

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**2 MARCH 2016**

**DEV/FH/16/004**

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

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

**Synopsis:**

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

**Recommendation:**

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

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# Committee Report

**Date** 24<sup>th</sup> November **Expiry Date:** 13<sup>th</sup> February 2016  
**Registered:** 2014 (with extension).

**Case Officer:** Gareth Durrant **Recommendation:** Conditional 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 the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

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

**Applicant:** The Cobbold Family and Pigeon Investment Management.

## Background:

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

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

**Relevant procedures pertaining to the Environmental Impact Assessment Regulations and the Habitats Regulations are yet to be completed with respect to the planning application. These matters are in hand and will be fully completed prior to any (potential) planning permission being issued for the proposal. The nature of these important outstanding matters may necessitate the planning application being returned to Development Control Committee for further consideration.**

**The planning application is reported to the Development Control Committee in advance of those matters having been fully concluded on the basis of a request received from Suffolk County Council (February 2016). The County Council retains ambitions to open a**

**new primary school facility in the village ready for the autumn term 2017 (September 2017 opening). The application site, which includes proposals for a primary school site, is the County Council's 'preferred option' to deliver a new primary school facility at Lakenheath. In order to achieve the desired September 2017 opening of a school, the County Council requires the District Council's assistance by means of an expeditious determination of this planning application. If that is not possible, the County Council has requested a steer from the planning committee about the proposed development (i.e. an 'of mind' resolution) which, if positive, would enable them to commit resources and start work in earnest on preparing a proposal for a new school on the site. The County Council are aware that key environmental matters remain unresolved at this time.**

**The hybrid planning application is recommended for conditional approval following completion of a S106 Agreement, but the recommendation is dependent upon a number of factors being satisfactorily 'discharged' in advance of a planning permission being granted. These are set out towards the end of the report (officer recommendation section).**

#### **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. The amended planning application, which is predominantly for outline planning permission, is accompanied by a Concept Plan which illustrates how the land uses would be distributed at later Reserved Matter stage/s. The plan illustrates:
  - 14.9 hectares of land for residential development (which would include policy compliant levels of public open space to serve the dwellings).
  - 3.1 hectares of land for a new primary school.
  - 4.7 hectares of land for 'ecology'. This land would have a dual use to act as mitigation sites for reptiles currently using the site and strategic public open space, over and above normal planning policy requirements. The public open space provided here would function as an 'over-provision' of open space to off-set/reduce recreational pressure upon the Special Protection Area and the nearby Maidscross Hill Site of Special Scientific Interest (SSSI).
  - Strategic footpath routes are shown
  - Vehicular access to the site (which is proposed in detail as part of the planning application) is shown.
  - An illustrative route for an internal distributor road is shown.
6. 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:**

7. 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

8. Much of the information received with the planning application in November 2014 has since been amended or withdrawn.

**Site Details:**

9. The site is situated to the north of Lakenheath. It is approximately 22.8 hectares in size, is presently in agricultural use (Grade 3) with a small group of farm buildings positioned relatively centrally. It has a tree-belt lined frontage onto the highway of Station Road. A further belt of trees is situated alongside part of the western site boundary. The tree belt to the west of the site (together with trees on the side and front boundaries of the adjacent land, outside the application site) are protected by Tree Preservation Order.
10. The application site is situated outside but partly abuts the settlement boundary of Lakenheath. The settlement boundary terminates at part of the west site boundary. The site is considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.
11. 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 amenities are located south.
12. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area designation begins to the south-west of the site (on the opposite side of Station Road) and stretches south, away from the application site.

**Planning History:**

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

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application is the subject of this Committee report.
B	F/2013/0345	Land at Rabbit Hill	Up to 81	Committee resolved to grant

	/OUT	Covert, Lakenheath		in Sept 2014. Requires further consideration by Committee before decision.
C	F/2013/0394 /OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
D	DC/13/0660/ FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
E	DC/13/918/ OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	Agent has indicated the application will be withdrawn in February 2016.
F	DC/14/2042/ OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 132	Requires major amendment. Applicant is considering a request to withdraw the application.
G	DC/14/2073/ FUL	Land adj 34 Broom Road, Lakenheath	120	Applicant attending to ecological issues.
H	Not yet formally submitted as a planning application.	Land opposite Lords Walk, Little Eriswell.	Circa 550 + school	Planning application note received. Scheme submitted for EIA Scoping Opinion in 2015. Some public consultation carried out by developer in January 2016. (see reference DC/15/1050/EIASCO for further details).

### Consultations:

15. The planning application has been the subject of three separate rounds of consultation; i) November 2014, ii) September 2015, and iii) November 2015. Further targeted consultation was carried out in January 2016 following receipt of an amended Travel Plan and Drainage Strategy. The following is a summary of the consultations received from the three consultations.

16. **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.

17. 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.

18. 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.
19. 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).
20. 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.
21. **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.
22. **Natural England** (January 2015) – officers have interpreted their comments as **objections** to the planning application. Natural England are concerned the consultation material does not include a Habitats Regulations Assessment that includes consideration of impacts of the development upon the nearby Breckland Special Protection Area (direct and indirect impacts).
23. Further comments were received in June 2015 after Natural England have given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 14 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maids Cross Hill SSSI from further damage caused by further (increased) recreational pressure

arising from the proposed developments.

24. 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.

25. 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.

26. **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.

