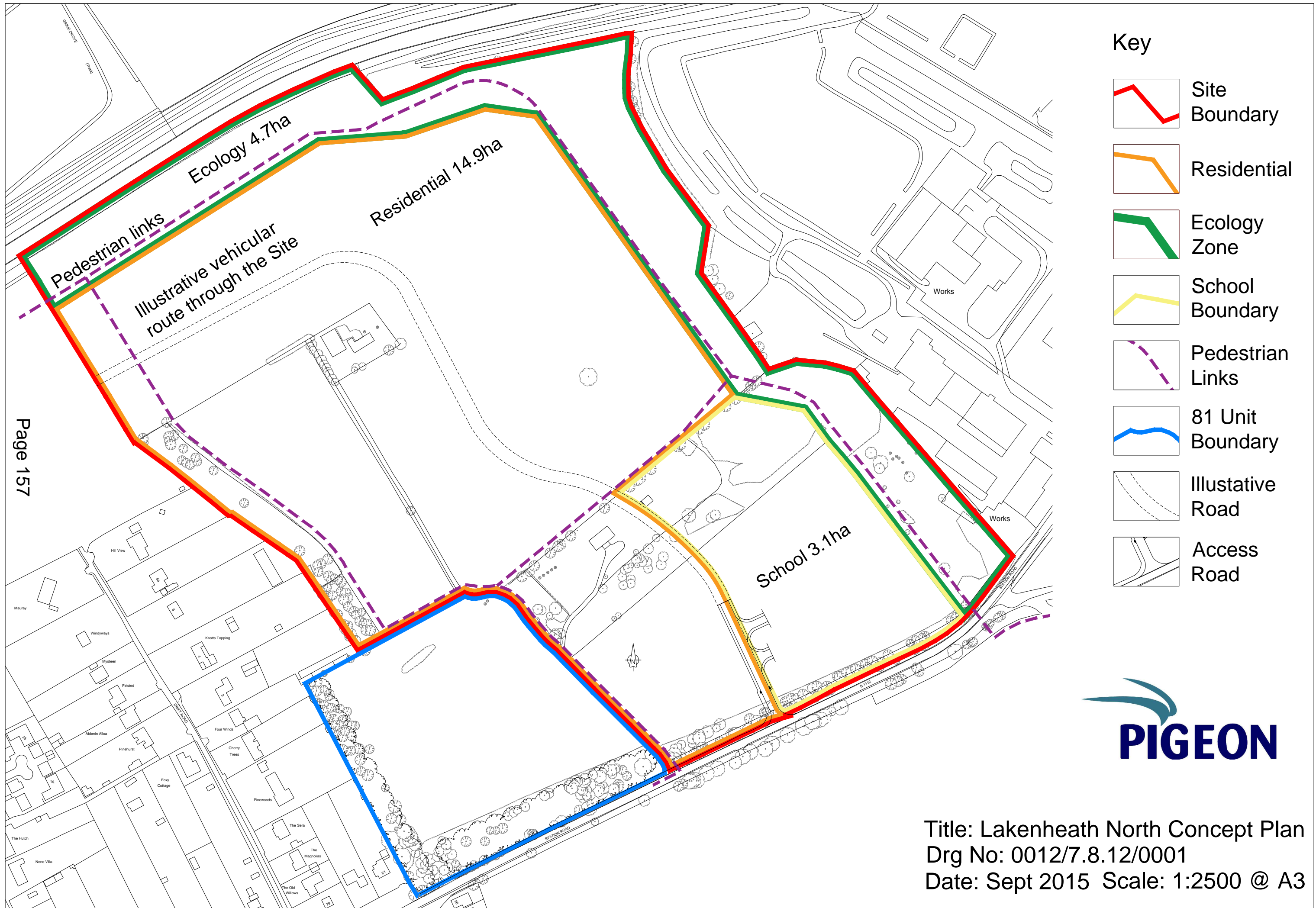



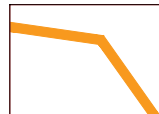



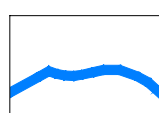
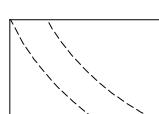
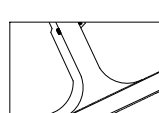
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Land North Of Station Road, Station Road, Lakenheath



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- Key**
-  Site Boundary
 -  Residential
 -  Ecology Zone
 -  School Boundary
 -  Pedestrian Links
 -  81 Unit Boundary
 -  Illustrative Road
 -  Access Road



Title: Lakenheath North Concept Plan
 Drg No: 0012/7.8.12/0001
 Date: Sept 2015 Scale: 1:2500 @ A3

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Development Control Committee

8 January 2020

Planning Application DC/19/0514/FUL – Offices, James Reinman Marine Ltd, The Broadway, Pakenham

Date Registered:	08.04.2019	Expiry Date:	03.06.2019
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

Section A - Background:

This application was deferred from consideration at the Development Control Committee meeting on 4 December 2019. Members resolved that they were minded to grant 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 is able to be made.

A Committee site visit was undertaken on 2 December 2019. At the subsequent Development Control Committee meeting on 4 December 2019 Members were minded to approve the application in the light of the planning history of the site and the existing use. However, some of the Committee raised concerns about the loss of employment use and the lack of marketing of the site for alternative commercial uses, others questioned whether employment policy DM30 would could be applied if the present use is argued to not be lawful.

The previous Officer report for the 4 December 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.

Proposal:

1. Please refer to Working Paper 1 for a description of the proposal

Site Details:

2. Please refer to Working Paper 1 for a description of the proposal

Planning History:

3. Please refer to Working Paper 1 for planning history.

Consultations:

4. Please refer to Working Paper 1 for representations received.

Representations:

5. No third party representations have been received.

Policy:

6. 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.

7. 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:

8. National Planning Policy Framework (2019)
9. 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:

10. 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:

11. Since the December committee meeting Officers have received the following additional information from the applicant. The existing business employs three full time and two part time staff and would most likely relocate to Brandon where the fibre glass moulding takes place. As queried by members, the application site has not been submitted in support of any marketing evidence for alternative employment uses because the applicant considers there to be material planning considerations to outweigh the conflict with policy. The material considerations put forward being an asserted fall-back position to a builders yard and that this use would be unsuitable given the proximity to residential development and the poor local road network.
12. As set out in the December committee report (working paper 1) officers are of the view that the application site does not currently have a lawful use or a fall-back position to builders yard, as such any continued use or alternative commercial use would require planning permission and any impacts of such use could be minimised and controlled through conditions.
13. The proposal is for two dwellings in a remote location in the countryside, contrary to policy DM5. As set out previously, two Inspectors found two sites in the immediate vicinity unsuitable for residential development in the last two years, when assessing the appeal proposals against the same policies.
14. It could of course be argued that a business would be equally in an unsustainable location and may result in HGV and traffic movements.

However a rural business would likely be policy compliant and may also reduce the need for travel by providing modest local employment opportunities, as the site does at present. Given that the continued or alternative use of the site requires planning permission, the Council would have control over such matters as delivery and opening times and HGV routing, in the interests of amenity.

15. With regards to Policy DM30, this applies to '*sites and premises used and/or designated for employment*'. Whilst the existing use of the site is not lawful, it is well established and would be (and previously has been) considered acceptable subject to planning permission and suitable conditions. The use continues to date and as such the proposed re-development would result in the loss of employment use, albeit unauthorised at present. This loss, without sufficient justification, is contrary to policy DM30 and this adds weight against the scheme in the balance of considerations.

Section C – Refusal Reasons:

16. The Officer recommendation remains one of refusal, with the reason set out below. Refusal reason 2 was a technical refusal reason which could be overcome subject to a S106 to secure a financial affordable housing contribution.
 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.

17. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to grant planning permission for the development proposal, having regard to the conflict with Policies CS2, CS4, DM5, DM27 and DM30 in this case and the officer recommendation to refuse planning permission. For the reasons set out in this report it remains officers' recommendation that permission be refused. If Members remain minded to approve the application, they must be satisfied that any risks associated with doing so have been properly considered.

Section D – Risk Assessment:

18. Officers consider the development proposed in this case to be contrary to Policies DM5, DM27, DM30, CS2, CS4, CS13 and RV1 and RV3. 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.
19. The material considerations in this case are the potential adverse impacts from an employment use. Whilst it is accepted that the site is generally in an unsustainable location, an employment use (continuation of the existing or an alternative use) would require planning permission, would likely be policy compliant and impacts could be controlled and mitigated.
20. It is not considered that in this case there are sufficient material planning considerations which would outweigh the conflict with policies concerned with residential development in the countryside and employment.
21. Whilst every application must be considered on its own merits, 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 to depart from the statutory presumption of the primacy of the development plan could expose the Council to the risk and cost of Judicial Review in the High Court. The further obvious risk is that approval will undermine well established policies of restraint, all of which have been very successfully defended through multiple appeals on many occasions.
22. 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.

23. 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 DM5, DM27 and DM30, potentially resulting in further unsustainable development in the countryside and undermining the principles behind Policies DM5, DM27 and DM30.
24. If policies are not consistently applied, in the event that a similar application is refused, the applicant would 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 had acted unreasonably. This would result in financial and reputational implications for the Council.

Section E – Conclusions:

25. 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 result in the loss of an existing employment use. The proposal fails to comply with policies which aim to protect the countryside and existing employment sites and steer development to sustainable locations. Officers have attached moderate weight to the benefit of a financial contribution to affordable housing but remain of the view that in the planning balance the clear conflict with policy significantly and demonstrably outweighs the benefits of the proposal.
26. 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.
27. Members should have regard to the attached Working Paper 1 in reaching their decision.
28. In the event that Members grant planning permission, it is recommended that the reasons for the decision are clearly stated and that permission is granted subject to a S106 and the following conditions:

S106 heads of terms:

- Affordable Housing **£45.000**

- 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:

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

Reference No:	Plan Type	Date Received
NS-4231-100 REV.B	Location and Site Plan	31.07.2019
NS-4231-110 REV.A	Proposed Elevations and Floor Plans	31.07.2019
OAS 18-233-TS01	Tree Protection Measures	21.03.2019
OAS 18-233-TS02	Tree Protection Measures	21.03.2019

- 3 No development above slab level shall take place until details 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.

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 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.

- 5 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.

- 6 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.

- 7 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road 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.

- 8 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. NS-4231-100 REV.B for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 The areas to be provided for the presentation of Refuse/Recycling bins for collection as shown on Drawing No. NS-4231-100 Rev B shall be provided 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 on the highway causing obstruction and dangers for other users.
- 10 Demolition or construction works shall not take place and no construction related deliveries taken at or despatched from the site 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.
Reason: 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.
- 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 of any of the dwellings hereby approved all existing buildings as indicated to be removed on drawing no. NS-4231-100 Rev.B shall be demolished and all arising materials removed from the site.
REASON: To preserve the residential and visual amenities of the locality, and to secure a satisfactory standard of development, having regard to policies 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.
- 13 All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological by Skilled Ecology consultancy Ltd. (dated Feb. 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
Prior to occupation details of biodiversity enhancement measures to be installed at the site, including numbers and location of the proposed bat and bird boxes and 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 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.

- 14 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.

- 15 All planting comprised in the approved details of landscaping as shown on drawing NS_4231-100 Rev.B shall be carried out in the first planting season following the 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 enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 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.

- 16 The protective measures shown on the tree protection plans OAS 18-233-TS01 and OAS 18-233-TS02 (received 21.03.2019) 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 compliance prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

Documents:

All background documents including application forms, drawings and other

supporting documentation relating to this application can be viewed online
[DC/19/0514/FUL](#).

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**Development Control Committee
4 December 2019**

WORKING PAPER 1

**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 created 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



Offices, James Reinman Marine Ltd, The Broadway, Pakenham



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Development Control Committee 8 January 2020

Planning Application DC/19/1817/FUL – The Old Pumping Station, Lower Road, Hundon

Date Registered:	03.09.2019	Expiry Date:	29.10.2019 – EOT 09.01.2020
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Hundon	Ward:	Clare, Hundon and Kedington
Proposal:	Planning Application - (i) 3no. dwellings and associated garages (ii) pedestrian link to public footpath (iv) alterations to existing access		
Site:	The Old Pumping Station, Lower Road, Hundon		
Applicant:	Mr Baber - Ragilbury Roots Limited		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Kerri Cooper

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Telephone: 01284 757341

Background:

The application is referred to the Development Control Committee as the application is contrary to the Development Plan and is recommended for APPROVAL.

A site visit is to take place on 6 January 2020 for the Members of Development Control Committee.

Proposal:

1. Planning permission is sought for construction of 3no. dwellings and associated garages on the former pumping station site in Hundon. In addition, alterations are being proposed to the existing access serving the site and the development seeks to provide a pedestrian link along the eastern boundary.
2. The site has been subject to a number of previous applications for residential use, all of which vary in scale of development and site area. These are listed in detail in the planning history section below and were all in outline form.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form
 - Planning Statement
 - Design and Access Statement
 - Ecological Report
 - Arboricultural Assessment
 - Flood Risk Assessment
 - Marketing Report
 - Landscaping Details
 - Site Location and Layout
 - Elevations, Floor Plans and Sections
4. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

Site Details:

5. The site comprises an area of brownfield land measuring 0.24 hectares and lies on the western edge of the village of Hundon. The site was previously occupied by Suffolk Automatic Transmission who undertook car servicing and repairs, before they relocated elsewhere. The site includes buildings comprising workshops and porta cabins. The site is bounded by a public byway (Galley Lane) which runs along the eastern boundary. The site lies immediately adjacent to the Housing Settlement Boundary for Hundon and is therefore located in the Countryside for planning purposes. The entrance to the site is within Flood Zone 2 and 3.

Planning History:

Reference	Proposal	Status	Decision Date
SE/12/0059/FUL	Planning Application - Alteration to existing access to site to improve visibility and safety and close off existing access	Application Granted	28.02.2012
SE/12/1167/OUT	Outline Planning Application - (i) Erection of 7 no. dwellings (including 1 no. affordable) (ii) Alterations to existing vehicular access	Application Refused	07.02.2013
DC/16/1238/OUT	Outline Planning Application (All matters reserved) - 8no. dwellings	Application Refused	16.12.2016
DC/18/0661/OUT	Outline Planning Application (all matters reserved) - 2no. dwellings	Application Refused	13.08.2018
SE/00/2818/P	Planning Application - Continued use of building as vehicle restoration premises without complying with Condition Nos. 4 and 7 of planning permission E/88/1206/P (number of vehicles awaiting repair and hours of operation)	Application Refused	07.11.2000
E/98/2509/P	Planning Application - Continued use of building as vehicle restoration premises without complying with Condition No. 1 of planning permission E/88/1206/P (personal to applicant)	Application Granted	16.11.1998
E/94/1368/P	Planning Application - Change of use of vehicle storage building to general vehicle workshop	Application Granted	11.05.1994
E/91/1633/P	Continued use of building for the rearing of insects (crickets)	Application Granted	12.06.1991
E/89/1451/P	Use of part of site for sale of motor vehicles	Application Refused	17.10.1989
E/88/2370/P	Erection of store extension to workshop	Application Granted	25.07.1988
E/88/1206/P	Renewal - Continued use of building on permanent	Application Granted	28.04.1988

	basis as vehicle restoration premises		
E/86/1366/P	(i) Change of use and (ii) Outline Application - Conversion to single dwelling	Application - Refused	14.04.1986
E/85/1977/P	Alterations and change of use from pumping station to workshop for Suffolk Coach Craft	Application Granted	10.07.1985
E/83/3530/P	Outline Application - Two dwellings (following demolition of pump house) and access	Application Refused	11.01.1984