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

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

29. **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.
30. **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.
31. **NHS Property Services** (February 2016) – upon reviewing the planning application considered the proposals would place additional pressures upon local NHS services beyond their capacity and requested a development contribution of £123,420 to be used towards increasing the capacity of the local GP surgery.
32. **Lakenheath Internal Drainage Board** (December 2014) - **no objections** on the basis of the submitted SW drainage strategy.
33. **FHDC (Environmental Health)** (January 2015) – **no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, and ii) to investigate and mitigate potential cumulative impacts upon air quality. Further comments were included regarding sustainable construction and design with a conclusion that an application for development of this scale should be accompanied by an energy and water strategy/statement within or separate to the design and access statement.
34. **FHDC (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms and attic rooms, hours of construction, construction management and restricted hours for use of generators.
35. **FHDC (Leisure, Culture and Communities)** (January 2015) – **no objections** – and commented upon the open spaces shown on the submitted layout drawings (recommending amendments and standards). The layout has since been withdrawn from the planning application (dwellings converted from 'Full' to 'Outline') so these comments have become redundant.
36. **FHDC (Strategic Housing)** – **supports** the planning application given it will provide much needed affordable housing. The team are content the proposals are in accordance with Core Strategy policy CS9 (30% affordable housing, 70% of which would be for rent). The precise mix would need to be agreed at Reserved Matters stage.
37. **FHDC (Ecology, Tree and Landscape Officer)** – (February 2016) **objects** to the planning application in the light of incomplete information with which to properly consider the potential 'in-combination' impacts of the development upon nature conservation interests. Once full information is received and can be assessed, consideration will be given to whether the objection could be withdrawn. The following comments are provided

at this stage:

### **Access**

- Access will need to be created through the existing tree belt located to the north of Station Road. There is an Arboricultural report which was written to support the previous iteration of this application but has not been updated to reflect the new proposals. Details of the entrance do not show the sight lines that are required and what works are necessary to achieve this other than that a section of A007 will need to be felled.
- 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 should be screened and additional survey undertaken where features are identified.
- Recommended that
  - A tree survey and method statement is required supporting the proposals to form an entrance, this should include the works to form the sight lines – this should be submitted prior to the application being decided.
  - The trees to be removed are clearly identified and screened to rule out impacts on bats – prior to the planning application being determined.

### **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. 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

- Reptiles are likely to be impacted by the proposals and a mitigation strategy should be conditioned. This has been requested by Suffolk Wildlife Trust. They have in particular requested that any mitigation strategy details include:
  - 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.

### Tree Survey

- The tree survey shows a large number of trees to be felled, however in light of the changes to the proposals this level of felling may not be necessary and should be reviewed along side 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 pine line, considered to be a feature characteristic of this landscape, which could be retained with good 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.

### Maidscross Hill Site of Special Scientific Interest (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. Measures have been presented to provide an alternative natural open space for the north of Lakenheath to mitigate for this. In addition other destinations within walking distance could be made accessible and promoted to the new residents of the development. Lakenheath Fen RSPB reserve is located 2.5km to the North of this site and creation of a safe walking route to this facility would provide another walking option hence divert pressure away from Maidscross Hill SSSI and LNR.

### **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 Protected Area (SPA) supports internationally important populations of Stone Curlew, Woodlark and Nightjar. Breckland Special Area of Conservation (SAC) is designated for the habitats supported which in this case are heathland and calcareous grassland.
- The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2010 (as amended). The Habitats Regulations Assessment has not been fully completed pending further information regarding the in-combination impacts of this development with other proposals within the village. Assessment of the information currently available is set out below, along with a preliminary list of the measures identified to date which would need to be delivered as part of the development.
- 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. Natural England will be consulted if the lpa receive further information.
- 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 with no risk of impacts from fly tipping, trampling or other anti-social behaviour.
- The development is located outside of the SPA and is outside of the 400m constraint zone for woodlark and nightjar and the 1500m Stone Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with stone curlew survey of the development site and surrounding farmland.
- The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint

zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.

- In his report prior to the adoption of the FHDC Core Strategy, the Inspector who examined the document in public confirmed that the constraint zones are not *no development buffers*; he stated in paragraph 10.6 relating to development within the constraint zones that *if development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable*. In Paragraph 10.7 he goes on to say that *evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be taken to help maintain or even increase bird populations. This may not be scientifically robust but it reinforces the point made by some representors that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species*.
- There is some flexibility in detailed design to avoid built development in the constraint zone although this would need to be balanced against the need to also provide informal supervision of the open space 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 or the HRA to support the planning application for the school.
- The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The concept plan for the site shows an ecology buffer located to the north and east of the development site; there is potential for this land to be designed such that it provides suitable alternative natural green space which would divert the public from travelling to use the SPA as their local green space. The buffer would also support pedestrian access and link to other footpaths. This would provide opportunities for dog walking routes within the site; such routes are indicated on the concept plan; a walk around the periphery of this site and the adjacent Rabbit Hill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity of all the public open space to be delivered would form part of the reserved 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. The most obvious circular walk which would most likely be attractive to dog walkers leads to Maidscross Hill SSSI and LNR and potentially returns via village roads (a distance of approximately 5km). 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, also secured by legal agreement, providing alternative routes to the existing route via Maidscross Hill and hence the potential for recreational effects on adjacent farmland habitat.
- The in-combination effects of the project in relation to recreational pressure have been considered. The assessment of other in-combination effects is pending more information as discussed above. 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 East Of Eriswell Road And South Of Broom Road (750 dwellings)
  - e) Land North of Broom Road (132 dwellings)
  - f) Land adjacent to 34 Broom Road (147 dwellings)
  - g) Land North of Station Road (375 dwellings and a school)
  - h) 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 likely significant effects cannot be screened out.
- 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.

- From current understanding of all the applications being considered, the evidence and information that has been submitted in respect to applications d, e, and f does not demonstrate that for those projects alone likely significant effects can be screened out. Application d is likely to be withdrawn (as per the applicant's email to the case officer) or refused and the current proposals for applications e and f are not considered acceptable. Any in-combination impacts will need to be considered as part of the HRA process for these applications in the future.
- 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; this has been assessed and measures identified. The main concern is that residents 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 Woodland 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, monitoring associated with this development would be appropriate.

### **Preliminary recommendations and conditions:**

- It is recommended that the following measures are secured as required 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.
  - An alternative walking route to Lakenheath Fen
  - Monitoring associated with the development

### Application for access

- A tree survey and method statement is required supporting the proposals to form an entrance, this should include the works to form the sight lines – this should be submitted prior to the application being decided.
- The trees to be removed are clearly identified and screened to rule out impacts on bats – prior to determination.

### Outline

- Open space plan to be submitted prior to/ or along side the reserved matters and prior to any phase of the development coming forward in detail. Plan to show pedestrian and cycle linkage and be supported by details of signage and resident information.
- A proportion of the suitable alternative natural greenspace to be delivered prior to first dwellings being occupied
- Reptile mitigation strategy 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
- Soft and hard landscaping details

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

39. **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).