Consultations:

6. The following consultation responses have been received, which are summarised below and full consultation responses are available to view online:
7. Environment Team
 - No objection, subject to conditions.
8. Public Health and Housing
 - No objection, recommend conditions.
9. Suffolk County Highway Authority
 - The Highway Authority do not object and recommend conditions, however raise comments;
 - A Minor Works Licence and S278 Agreement is required to carry out any of the works;
 - If the removal of the front wall to Oak Cottage is not supported, the Highway Authority will be required to be re-consulted.
10. Rights of Way
 - No objection. Informatives and notes provided for the applicant.
11. Suffolk County Flood and Water Officer
 - Additional information was initially required regarding drainage and levels;
 - Following the further information, no objection subject to surface water drainage condition
12. Planning Policy
 - The Council has demonstrated a 6.2-year supply of housing land;
 - The site lies outside the settlement boundary of Hundon and within the countryside where there is a presumption against unsustainable development unless in accordance with DM5;
 - Policies DM5 and DM27 of the JDMPD permits housing in the countryside where specified criteria are met. These criterion have not been satisfied therefore the proposal is considered to be contrary to policy DM27 and consequently DM5;

- The previous employment on the site is understood to have been relocated so has not resulted in the loss of employment, but if permitted for residential use would result in the loss of an employment site to the village of Hundon;
- Some attempts have been made to market the site for its existing use however this has not been for at least a 12-month period set out in paragraph 5.20 of the JDMPD.

13. Environment Agency

- The applicant has sequentially sited all proposed development within Flood Zone 1.
- No objection, subject to conditions.

14. All consultations can be viewed online in full.

Representations:

15. Parish Council

16. Hundon Parish Council supports the application. Careful consideration should be given to contamination. The council supports the Highway Authority's comments.

17. Neighbours

18. During the course of the application, representations have been received by the owners/occupiers of 5 no. properties, which are summarised as follows:

19. Flaxmere, Lower Road

- Support;
- The site is not suitable for a commercial use;
- Any development should incorporate measures to ensure there is no increased risk of flooding;
- Surface water drainage should be considered to ensure safety of the residential properties along Lower Road

20.19 Brook Close

- Support
- Existing site is in a poor state;
- Site is not suitable for a commercial use;
- Pedestrian link provided as part of the scheme allows a connection to the services and facilities

21. Two Ways, Valley Wash

- Support;
- Proposed development would enhance the area;
- Commercial use would be detrimental to the area;
- Scheme has been well thought out

22.5-6 The Villas, Clare Road

- Support;
- Extra housing will be beneficial to the village;
- Visual improvement;
- A footpath along the road would be beneficial

23. Oak Cottage, Lower Road

- Support;
- As the direct neighbour I whole hearted support the application;
- To enable the appropriate visibility to be provided I have sold a parcel of my land to the applicant to allow the improvements to be implemented;
- Existing site is an eyesore;
- Commercial is not suitable in that location;
- Good use of land;
- Visual improvement - well thought out scheme

24.Ward Member

25.No comments received.

26.All representations can be viewed online in full.

27.**Policy:** 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.

28.The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Rural 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 DM7 Sustainable Design and Construction
- 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 DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

- Policy DM46 Parking Standards
- Policy DM45 Transport Assessments and Travel Plans
- 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 CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

Other Planning Policy:

29. National Planning Policy Framework (NPPF) (2019)

30. 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:

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

- Principle of Development
- Location Sustainability
- Layout, Design and Landscape
- Highways Impact, Sustainable Transport and Connectivity
- Residential Amenity
- Contamination, Air Quality and Sustainability
- Other Matters

Principle of Development

32. 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 St Edmundsbury Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National

planning policies set out in the National Planning Policy Framework (2018) are also a key material consideration.

33. Case law reaffirmed that proposals that do not accord with the development plan should not be seen favourably unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
34. A recent 5YHLS report covering the period 2019-2024 was published on 26th September 2019. This shows West Suffolk Council maintains a 6.2 year land supply. The report replaced the previous one dated April 2019.
35. Hundon is a Local Service Centre as defined under Policy CS4 of the Core Strategy with a reasonable range of services and facilities including a primary school, community shop, two pubs and a community centre. Within these settlements, some small scale housing and employment development will be encouraged.
36. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development.' The policy goes on to state that 'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'.
37. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the 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.
38. The proposed development comprises the construction of 3no. detached dwellings on brownfield land, immediately adjacent to Hundon Housing Settlement Boundary. The site is enclosed on all boundaries, however it does not comprise infilling a small, undeveloped plot in accordance with policy DM27.
39. The submitted Planning Statement acknowledges the site is outside of the Housing Settlement Boundary but states that there are combined benefits and material justifications that should outweigh this in the planning balance. These are, in summary:
 - 3no. sustainable dwellings for the District's housing stock;
 - Removal of non-conforming land use including the reduction in traffic movements, noise and air pollution;
 - Development of redundant previously developed land in accordance with the Government's commitment to maximising the number of new homes built on sustainable brownfield land by 2020;
 - Enhanced passing views of the site;

- Environmental enhancement;
- Improved sustainable site drainage;

40. The material considerations will be explored in detail in the following sections of the report.

41. Policy DM30 seeks to protect employment sites and to ensure that there would be no adverse impact on employment generation if a site is to be considered for a non-employment use. Paragraph 84 of the NPPF states: *Planning policies and decisions should recognise 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. 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.*

42. The application site was previously occupied as a vehicle service and repair company until early 2018. Whilst the business was still being run from the site, the previous applicant began marketing the site as a commercial use from December 2017. An accompanying marketing report by Merrifields demonstrates there was little interest in the site for over 5 months until the current owner purchased the site. Whilst the report undertaken was not for a 12 month period, as a guide set out within the guidance of Policy DM30, a thorough and robust marketing assessment was undertaken for 6 months, with the outcome of such pointing strongly towards there being no commercial interest in the land.

43. Two previous applications (DC/16/1238/OUT and DC/18/0661/OUT) have been submitted on this site for residential development. Both of these were in outline form and therefore were only seeking to establish the principle of the development. A reason for refusal on both of these applications were the loss of the employment site. For both of these applications, no marketing evidence or justification in respect of the loss of the employment site was submitted. The first application (DC/16/1238/OUT) was taken to appeal and the Planning Inspector did not dismiss the appeal on the grounds of the loss of an employment site.

44. In respect of the above, and noting the latest marketing assessment, Officers are satisfied that there will be no impact from the loss of the employment site in this location.

45. Paragraph 117 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Further to this, paragraph 118 c) sets out that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. This site being considered is in the Countryside, and this therefore significantly reduces the weight in support to be attached. Nevertheless the site is brownfield land and this fact still weighs in favour of the scheme to a degree. Furthermore, paragraph 118 d) promotes and supports the development of underutilised

land and buildings, as is the case with this application. Therefore, this fact also weighs in support of the scheme.

46. Having regard to all of the above, and notwithstanding the modest support from the NPPF identified above, the principle of development in this location is contrary to adopted and national planning policy. Significant weight against the proposal must be attached to this clear conflict.