40. 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).

41. 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.

42. **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.
43. 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.
44. In September 2015, following re-consultation, the Archaeological Service repeated its earlier comments.
45. **Suffolk County Council (Planning Obligations)** – in December 2014 provided the following comments (precised):

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

#### **Education (Primary).**

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

of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. However at present a number of uncertainties remain:

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

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

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

### **Education (Secondary and VIth form)**

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

### **Education (pre-school)**

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

### **Play space provision.**

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

### **Transport issues**

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

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

### **Libraries.**

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

### **Waste.**

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

### **Supported Housing.**

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

### **Sustainable Drainage Systems.**

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

### **Fire Service.**

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

### **High-speed broadband.**

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

46. 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.

47. **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.

48. **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.

### **Representations:**

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

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

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

- The development is in the Countryside and encroaches on the wildlife "buffer" zone and is contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development



sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment.

- The visual impact of the development will be adversely affected by the sight of houses before you even enter the Village. The proposal contradicts Core Strategy policy CS4.
- It is agreed that 800 houses are expected in Lakenheath between 2010 and 2031. But this needs to be arranged with a Master Plan for collective development and infrastructure which must happen simultaneously – not years later as in the case of the Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has now been granted and the further 674 for which permission is now being sought. This application covering 375 dwellings. The job for planning now is not to dictate who lives where it is to guard the public interest.
- The long outstanding single issue review has not been addressed therefore all developments should be plan led not developer led, especially as the 5 year land supply for FHDC issue is presently resolved with the required 5% buffer. Until the single issue review is completed all planning cases should be considered premature.
- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential / retail dwellings.
- There are no plans to increase or improve public transport, indeed it was only in September 2014 that a direct link to Bury St Edmunds (bus route 955) was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further. Road calming measures near the site as suggested cannot be applied as this is a major road, a lorry route and a bus route. Similarly the railway (3 miles from the centre of the Village and with no car parking facilities) has had its service severely axed. A solution will have to be found. This is contrary to Policy CS4 not encouraging additional car usage. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. There have been 43 accidents in the last 5 years in the area.
- If there is a Fire in the main road towards the proposed school the main road will be blocked potentially with fire appliances with no way of movement. Why cannot there be a further entrance perhaps on the North West boundary?
- How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwelling including infill and the proposals already in the pipeline. The attitude at FHDC is that it is SCC obligation to educate they have to find a solution

whether it is bussing to available schools with places or provide temporary classes at other schools till our second school is available. On this point alone any approval should be delayed until the new school is provided.

- All nursery places in the Village are taken up with no capacity for expansion either.
- Suffolk County Council have agreed that a new school is to be provided but a site is still not yet agreed and they do not propose in any rate that it will be ready for occupation until September 2017.
- In the school provision, should this be the acceptable site, more parking facility needs to be provided. A cycle route via the main road direct to the school too. Playing fields on a potential flood zone is not ideal especially as it is proposed that a swale will exist on one side. How safe is that for children?
- Sewage. As highlighted in the Forest Heath Local Development Framework, March 2009 'Limited current and future capacity exists to accommodate levels of planned growth. Lakenheath can accommodate 169 dwellings within existing headroom'. Anglian water will always say there is sufficient capacity, they want the extra customers. They are a commercial concern. It will only be when new problems arise that they will be dealt with. On this site the foul sewerage is to discharge into the main sewers Currently in Station Road. To assist this, a pumping system is to be introduced which will be offered for adoption by Anglian Water at the end of the development. What if they refuse it? Who will maintain this Pumping station?
- Water must go into the ground to be extracted so why will the developer not consider soakaways in their proposals? Approximately three quarters of the site is in a major aquifer area which is highly permeable and the other quarter in an intermediate area being less permeable.
- The cut was provided in the area as a relief channel from Denver sluice where the little Ouse meets the Great Ouse. This has prevented regular flooding to our area. Should flooding occur higher up the channel, however, it will affect the area. Therefore to drain surface water into it is risky to say the least. The local area is geologically susceptible to ground water flooding due to the low lying nature of the land particularly in the area near the relief channel. There has been no recorded incident of flooding since the relief channel was provided, however, with so much proposed hard standing how will this be affected in the future? Again take into account that should an incident occur lower or higher up the relief channel at Tuddenham, Denver or even Kings Lynn? In addition it is proposed for the surface water eventually to discharge into the relief channel via swales. At certain times of the year this will become particularly smelly as vegetation decomposes. Is this an

area we really want beside a proposed school playing field where children will play? Policy DM6 and DM7 refers.

- If the pumping station pumps water into the swale why did they not consider continued installation of a pipe and pump directly into the relief channel thereby removing a possible danger to Children and the potential for creation of smelly decomposing material? Swales and aircraft do not mix, this is well documented.
- Who will occupy the affordable homes? If senior citizens (who are the most likely candidates for the one bedroom properties) they very often do not have their own transport therefore will become prisoners of their homes being too far from Village facilities. Many in this village do still walk to events / or facilities. If it is youngsters they would have to have cars to get to work which in the main is in the Southerly direction of the village creating more congestion running through Eriswell, the adjoining Village in accessing the A1065. The developers suggest Wangford Road to access the A1065 however this is unlikely due to the congestion at peak times around gate 1 of RAF Lakenheath. Policy CS10 suggests there is a requirement that local services will be supported by appropriate development in order to make them more sustainable.
- The site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft. The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that the Noise assessment surveys were carried out at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? Far more relevant as closer to the flight line therefore noisier.
- This development is against Policy CS2 which seeks to protect areas of landscape biodiversity geo-diversity but more importantly local distinctiveness. Policy CS3 says to preserve and where possible enhance the landscape character of the local area. This development certainly would not achieve this.
- It is very often a 2 week wait for a regular appointment at the doctors' surgery. With all the extra proposed residents this will only worsen. The NHS suggests that the surgery is under capacity! They suggest that with the current number of doctors covering Lakenheath they should be able to cater for 6300 patients. Currently with 5031 patients on the register this means that a further 1266 patients could be added to the roll.