Locational Sustainability

47. Policy CS1 of the St Edmundsbury Core Strategy (2010) sets out the Council's spatial strategy and seeks to direct development to suitable and sustainable locations, with easy access to local services and facilities. In addition, Policy RV3 of the Rural Vision 2031 (2014), states that residential development will be permitted within Housing Settlement Boundaries where it is not contrary to other policies in the plan.

48. Policy CS4 identifies Hundon as a Local Service Centre, which means it has some services and facilities. The policy states that within these villages small scale housing should be encouraged. The village boundary has been established in the development plan and the application site is located outside the development boundary of Hundon, therefore, there is conflict with the policy in this regard.

49. However, as detailed in the section above, the site lies immediately adjacent to Hundon Housing Settlement Boundary. A footpath along the eastern boundary of the site, defined as Galley Lane, enables pedestrian connectivity from the application site on Lower Road to the centre of the village along Church Street. The distance along the footpath is approximately 220 metres. Hundon Primary School is situated along Church Street, where it adjoins North Street, where the other main services and facilities (village hall, shop, pub and post office) within the village are located.

50. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. It is acknowledged that the development would make a modest contribution to help sustain local services in Hundon, as well as helping to sustain the viability of services in other nearby villages.

51. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.

52. Balancing all this, and due to its location and the accessibility and distance to services and facilities within the village, it is considered that the site is in a sustainable location in this context. In reaching this conclusion great weight has been placed on the very clear proximity of this site to Hundon Settlement Boundary, as well as the degree of connectivity between this site and the facilities within the village.

Layout, Design and Landscape

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

sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that '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.'

54. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
55. Policy DM22 states 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.
56. The existing site is enclosed at present by fencing and landscaping. The buildings and structures on the site and the vast area of hardstanding across the site is not in itself attractive. The transition to the countryside is therefore not felt until beyond the western site boundary.
57. The proposed scheme comprises 3no. detached 1½ storey dwellings, providing 3no. bedroom accommodation. 1no. access off Lower Road serves all of the dwellings, which is situated to the east of the site. The proposed development has been well thought out and designed as to create a small, comprehensive development contained within the existing site boundaries. The position of the dwellings has been informed by the desire to retain most of the mature trees running along the eastern boundary, adjacent to the public bridleway. The position and orientation also responds to the site topography and its linear shape. Wider views into the site will be created as a result of the development along the frontage of the site. These views are considered to create an enhancement as a result of architectural form and soft landscaping, both existing and proposed provided.
58. By retaining the key existing landscape features along the boundaries of the site and providing further landscaping improvements, it is considered that there will be no harm to the existing landscape character in this location or erosion of the countryside.
59. As such, it is considered that the proposed development will contribute positively to the character and appearance of the area.

Highways Impact, Sustainable Transport and Connectivity

60. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing 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 types 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 highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

61. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
62. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.
63. The site is served by an existing access off Lower Road. The applicant seeks to realign and alter the existing access as to serve the 3no. dwellings. This will involve works outside of the application site within the highway network and on land recently purchased by the applicant that was owned by Oak Cottage.
64. Suffolk County Council seeks all dwellings of 3no. bedrooms to provide a minimum of 2no. vehicle parking spaces and a minimum of 2no. secure covered cycle spaces. The proposed development provides 2no. vehicle parking spaces and 2no. secure covered cycle parking spaces per dwelling, which can be incorporated in the garages, in accordance with Suffolk County Council's guidance for parking.
65. Whilst the scheme is only for 3no. dwellings and there is a Public Right of Way (PROW), directly to the east, the applicant provides a link to the footpath within the development for the proposed dwellings, maximising connectivity to and from the site to the adjacent residential developments, open space and the wider area.
66. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users.

Residential Amenity

67. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
68. To the north and west of the site is agricultural land, with residential properties located to the south and east of the site. Along the eastern boundary of the site lies Galley Lane, a PROW, which provides separation between the site and the closest residential properties. Existing trees bound the site to the east, with further soft landscaping being provided along all

boundaries of the site as part of the proposed development. The vehicular movements generated to and from the site as a result of 3no. dwellings, would be a lot less than the vehicular movements and activities generated with a commercial use.

69. The properties benefit from a sufficient amount of outdoor amenity space. The orientation and position of the dwellings, along with their designs ensures that the relationship between the properties is one that is acceptable with no unacceptable or overbearing impacts.

70. For the reasons cited above, it is considered that there will be no adverse impact to residential amenity as to cause harm as a result of the proposed development.

Contamination, Air Quality and Sustainability

71. The application is supported by a Phase II Geo-Environmental Assessment, reference UK19.4509, dated August 2019 undertaken by EPS Ltd. This report includes a summary of the desk study previously undertaken (and previously reviewed by this Service) and an intrusive investigation comprising of soil sampling and associated chemical analysis. Although the investigation does not identify any significant contamination, the report does recommend further investigation as certain areas of the site were not accessible. The further investigations are recommended after demolition and site clearance.

72. The Environment Team have recommended that a condition is imposed if planning permission was to be granted regarding contamination and further investigations.

73. 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.'

74. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. 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. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge.

75. As such, if planning permission was to be granted, a condition requesting electric vehicle charging points on-site for each dwelling would be imposed.

76. The NPPF states that 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.

77. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
78. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Flood Risk and Drainage

79. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).
80. Policy DM6 of the Joint Development Management Policies Document 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 as to not cause or exacerbate flooding elsewhere.
81. The entrance and frontage of the application site is located in Flood Zone 2 and 3, the remainder of the site is situated within Flood Zone 1. The proposed development has been designed as for the dwellings and garages to be located outside of Flood Zone 2 and 3.
82. A flood risk assessment accompanies the application, which the Environment Agency have assessed, and consider that there will be no additional impact on flooding as a result of the proposed development.
83. The Lead Local Flood Authority has reviewed the submitted details and is satisfied that the drainage layout is acceptable, subject to the appropriate surface water drainage condition. It is therefore considered in principle that sufficient spaces has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.

Other Matters

84. The preliminary ecological report submitted confirms that there is no evidence to suggest that any protected species will be affected as a result of the proposed development, subject to appropriate recommendations, mitigation measures and enhancements.
85. As a result of the proposed development works to the highway, along with partial demolition of the boundary wall of Oak Cottage will be required to be carried out to ensure the appropriate access and visibility. These works would be subject to separate consents and legal agreements outside of the control of planning.

Conclusion and Planning Balance:

- 86.The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework. In this case there is a clear conflict with development plan policy in respect of housing in the countryside and this carries significant weight against the proposal. In such circumstances, a development should only be approved where there are clear material planning considerations which indicate a decision contrary to the provisions of the plan would be more appropriate in planning terms.
- 87.The application site is considered to be situated in a sustainable location, in close proximity to the service and facilities in Hundon. The proposed scheme also seeks to develop brownfield land, without any harm arising to the rural economy as a consequence of the loss of an existing employment site. These factors weigh significantly in support of the scheme.
- 88.The improvement in the quality of the built environment and positive effect on visual amenity and the character of the area as a result of the introduction of a well-designed development would also carry considerable weight in favour of the scheme.
- 89.Furthermore, modest economic gains and biodiversity improvements would also carry limited weight in favour of the scheme.
- 90.Aside from the fact that the development is positioned outside the defined Housing Settlement Boundary, the proposal is considered to accord with all other relevant development plan policies and would, subject to the use of conditions, be acceptable in terms of drainage, highway safety and residential amenity.
- 91.On balance, it is considered that taken together, the factors weighing in favour of the scheme, which constitute clear material planning considerations would outweigh the identified policy conflict.