51. 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.

52. **Lakenheath Parish Council** (October 2015, following re-consultation) – maintains its **objections** to the amended planning

application and repeats some of the objections submitted in January 2015 (reported in the paragraphs above). The following additional comments were made:

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

school predominantly to serve Lakenheath. There has been no consultation yet with the village as still early stages on adoption of the school site. The developer in proposing the new school site possibly assumes a second school serving the Northern section of the village only. Suffolk County Council made it clear at a recent meeting that their preference with new schools is to start at the bottom and possibly adopt a two tier system running in conjunction with the existing school. I.e. a single school operating from 2 sites. This is the Parish Councils preferred option.

- The flight path of USAF aircraft must also be addressed as a significant criterion. It is well known locally, and no doubt documented, that there are many incidents of aircraft straying off the designated flight paths. The aircraft noise levels are quite intolerable Children should not be exposed unnecessarily to the extreme decibel levels. The buildings may well be 'noise insulated' but children and adults will still be vulnerable when outside 'in the play areas'. Aircraft flights will inevitably be detrimental to the preservation of Environmental Air Quality, Noise Pollution and potentially human safety in and around the school.
- With the school provision, should this prove to be the acceptable site, a parking facility needs to be provided. Consideration as such a large site is available would be a one way service road serving the school alone with an ample parking facility. If parents park on Station Road it is right on the bend which will be dangerous to both stationary vehicles and general traffic. As Pre School facilities are at capacity these too should be included (not just as a possibility) within the site as ample space even allowing for further school growth in the future.
- The NHS potential capacity figure of a further 1263 patients fails to reflect the current situation of an aging population in Lakenheath. This has a knock effect onto hospital appointments. The car park at the surgery already cannot cope and this will lead to more cars parking on the High Street adding to even further congestion.
- Suds systems incorporating swales for drainage which can become clogged and smelly particularly in autumn with leaf fall and can cause bird strike which could create problems for aircraft. I hope that the developer will incorporate, if approval is granted, surface water soakaways for dwellings as it is suggested that the new residential layout will have large gardens. It is still suggested that a surface water pumping station is likely to be provided to drain into the cut off channel. The phase 2 sewers and surface water pumping station will be offered to Anglian Water for adoption. What if they do not accept that? What then occurs when the pumps fail? What is plan B?
- This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they

fly outside the Village.

- The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that no new Noise assessment surveys were carried out and the original application details were taken at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? It would have been far more relevant as closer to the flight line therefore noisier.
- If planning consent is approved we would request as part of the S106 agreement that consideration should be given to contributions for some of the following community good causes to be functional and include successful public spaces:
  - Extension and improvement to current skate-park and additional facility on new development
  - Extension and improvement to PC Children's Play Area
  - New Children's Play Area on new development such as football / Netball areas and BMX bike tracks etc. for older children
  - Public Toilet (and maintenance) to serve extension to village (nearest will be Wings Road)
  - Peace Memorial Hall / People's Project Funding
  - Pavilion Project / Extension Funding
  - Flood-Lighting for Senior Football Club
  - Support for Playing-fields
  - Support for Library
  - Adult 'keep fit' area
  - Dog Bins (including emptying)
  - Litter Bins (including emptying)
  - Noticeboards to match those now being provided to the Village with funding help from SCC
  - Funding for future extensions to Cemetery (increased population will create greater demand on existing facility)
  - Funded transport facility (such as good neighbours) to take elderly/needy resident from new development to doctors co-op etc.
  - Benches / Seating in the open space area
  - Noise Level Reduction Scheme
- The proposals are contrary to a number of policies in the NPPF (the Parish Council refers to paragraphs 7, 10, 17, 29, 34, 35, 37, 38, 55, 151, 152 and 172).

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

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

54. **Parish Council** – (late January 2015) submitted further representations via their Lawyers. The following matters were raised:

- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
- Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).
- The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].
- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and are particularly concerned in this respect with regard to the location of the primary school.

55. 3 letters were received from **local residents objecting** to the proposed development following the first public consultation (November 2014). The issues and objections raised are summarised as follows (in no particular order);

- Ad-hoc approach to developing in the village.
- No joined up thinking on infrastructure and services.
- Outside the settlement boundary and should therefore be rejected on that basis.
- Creeping urban developments just to meet a tick-box exercise to meet imposed housing targets.
- Brown field sites should be developed first.
- There is no evidence of need for such a large number of houses at



#### Lakenheath

- Scale of development is out of keeping with the village and would place a massive burden and unsustainable level of environmental and social impact upon the community.
  - There is insufficient employment in the area for the proposed residents.
  - Premature to the Site Allocations process.
  - The site is not mentioned in any of the emerging plans.
  - Traffic generation; the roads into the village are not suitable for the extra traffic.
  - Public transport is inadequate.
  - The centre of the village would become congested.
  - Doctors surgery is already at breaking point.
  - How will sewerage be addressed?
  - The location of the school is inappropriate beneath a flight path.
  - There are already blighted sites around the village.
  - Lakenheath cannot cope with hundreds of new homes.
56. 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.
57. 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.
58. The issues and objections raised by the three objectors can be summarised as follows:
- Too many dwellings for the size of the village
  - Roads, doctors and other facilities will be overwhelmed.
  - Site is too far out of the village leading to reliance on cars.
  - There is 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.

59. One further letter was received in January 2016 from the promoter of projects C, E and H from the table included in this report at paragraph 123 above. The letter raised concerns about the adequacy of the material included with the Habitats Regulations Assessment received in November 2015. The following summary is copied from the letter:

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

### **Policy:**

60. The Development Plan comprises the policies set out in the Joint Development Management Policies document (adopted February 2015), the Core Strategy Development Plan document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. The following policies are applicable to the proposal:

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

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

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.

- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design.
- DM27 – Housing in the Countryside
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

### **Core Strategy (2010)**

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

### ***Visions***

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

### ***Spatial Objectives***

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

- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

### ***Policies***

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

### **Local Plan (1995)**

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

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

### **Other Planning Policy:**

#### Supplementary Planning Documents

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

#### Emerging Development Plan Policy

64. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). The Council's 'preferred options' are scheduled

to be considered by Members and placed on public consultation in March/April 2016. Following further amendments to the document, in the light of public consultation, the draft plans will be submitted to the Planning Inspectorate for examination and, ultimately, adoption. The plans, once adopted, will set out policies for the distribution of housing development in the District throughout the remainder of the plan period and positively allocate sites for development, including for housing.

65. With regard to the weight decision makers should afford to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.
66. The emerging Single Issue Review and Site Allocations documents have reached 'Issues and Options' stage and the Council's preferred options are yet to be formed and consulted upon so these emerging documents can be attributed only very little weight given the significant uncertainties that surround the content of the final version of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is included as an option for development (i.e. it is not excluded at this stage). However, this initial draft 'allocation' should not be attributed significant weight given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination.

#### National Policy and Guidance

67. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
68. Paragraph 14 of the Framework identifies the principle objective:
- "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

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

**Officer Comment:**

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

**Legal Context**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 – (hereafter referred to as the Habitats Regulations).

73. Given the scale of development proposed, and the issues it raises, the planning application should be screened under the provisions of the

Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council did not adopt a formal Screening Opinion given that matters pertaining to impacts upon the Special Protection Area remained unresolved for a significant period. The Council is now beyond the period prescribed by the Regulations to adopt an EIA screening Opinion and a request has therefore been made of the Secretary of State to adopt a Screening Direction which would, once issued, discharge the Council's legal obligations relating to EIA screening of projects.

74. The Council is currently awaiting the outcome of its request to the Secretary of State. The recommendation set out at the end of this report is made on the assumption the Secretary of State will subsequently determine the proposals are not EIA development and do not, therefore, require an Environmental Assessment. Should the Secretary of State subsequently resolve that an Environmental Impact Assessment is required to accompany the planning application it follows that it would need to be returned to the Committee for further consideration (including the environmental information submitted).

#### The Conservation of Habitats and Species Regulations 2010

75. Given the location of the various designated nature sites in the vicinity (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'Appropriate Assessment' of the implications for that site before consenting to the plan or project.
76. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The site is, however, situated partly within the 1.5km Nest Attempts Constraint Zone (which serves to protect frequent Stone Curlew nesting attempts at locations outside the designated Special Protection Area Boundaries).
77. The implications of the development proposals, on its own and in combination with other proposals is discussed further later in the 'Natural Environment' section of this report. The Regulations require decision makers to have regard to the impacts arising from developments in isolation and in-combination with other plans and projects.
78. The amended Habitats Regulations Assessment information submitted by the applicants to accompany this planning application considers both the impacts of the proposed development in isolation and in-combination with the other *planning applications* submitted for development proposals at Lakenheath. However, the HRA information was received in advance of details of an emerging project at Eriswell (project reference H from the table included at paragraph 14 above) being released into the public domain (January 2016). Whilst this

'project' is yet to be submitted formally as a planning application, the precautionary approach of the Habitats Regulations requires the decision maker to have regard to its 'in-combination' impacts alongside other developments. The Council (as decision maker) will need to have regard to all projects listed in the table at paragraph 14 of this report when screening the planning application for Appropriate Assessment under Regulation 61 of the Habitats Regulations.

79. The Council is not yet been able to screen the planning application to establish whether an 'Appropriate Assessment' under Regulation 61 of the Habitats Regulations is required prior to determination (approval) of the planning application. Whilst the in-combination impacts of all the projects listed in the table produced at paragraph 14 of this report can be considered now, officers are yet to fully understand the extent of mitigation (if any) required to off-set the in-combination impacts of these projects and are therefore not able to assess the potential impact of the mitigation works upon the European sites. Once that information is received and understood, the screening exercise can be undertaken. The Council is unable to lawfully grant planning permission until it has properly exercised its duties under the Habitats Regulations.

#### Natural Environment and Rural Communities Act 2006

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

#### Planning and Compulsory Purchase Act 2004 (as amended)

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

#### Planning (Listed Buildings and Conservation Areas) Act 1990

82. 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.*



83. 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.*

84. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form, being behind a frontage tree belt and the site being off-set from the corner of the heritage asset, the development would not affect views into or out of the nearby Lakenheath Conservation Area. There is likely to be an increase in traffic using the main road 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.

#### Crime and Disorder Act 1998

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

#### Community Infrastructure Levy Regulations 2010

86. 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).

87. 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.

88. Regulation 123 imposes further limitations on use of planning obligations and effectively bars the collection of pooled contributions towards infrastructure projects or types where 5 or more obligations securing contributions towards that infrastructure project or type have already been entered into. These restrictions are commonly referred to as 'pooling restrictions'.

#### **Principle of Development**

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

89. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
90. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
91. Paragraph 49 of the Framework states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"*.
92. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review. Members of the Local Plan Working Group were due to consider a revised target at their meeting in January 2016, but the item had to be withdrawn late from the meeting as the evidence was not ready for consideration. Accordingly, the housing target set out in Policy CS7 remains relevant to the consideration of this planning application.
93. The draft 5-year housing supply assessment published on 10<sup>th</sup> February 2016 (draft, subject to Members endorsement on 1<sup>st</sup> March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 180 of the dwellings proposed by this planning application are included in the five-year supply forecasts.
94. Officers are of the opinion that the demonstration of a five year supply of housing land is a relevant material consideration that should be taken into account in considering the planning application. It is not, however considered to be the principal determinative factor in its evaluation given the age of the extant Local Plan (1995) and the settlement boundaries contained within it. The adopted Core Strategy (2001) is a more up-to-date plan, but this does not include settlement boundaries and does not allocate sites for development, including strategic sites. In circumstances where Development Plan policies are out of date (which is likely to be the case with respect to the 1995 Local Plan) the Framework advises, in Paragraph 14, that planning

permission should be granted for sustainable development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'. Regard should also be had to policies set out in the Core Strategy given their more recent adoption, particularly those policies deemed consistent with the Framework.