Recommendation:

92.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
18033-05 Rev F	Location Plan	13.11.2019
18033-06 Rev A	Proposed Elevations	03.09.2019
JBA 19/146-01 Rev A	Soft Landscape Proposals	03.09.2019
JBA 19/146-03 Rev A	Hard Landscape Proposals	03.09.2019

18033-07	Proposed Elevations	03.09.2019
(-)	Planning Statement	03.09.2019
18033-05 Rev F	Proposed Block Plan	13.11.2019
(-)	Arboricultural Assessment	03.09.2019
(-)	Design and Access Statement	03.09.2019
(-)	Flood Risk Assessment	03.09.2019
(-)	Landscape Plan	03.09.2019
Marketing Report	Other Statements	03.09.2019
(-)	Land Contamination Assessment	03.09.2019
(-)	Ecological Survey	03.09.2019
(-)	Transport Assessment	03.09.2019
(-)	Notice served	23.09.2019
(-)	Application form	03.09.2019
SK11 Rev B	Drainage Plans	13.11.2019

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

- 3 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.

- 4 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.

- 5 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.

- 6 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.

- 7 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: 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.

- 8 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.

- 9 The strategy for the disposal of surface water (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) and the Flood Risk Assessment (FRA) (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) shall be implemented as approved in writing by the Local Planning Authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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.

- 10 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.

- 11 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the 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 enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 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.

- 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 No development above slab level shall take place until samples/details of the facing and roofing 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.

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.

- 14 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.

- 15 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No 18033-05 Rev F and made available for use prior to occupation. It shall be retained thereafter in its approved form.

Reason: To ensure that accesses are located at an appropriate position to avoid multiple accesses which would be detrimental to 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.

- 16 Prior to first use of the development hereby permitted, the existing access onto the site shall be properly surfaced with a bound impervious 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 secure appropriate improvements to the existing vehicular access and to prevent hazards caused by loose materials being carried out into the highway, 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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order with or without modification) means of access to the site shall be from **** only.

Reason: To ensure that accesses are located at an appropriate position to avoid multiple accesses which would be detrimental to 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.

- 18 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.

- 19 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120metres to the northwest and 43metres to the southeast metres in each

direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road 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.

- 20 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 18033-05 Rev F for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

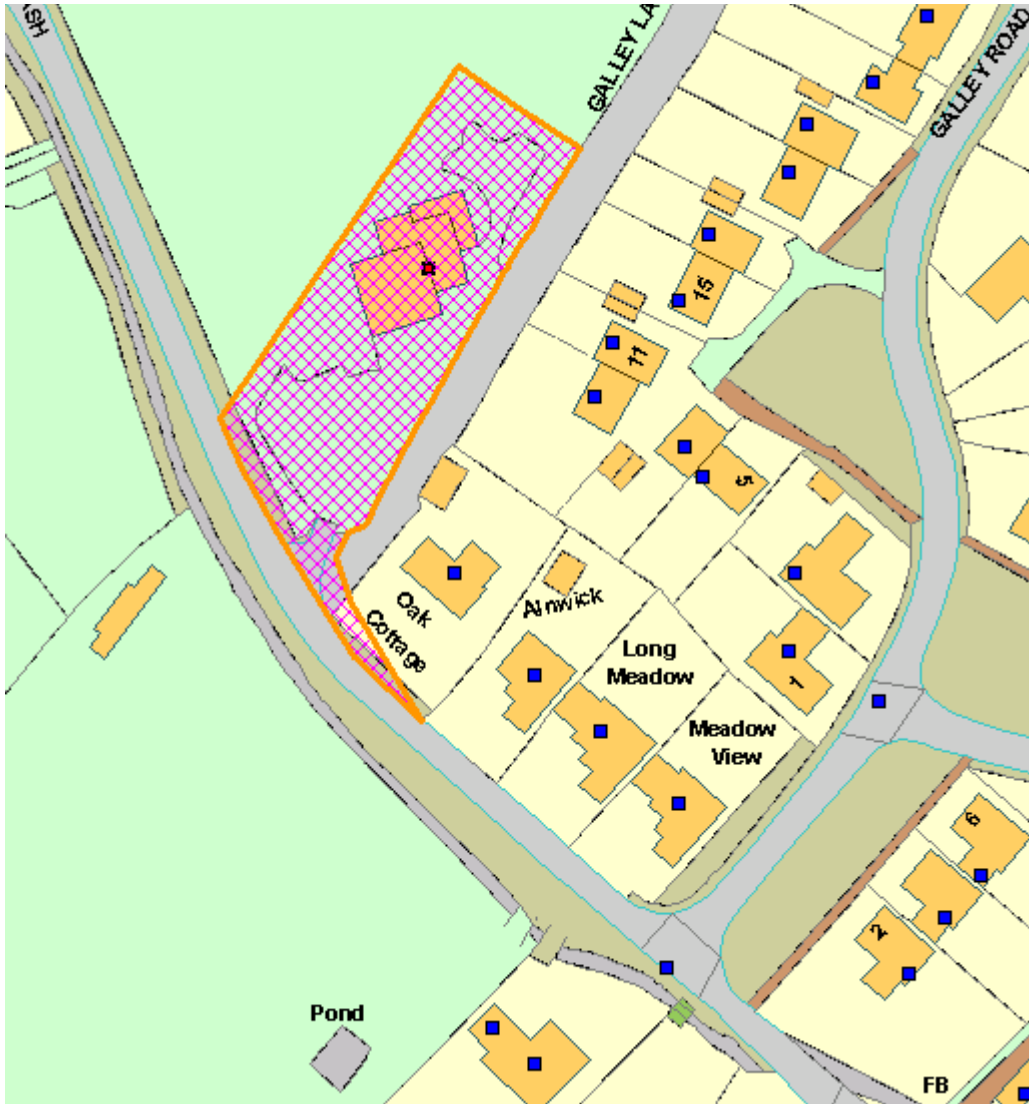
Documents:

93. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1817/FUL](https://www.suffolk.gov.uk/DC/19/1817/FUL)

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The Old Pumping Station, Lower Road, Hundon



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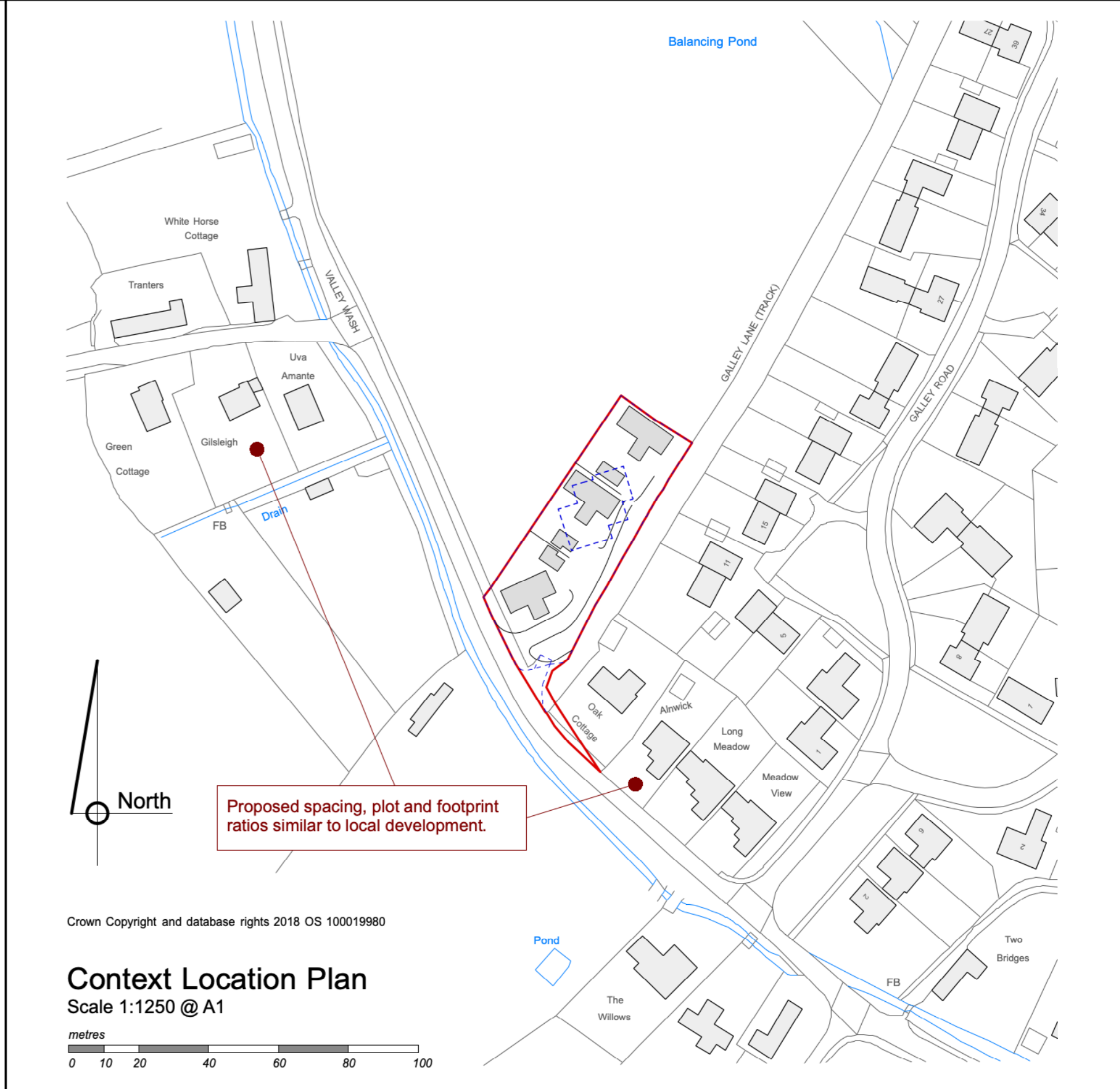
Schedule of Areas:

Plot	Bedrooms	Floor Area m ²	sqft	Approx volume m ³
1	3	137	1,475	440
2	3	153	1,645	500
3	3	153	1,645	500
Totals	9	443	4,765	1,400

Buildings removed:
External Floor Area: Approx. 295m² Proposal uplifts by circa 170m² / 34%
External Volume: Approx. 1,170m³ Proposal uplifts by circa 230m³ / 20%

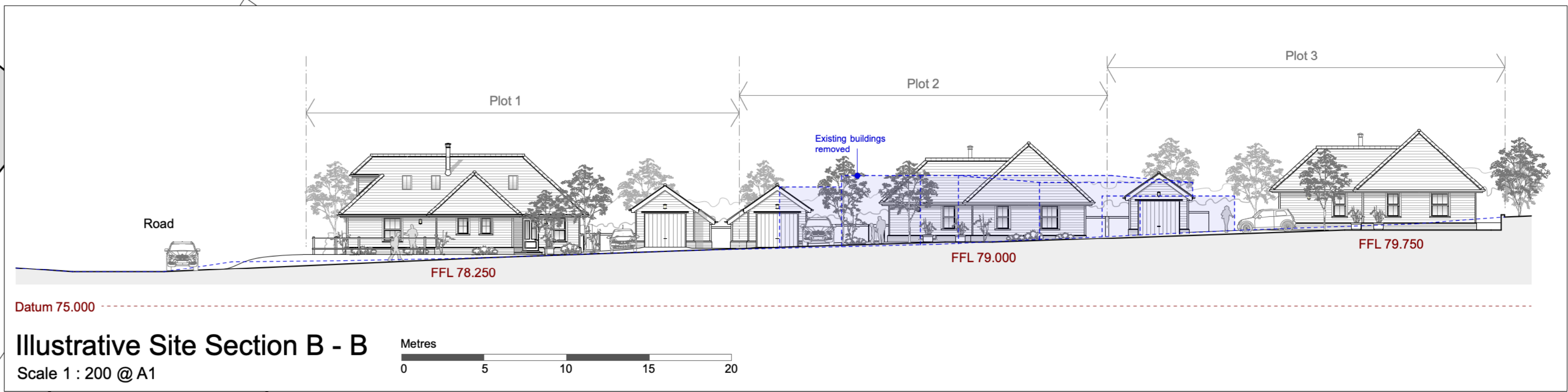
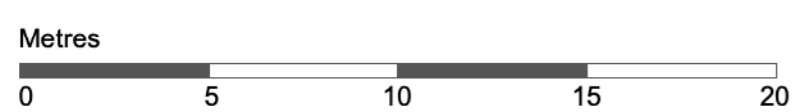


- Bird Boxes:**
 2 x Schwegler 1B - **1B(1) & 1B(2)**
 1 x Schwegler 2H - **2H**
 1 x Schwegler 1SP - **1SP**
- Bat Boxes:**
 1 x Schwegler 1FF - **1FF**
 1 x Schwegler 2F - **2F**

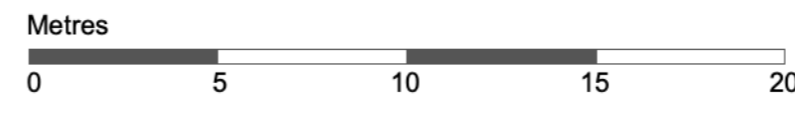


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Schematic Site Plan
 1 : 200 @ A1



Illustrative Site Section B - B
 Scale 1 : 200 @ A1



Contractor is responsible for all setting out and must check dimensions on site before work is put in hand. Written dimensions only to be taken, this drawing must not be scaled.
 JAP Architects to be immediately notified of suspected omissions or discrepancies. ©

Revisions

A	Drawing finalised in respect of transfer agreement between client (Ragilbury Roots) and neighbour at Oak Cottage (Mr & Mrs Button). 18.06.19
B	Draft for comment ahead of planning application. 24.06.19
C	Access updated to Highways consultant's comments. 30.07.19
D	Delivery turning head & Bird/Bat boxes added. 19.08.19
E	Revised to allow for Fire tender turning. 23.08.19

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J·A·P Architects

Project: Redevelopment of 'The Old Pumping Station', Hundon. For Ragilbury Roots Ltd

Title: Proposed Site Plan, Site Section and Context Location Plan

Scale 1 : 200/100/1250 @ A1 Date: June 2019

Drawing No. **18033-05**

Revisions	A	B	C	D	E

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Development Control Committee

8 January 2020

Planning Application DC/19/1918/FUL – Land at Chardale, Dale Road, Stanton

Date Registered:	07.10.2019	Expiry Date:	02.12.2019
Case Officer:	Mr Nicholas Yager	Recommendation:	Refuse Application
Parish:	Stanton	Ward:	Stanton
Proposal:	Planning Application - 1no dwelling and cart lodge		
Site:	Land at Chardale, Dale Road, Stanton		
Applicant:	Mr Graham Bettany		

Synopsis:

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

Recommendation:

The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory Services). However, it is recommended that the Delegation Panel advise the Assistant Director (Planning and Regulatory Services) of their opinion as to whether this application should be referred to the Development Control Committee for determination or whether it should otherwise be determined using delegated powers.

CONTACT CASE OFFICER:

Nicholas Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 01284 757629

Background:

The application is referred to the Development Control Committee following the meeting of the Delegation Panel that took place on 3 December 2019, as the application is contrary to the Development Plan and is recommended for a REFUSAL.