95. The Framework places a strong presumption in favour of sustainable development and where Development Plans are silent or out of date confirms that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

#### What is sustainable development?

96. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

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

97. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

98. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

#### Prematurity

99. Concerns have been raised locally that approval of this planning

application (and others current under consideration in the village) would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.

100. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
101. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
  - (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
102. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
103. In this case the development proposal for (up to) 375 dwellings is not particularly substantial in comparison to the overall quantum of development that needs to be provided in the District over the Plan period. Furthermore, the Single Issue Review of the Core Strategy and the Site Allocations document are both at early stages and carry limited, if any, weight in the decision making process.
104. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that the Council is already 15 years into the Plan period (2001 – 2031) and in the continued absence of an adopted Site Allocations Document the proposed development would contribute towards the overall number of dwellings required to be provided by Core Strategy Policy CS7.

105. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan policy context

106. 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).
107. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
108. 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.
109. 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.
110. Policy DM1 of the Joint Development Management Policies Document re-affirms the tests set out at paragraph 17 of the NPPF (balancing the positives against the negatives). Policies DM5 and DM27 set out criteria against which development (DM5) and housing (DM27) proposals in the countryside will be considered.

Officer comment on the principle of development

111. The age of the 1995 Local Plan, which includes Settlement boundaries for towns and villages means that particular component of the Development Plan is out-of-date. This, coupled with the absence of an adopted Site Allocations document demonstrating how the District's housing target will be distributed and delivered means the planning application proposals must, as a starting point, be considered

acceptable 'in principle'.

112. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight attributed to those policies consistent with national policies set out in the Framework.
113. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

### **Impact upon the countryside**

114. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
115. 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.
116. 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.
117. 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.
118. Lakenheath sits on the lower slopes of the chalky and sandy Maids

Cross Hill on the edge of the fens. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.

119. The proposals for residential development in the countryside is this contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, the settlement boundaries are deemed to be out-of-date by the Framework given their age.
120. 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.
121. 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.
122. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
123. 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 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.
124. The impact of the proposed development upon the landscape is, on balance, considered acceptable with any significant adverse effects capable of mitigation via the introduction of new landscaping (the precise details of which would be secured at reserved matters stage).

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

125. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
126. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
127. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
128. 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.
129. 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.
130. 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)).
131. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in



Lakenheath, not employed at the base, are likely to need to travel to their place of work. There is a range of community facilities in the village, including a number of shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), although planning permission is extant for a new grocery shop off the High Street, close to the village centre (albeit with no current indications the beneficiaries of the planning permission intend to build out the scheme).

Information submitted with the planning application

132. 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.
133. The Transport Assessment dis-regards car trips to the 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.
134. 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.
135. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given the village scale of Lakenheath and its relatively isolated and self-contained situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and are considered sustainable in transport terms.
136. 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.

137. The application is not presently accompanied by sufficient information to demonstrate the extent of the impact of the proposed vehicular access upon the character of the area (tree works and felling) and biodiversity interests (particularly bats which might be using the trees that need to be felled to provide vehicular access and associated visibility). Further information has been requested from the applicant in this respect (although relevant bat surveys can not be carried out until the relevant bat season). The recommendation at the end of the report has been prepared to ensure further tree and bat surveys are carried out and submitted (prior to a decision notice being issued). This is unlikely to be received before the Committee Meeting.
138. Whilst reserving its final judgement until the outcome of a cumulative highways impact assessment is known, the Highway Authority has not so far objected to the proposals (subject to the imposition of conditions and completion of a S106 agreement and an acceptable travel plan being agreed in advance). Should the cumulative assessment conclude the impact of all development cannot be appropriately or satisfactorily mitigated (including impacts of any mitigation works upon designated nature conservation sites), the planning application will need to be returned to this Committee for further consideration. If, on the other hand, no adverse effects are identified, or a suitable package of mitigation is agreed and can be secured, the planning application could proceed unfettered by highway safety/convenience matters (including cumulative impacts).
139. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the applicant has offered to enhance pedestrian links to the village centre. Having considered the evidence and comments received so far from the Highway Authority, your officers are content the proposed development (without consideration of potential cumulative impacts with other developments currently proposed in the village, the independent assessment of which is currently awaited) would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

### **Impact upon natural heritage**

140. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
141. 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.

142. 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.
143. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

#### Impact upon internationally designated sites

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

combination with other plans or proposals.

146. 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 adverse effects on 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.
147. The applicants have submitted Habitats Regulations Assessment information with the planning application. The information has been prepared by a suitably qualified Ecologist (Applied Ecology Ltd). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and reaches the following conclusions;
  - An HRA has been carried out to establish the likely effects of a proposed residential development in Lakenheath on the Breckland SPA stone curlew qualifying features. This includes an assessment of the development alone and also in combination with other proposed housing schemes in Lakenheath.
  - Natural England was satisfied that up to 670 new dwellings in Lakenheath would not result in adverse impacts on the integrity of the SPA.
  - The HRA has been based on an assessment of stone curlew nest data and habitat suitability. It concludes that the Lakenheath North application on its own and in combination with other proposed housing developments is unlikely to result in a significant adverse impact on the integrity of the SPA's qualifying features, on the basis of the location of the development on land that is unsuitable habitat for stone curlew nesting and feeding and the low likelihood of increased recreational use of nearby public rights of way or access land adversely affecting stone curlew breeding habitat.
  - Significant recreational disturbance of off-site stone curlew habitat that occurs in the 1,500m SPA buffer zone is also not considered likely to occur as a result of the Lakenheath North application, either alone or in combination. This is because any increase in use is likely to be restricted to public rights of way and open access land without impacting any nearby agricultural land with potential for stone curlew nesting. Dog walkers originating from Lakenheath are considered likely to primarily use on-site recreational space for exercising their dogs in combination with publically accessible locations, such as Maidscross Hill LNR, that do not have good public footpath connectivity to SPA designated land.

- The majority of other new developments proposed for Lakenheath are to the south of the village and are therefore the majority of increased recreational pressure (particularly dog walking) on public rights of way is likely to impact land to the south and west of Lakenheath, rather than cumulative increases in use of the rights of way to the north and east of the village close to the Lakenheath North development and closer to the SPA.
- In order to minimise the risk of increased recreational pressure on public rights of way and Maidscross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
- Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.