A site visit is to take place on 6 January 2020 for the Members of Development Control Committee.

Proposal:

1. Planning permission is sought for a 1no dwelling and cart lodge. The proposed access of the site is located fronting Dale Road. The proposed dwelling is positioned off and facing Dale Road. The proposed dwelling is of a converted barn design and the floor area resembles an H shape. The cartlodge is located to west of the host dwelling and is a traditional cartlodge design with two car parking spaces.
2. The application site has had a previous refusal for a 1no. dwelling under application reference number DC/16/0693/OUT. All local plan policies have not changed since this previous refusal and therefore the recommendation of the application has not changed.

Application Supporting Material:

- Application Form
- Location Plan
- Land Contamination Assessment
- Land Contamination Questionnaire
- Design and Access Statement
- Block Plan and Tree Protection Plan
- Proposed Elevation and Tree Protection plans
- Cart Lodge Plans
- Sketch

Site Details:

3. The site is adjacent to Chare Road and currently accessed from the host property Merrifields which fronts Dale Road, the site abuts the boundaries of two further properties on Dale Road; New Delight and Chardale. The site is situated outside the settlement boundary and on land designated as Countryside. The application site is not located within a conservation area, however, the application site is located to the rear of the property New Delight which is grade II listed. There is a protected tree located in the garden of the Chardale located close to the proposed dwelling. The tree is protected under Tree Preservation Order 156(1991). There is an existing workshop located currently in the application site near the western boundary.

Planning History:

4. DC/16/0693/OUT Outline Application is sought for 1no. dwelling. Refused.
5. E/91/2041/P Outline Application - 2 no. dwellings and construction of new vehicular access. Refused.

6. E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.
7. Appeal; E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.

Consultations:

8. Public Health And Housing 15/10/2019: *I confirm I have reviewed the information provided and considered the implications from a Public Health, Housing and Nuisance control_perspective. In_the interest of protecting residential amenity during the_construction phase. I would suggest the following conditions should be_attached to any consent_granted. Suggested conditions of construction hours,_and no burning of waste on site.*
9. Environment Team 04/11/2019: *No objections subject to a condition requesting electric vehicle charging points being attached to the planning consent.*
10. Environment & Transport – Highways 13/0/2019: *No objection subject to a conditions relating to visibility splays, refuse/recycling bins and manoeuvring and parking.*
11. Stanton Parish Council 29/11/2019: *Since 2016 the area around this piece of land has been further developed. A large property is in the process of being built on the former site of 'Mentor' and the Council consider that the proposed plot now lies within the settlement boundary of the Village. The plot will enhance the character of the area and therefore the Council has no objections to the application.*
12. Tree Officer: 15/11/2019: *After further review of the documents, I am_satisfied that a sufficient level_of_information has been submitted in order to make an assessment of the likely arboricultural impact of the proposed development. The new dwelling is shown to be in close proximity to the Walnut protected under TPO/156(1991), albeit outside of the root protection area and crown spread of the tree. The stated crown height and spread indicates the Walnut is reaching its ultimate size, this factor in conjunction with the minimalistic fenestrations on the eastern elevation suggests that no significant degree of post development resentment would arise. My principle concern would be the level of detail pertaining to tree protection measures, although this concern could be addressed by the application of a suitably worded condition. Overall, provided that the submitted information is accurate, I would consider the arboricultural impact of the proposed development to be low.*
13. Conservation Officer 11/12/2019: *The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind The Chardale and therefore won't impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Dale Road and therefore no objections to the proposal from a conservation perspective.*
14. All representations can be read in full online.

Representations: No representations received.

Policy:

15. 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.

The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Rural Vision 2031 have been taken into account in the consideration of this application:

16. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

17. St Edmundsbury Core Strategy (December 2010) (CS)

- Policy CS1 St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS4 Settlement Hierarchy and Identity
- Policy CS7 Sustainable Transport
- Policy CS13 Rural Areas

18. Rural Vision 2031 (September 2014):

- Policy RV1: Presumption in Favour of Sustainable Development
- Policy RV3: Housing Settlement Boundaries

Other Planning Policy:

19. 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:

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

- Principle of development
- Impact upon the surrounding area
- Highway safety
- Residential amenity

Principle of Development

21. The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton.

22. Core Strategy (CS) Policy CS4 states that development outside of the 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.

23. Policy DM5 states that areas designated as countryside will be protected from unsustainable development but allows for small scale residential development of a small undeveloped plot in accordance with policy DM27.

24. Development Management Policy DM27 states that 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.

25. Policy DM27 clarifies that 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.

26. The application site is located adjacent to Chardale and opposite Mentor House, these properties form the last bungalows running west. To the south and north of the site a grassed area of open space (of which the site forms part), is bordered by agricultural land and buildings. As such the site is at the end of the housing along Chare Road, as opposed to being within a cluster of dwellings as required by Policy DM27. The site is not considered to consist of a small

undeveloped plot as it forms part of a much larger area of open land. Furthermore, the proposal cannot be considered as infill development within an otherwise continuous built up frontage given the absence of any existing dwellings adjacent to the site on its northern or western sides. For these reasons, the proposal is not considered to comply with Policy DM27.

Policy DM5 of the Joint Development Management Policies states that areas designated as countryside will be protected from unsustainable development. Residential development may be permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business, small scale residential development of a small undeveloped plot in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

27. The proposal does not meet any of the special circumstances set out within Policy DM27.

28. Policy RV3 of the Rural Vision and policies CS1 and CS4 of the Core Strategy, are broadly consistent with the principles of sustainable development as set out in the NPPF, insofar as they require new development to be concentrated in the larger urban areas and villages, where there are a wider range of services and facilities. Whilst the use of settlement boundaries can act as a constraint on the growth of rural settlements, it is noted that policies DM5 and DM27 do not impose a blanket restriction on development. These policies allow for a range of appropriate proposals in the countryside subject to a wide range of flexible criteria. As a consequence, taking these policies as a whole, they are considered to be generally consistent with the NPPF.

29. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. It is acknowledged that the development would make a modest contribution to help sustain local services in Hundon, as well as helping to sustain the viability of services in other nearby villages.

30. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.

31. Nearby roads, notably the B1111 which provides access to the Key Service Centre at Stanton has no associated cycle lanes or pedestrian footpaths, making it difficult to access the village by means other than by car. Facilities within Stanton are further divorced from the application site by the A143. Occupiers of the dwellings would therefore be mostly dependent on the use of the private car for the vast majority of needs and services, and there would therefore be conflict with the underlying intention of the NPPF and Core Strategy which aim to direct development to the most sustainable locations. Consequentially, the proposal would also fail to comply with Policy DM5 in that it proposes unsustainable development within the countryside. Nonetheless, it is noted that this would not be materially different to the position faced by the existing community in this nearby part of Stanton.

32. For the reasons set out above, officers consider that this proposal for a new dwelling in the countryside would not meet current policy requirements and is

unsustainable development. As such the principle of development is not acceptable in this case.

Impact on the Character/ Street Scene

33. Outline planning permission for two dwellings has been previously refused on this plot under application reference numbers (E/91/2041/P and E/92/2660/P). Further, most recent application DC/16/0693/OUT for 1 no. dwelling was also refused with application E/92/2041/P being dismissed at appeal

34. Whilst this appeal is of some age and its relevance therefore diminished, particularly in relation to the principle, part of the decision rings true still in relation to the visual impact, with the inspector concluding; *When I visited the site, however, I saw that the garden, although it reaches out along Chare Road to the west of the built up area, blends harmoniously with the open countryside.*

The site currently forms part of an open grassed area with agricultural land beyond. The construction of a new dwelling together with the associated access would intrude into this open countryside setting, to the detriment of the character and appearance of the area. The proposed development, however, would extend the built up area along this narrow and attractive country lane in a manner that would, in the opinion of officers, be intrusive and contrary to the stated intentions of the Council to protect the character and appearance of the countryside and therefore in contrary to development management policy DM2 and Core Strategy CS3.

Residential amenity

35. It is considered the application site could accommodate a dwelling of single storey scale, subject to details, without adverse effect upon Chardale by reason of overshadowing, overlooking, or having an overbearing impact if the principle of development was otherwise supported in this location notwithstanding the conclusions above.

Listed Building

36. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

37. Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting and respects the setting of the listed building.

38. The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind Chardale and therefore it is not considered that it would negatively impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Chardale Road and therefore there are no objections to the proposal from a conservation perspective insofar as it relates to the impact of the proposal upon the setting of the listed building, with reference to Policy DM15.

Other Matters

- 39.No information was submitted in respect of the potential biodiversity impact of a new dwelling. However, the site is considered to have low biodiversity value due to it being located within a domestic garden land and therefore this matter is not raised as an additional reason to refuse. There is a TPO Walnut tree protected under TPO/156(1991) located within close proximity to the proposed dwelling, which is a tree of considerable amenity value. The tree officer confirmed that the information submitted within the application was sufficient to have a detailed assessment of the impacts of the proposal. The tree officer confirmed that the principle concerns would be the level of detail pertaining to tree protection measures. However, the tree officer stated that this concern could be addressed by the application of a suitably worded condition. The site is otherwise of sufficient size to accommodate a dwelling that, with care, can be provided without adverse effects upon the tree.
- 40.The Highway Authority have responded with a no objection to the application subject to the suggested conditions relating to visibility splays, refuse/recycling bins and manoeuvring
- 41.The environmental team have confirmed no objections to the proposal with regards to contaminated land. However, the environmental team have stated the electric car charging point condition has also been recommended along with water efficiency condition would be required if the application was supported.
- 42.Public Health and Housing responded with a no objection subject to the suggested conditions of the construction works hours and no burning of waste on site. The construction works hours would be considered to be reasonable if the principle of development was acceptable.
- 43.The application site is not located in either Flood Zone 2 or Flood Zone 3 and therefore has a low probability of flooding.

Conclusion:

- 44.Whilst Development Management Policies DM5 and DM27 provide for small scale residential development of small undeveloped plots in the countryside, the proposal in this case is not considered to represent infill development within an otherwise continuous built up frontage and within a closely knit cluster of dwellings. The scheme would introduce new housing in an unsuitable location and would intrude into open countryside, to the detriment of the character and appearance of the area.
45. The limited benefit arising from the provision of a single dwelling in this unsustainable location is not considered sufficient to outweigh the material harm arising.
- 46.The proposal is therefore considered contrary to policy and it is recommended that planning permission be refused.

Recommendation:

- 47.It is recommended that planning permission be **REFUSED** for the following reason:

The National Planning Policy Framework (NPPF) states that planning 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 (para. 17). Core Strategy Policy CS4 states that development outside of the 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. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document states that areas designated as countryside will be protected from unsustainable development, and restricts new residential development in such locations to affordable housing for local needs, dwellings for key agricultural, forestry and commercial equine workers, small scale residential developments of small undeveloped plots in accordance with Policy DM27 and the replacement of existing dwellings. Policy DM27 sets out the circumstances where small scale residential developments in the countryside will be permitted.

The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton. The site lies adjacent to but separated from a group of housing and forms part of a larger area of open space with agricultural land beyond, as part of the transition from the village to the countryside beyond. The site is not therefore within a cluster of dwellings and the proposal would not constitute the infilling of a small undeveloped plot within an otherwise continuous built up frontage, as required under Policy DM27. The proposal furthermore does not meet any other special circumstances for residential development in the countryside set out within the NPPF and Policy DM5. The development would erode and urbanise the existing countryside setting in this location to the detriment of the character and appearance of the area and the setting of the nearby settlement of Stanton. In addition, the site's location away from the services in the village of Stanton would require future occupiers of the proposed dwellings to travel to the village and beyond to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would foreseeably be by car. The proposal for a new dwelling in this countryside location therefore represents an unsustainable form of development.

For the above reasons the proposals are considered contrary to Policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy (December 2010), Policy RV1 of the Rural Vision 2031 (September 2014), policies DM1, DM2, DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the National Planning Policy Framework.

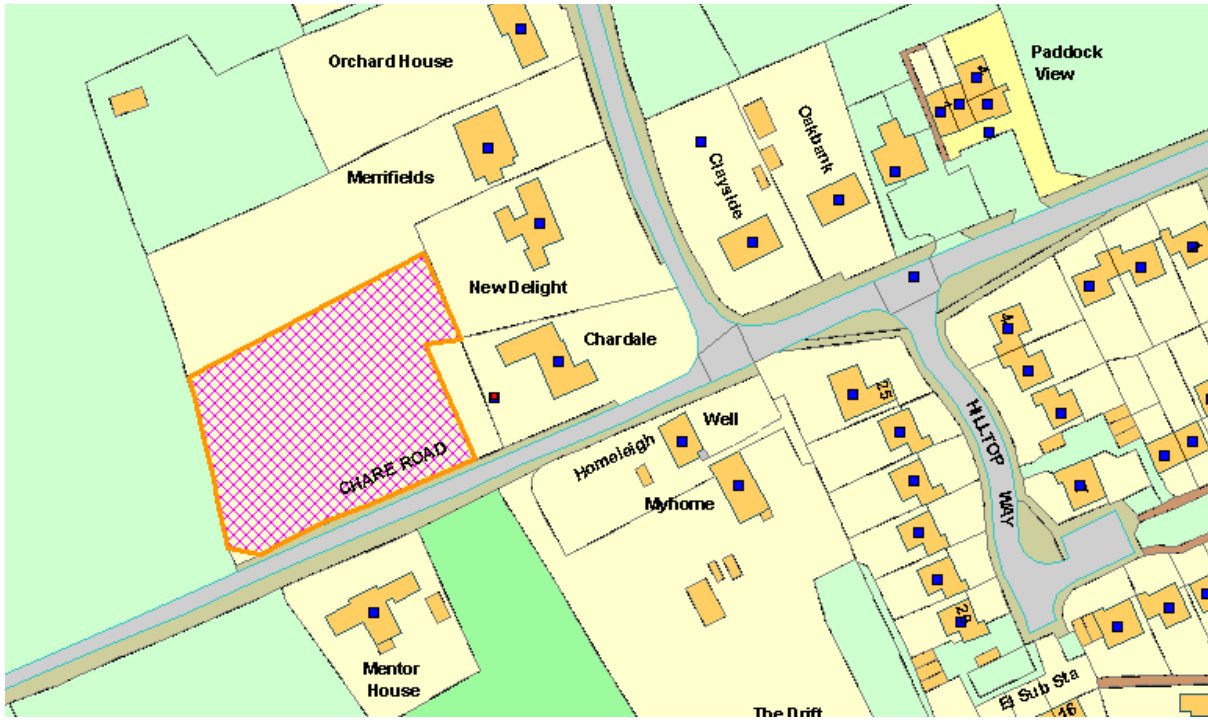
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/1918/FUL>

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Land At Chardale, Dale Road, Stanton



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CLIENT
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DRAWING
BLOCK PLAN

DRAWN ASL	DATE 09/19
SCALE 1:200	REV
JOB NO	2142/LO(-)02A

FENCING FOR ROOT PROTECTION

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