148. The Habitats Regulations Assessment has been the subject of public consultation. Natural England were (in December 2015) content the proposed development would not have significant effects upon the conservation interests of the SPA and advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required (paragraph 25 above). The RSPB took a different view and expressed concern that some residential development would be erected within the 1.5km buffer to Stone Curlew nesting attempt locations outside the SPA boundaries (paragraph 28 above).

149. Whilst the Council has not yet been able to fully screen the application proposals under the Habitats Regulations to establish whether Appropriate Assessment is required (for reasons set out at paragraph 79 above), it does not consider the concerns expressed by the RSBP represent significant effects upon the SPA designation. The reasons are set out in preliminary comments about the planning application received internally from the Council's Tree, Ecology and Landscape Officer. These comments reported at paragraph 37 above and, with respect to impacts upon the SPA are summarised as follows;

- The Council's Habitats Regulations Assessment has not been fully completed pending further information regarding the in-combination impacts of this development with other proposals.
- Natural England has advised that an Appropriate Assessment is not required and will be consulted if further information is received.

- The RSPB are concerned because built development is proposed within the frequent nesters constraint zone. 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 an existing employment area.
- There is some flexibility in detailed design to avoid built development in the constraint zone, including the primary school.
- The potential for indirect recreational effects on the SPA has been considered. There is potential for the ecology buffer to be designed such that it provides suitable alternative green space to divert public from using 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.
- Information on the layout and connectivity of all the public open space to be delivered would form part of reserved matters and be secured by condition.
- There are opportunities to link the footpaths provided by the development into the existing network which, in turn, could be enhanced. These would provide further alternative dog walking routes in the village and could be secured by condition or legal agreement.
- There is unlikely to be a significant change to current use of footpaths in the SPA from residents walking out of their houses. There is, however potential for increased use of footpaths outside of the SPA but within farmland potentially used by Stone Curlew; this has been assessed and measures identified.
- The main concern is that residents might drive into the Breckland SPA/SAC/SSSI in the absence of accessible local green space. Natural England has recommended that the provision of additional natural greenspace in the settlement which is well connected to the existing public rights of way network would divert residents away from the SPA. The proposals will make a significant contribution to the availability of green space in the north part of Lakenheath and given the potential to provide additional footpath linkages, these measures will contribute to an overall strategy to reduce recreational pressure upon the SPA.
- 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, monitoring associated with this development would be appropriate.

150. Upon receipt of further information with regard to potential in-combination effects upon the SPA, the Council will be able to complete its Habitats Regulation Assessment and determine whether or not it is required to carry out an Appropriate Assessment before, potentially, granting planning permission.

Protected species.

151. 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.

152. 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.

153. The implementation of the recommendations set out in both Phase 1 and Phase 2 Ecological Assessments could be secured by a suitable method statement imposed by planning condition.
154. The need to survey trees to be felled at the site for bats is discussed elsewhere in this report at paragraph 137 above. The surveys must be carried out and the results submitted prior to a decision on this planning application being issued. This is to ensure the potential impact of tree felling upon bat species using the site is properly considered and any appropriate mitigation arising is secured by means of planning condition and/or S106 Obligations.
155. Subject to the satisfactory resolution of the outstanding matters discussed in this sub-section of the report, 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). However, further information is awaited with respect to potential cumulative effects upon the SPA and potential impacts upon bats. Should that evidence demonstrate significant effects upon the European designated sites could arise and which are not capable of appropriate mitigation, it is likely that Appropriate Assessment would need to be undertaken unless planning permission is refused. Should the Council be required to carry out an Appropriate Assessment in due course (or officers change the recommendation to refusal as a consequence of new information), the planning application will be referred back to the Committee for further consideration and decision in advance of a decision notice being issued.
156. It is anticipated that potential impacts upon bats will be capable of mitigation and the presence of bat species in trees proposed to be felled is unlikely to be a long-term constraint on development, given the species could be encouraged elsewhere or, as a last resort, translocated to new habitats under licence from Natural England.
157. There is 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.

### **Impact upon trees**

158. The application site is fronted by a belt of mature tree and hedgerow



planting which provides a distinctly rural character to the northern gateway into the village. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village on the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. Some of the trees are protected by a formal Tree Preservation Order. Officers consider it is vital that as much of the vegetative cover as possible is retained along the frontage (and western side boundary) as part of these development proposals.

159. The application is not accompanied by a detailed tree survey identifying the tree specimens that would need to be felled to make way for the new vehicular access and its associated visibility splays. This information is needed in advance of the planning application being determined to enable the amenity impact of tree removal to be properly assessed.
160. Subject to the subsequent receipt of satisfactory information demonstrating acceptable impacts upon tree specimens arising as a consequence of providing new vehicular access to the site, the impact of the development upon existing trees is considered acceptable.
161. Opportunities are available to enhance the existing tree stock by removing declining specimens and providing new tree planting to compensate for specimens that may need to be felled to make way for access or because of their poor condition. New / replacement / compensatory planting would be secured at detailed and/or subsequent reserved matters stage.

### **Impact upon built heritage**

162. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
163. 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.
164. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
165. 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).

166. 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.
167. 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.
168. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 42 and 43 above. Further archaeological investigations and recordings could be secured by means of appropriately worded planning condition should planning permission subsequently be granted.
169. The development proposals would have no significant impacts upon heritage assets.

#### **Impact upon local infrastructure (utilities)**

170. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."
171. These requirements are, however, tempered somewhat later in the document in circumstances where viability is threatening delivery of a development scheme. It confirms the costs associated with policy burdens and obligations (including infrastructure contributions) likely to be applied to development proposals should (when taking account of the normal cost of development and mitigation), provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
172. 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”.

173. 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.
174. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
175. Matters pertaining to highways, education, health and open space infrastructure are addressed elsewhere in this report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

#### Infrastructure and Environmental Capacity Appraisal

176. The 'original' growth strategy in respect of the District's settlement hierarchy set out in the adopted Core Strategy was found to be sound. This would suggest that Lakenheath has the environmental capacity to deliver the 375 dwellings proposed by this planning application.
177. In terms of the potential environmental capacity of infrastructure in Lakenheath, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence.
178. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
179. The IECA report identifies a range of theoretical capacity in Lakenheath of some 2660-4660 new dwellings in the plan period to 2031 (although these levels of growth would be subject to significant infrastructure improvements).
180. The IECA report suggests that there is environmental capacity to facilitate not only the dwellings that are proposed by this planning application, but also other major residential developments in Lakenheath that the planning authority is presently considering in the village. In combination, these represent up to 1665 additional residential units (although officers are anticipating one of the planning applications proposing up to 750 dwellings to be withdrawn shortly).

### Waste water treatment infrastructure

181. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes north and west sites preferable otherwise upgrades to the network may be required, although the Treatment Works has severely constrained headroom.
182. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that up to 169 new dwellings could be provided in the village within the headroom of the Treatment Works. It does, however, identify that there are only minor constraints to upgrading the works which will need to be completed before significant new development.
183. Anglian Water Services has not objected to any of the planning applications listed in the table at [paragraph 14 above](#) and confirmed there is adequate capacity within the system to accommodate the increased flows from development. Upon further questioning about the capacity of the Lakenheath treatment works in the light of the findings of the IECA study, Anglian Water Services (in 2014) confirmed the following;
  - MCert Flow Monitor was installed at the Lakenheath Water Recycling Centre on 28 October 2010 which is after the Infrastructure and Environmental Capacity Assessment (IECA) Study and the Water Cycle Study. Please note that both of these studies were high level and were utilising best available data.
  - Based on the MCert flow monitor data over the past four years, it has been established that up to 1000 properties could be accommodated at the Lakenheath Water Recycling Centre. Therefore, the proposed 288 dwellings in total for the three planning applications stated in your email dated 10 July 2014 could be accommodated at the Lakenheath Water Recycling Centre.
184. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report. Accordingly, the available evidence concludes that this development (being located to the north of the village and within the headroom of the Treatment Works) is acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application, subject to conditions.

### Water supply

185. IECA comments that the Water Cycle Study identifies that Lakenheath

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

#### Energy supply

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

#### **Flood risk, drainage and pollution**

187. 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.
188. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
189. 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.
190. 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.
191. 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.

192. 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.
193. 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 on an existing borehole prior to development taking place in that area.
194. 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.
195. The application proposals, in isolation, would not give rise to any concerns about potential impacts arising upon air quality at the site or wider village/transport routes. Further discussion about the potential cumulative impacts of development upon air quality is included later in the report under the sub-heading of 'cumulative impacts'.
196. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) Council's Environmental Health Team (contamination and pollution control) and the the Floods Team at Suffolk County Council have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
197. 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**

198. The County Council as Local Education Authority has confirmed the village school will reach its 315 place capacity in the near future and before any new pupils are likely to emerge from the development. This

means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility yet to be built in the village.

199. It is unlikely that the Local Education Authority would be able to cater for the educational needs of the 95 pupils forecast to emerge from this development at the existing primary school. The cumulative impact of pupil yields emerging from other planning applications proposing significant new housing development in the village also needs to be considered and is assessed later in this section of the report beginning at paragraph 183 below. The planning application makes provision of land for the erection of a new primary school. The County Council has confirmed, following consideration of other potentially available sites in the village, that proposed by this planning application is their 'preferred option'. The County Council remain intent on securing the land and building a new primary school ready to receive its first intake of pupils in September 2017. That is a challenging target and, following formal request received from the leader of Suffolk County Council, is the principal driver behind the urgency and timing of the reporting of this planning application to Development Control Committee.
200. The land included in the planning application for the development of a new primary school could, if planning permission is granted, be safeguarded as part of a S106 Agreement. A suitable and safe route for pedestrians and cyclists from the school site back into the village would also need to be secured.
201. Developer contributions to be used towards the early years (pre-school) education and for build costs of providing a new primary school in the village are discussed at paragraphs 208 and 209 below. It is likely that an early years facility would be provided alongside the new school, funded (perhaps in part) by contributions secured from developments in the village that may be consented.
202. 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**

203. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
204. 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.

205. 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.
206. 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.
207. A design and access statement was submitted with the planning application to explain the design strategies underpinning the layout proposed by the Hybrid planning application. However, following officer concerns about the quality of the scheme put forward the 368 dwellings, details of which were initially included in detail (full planning permission) were withdrawn and all of the dwellings (375 in total) reverted to outline status.
208. The amount of the site to be set aside for built development has been reduced during the lifetime of the planning application in order to provide additional land for strategic open space and ecological mitigation (discussed elsewhere in this report). This has resulted in a reduced area of the site (17.9) hectares being available for the 375 dwellings proposed by the planning application (including ancillary roads, open spaces, landscaping and other infrastructure serving the residential scheme). The school has a separate land parcel (3.1 hectares). This equates to a density in the region of 25 dwellings per hectare which is considered suitable at this edge of village location. The amended outline elements of the planning application are not accompanied by an illustrative layout drawing, but in this instance its absence is considered acceptable given there is little doubt the 375 dwellings could be accommodated on the site in an acceptable manner.
209. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage. The layout and landscaping of the site and appearance of the buildings would be considered in detail at the later reserved matters stage in the event planning permission is granted.

### **Impact upon residential amenity**



210. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
211. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents.
212. The application is not accompanied by a noise assessment but relies upon the assessment prepared for the development of the adjacent land at Rabbit Hill Covert for a development of up to 81 dwellings (August 2014). That assessment reached the following conclusions:
- We have assessed air traffic noise at the site of proposed residential development off Rabbit Hill Covert, Lakenheath.
  - The measured and calculated daytime noise levels at the site are set out in the report. If assessed against the now withdrawn PPG24, the site would fall into NEC "B".
  - We have identified typical construction and ventilators requirements for the external façades of proposed dwellings to meet the WHO and BS8233 internal noise criteria.
213. The Council's Public Health and Housing Officers do not object to the planning application subject to the imposition of a condition on any planning permission granted to ensure maximum noise levels are achieved in living rooms, bedrooms and attic rooms.
214. In January 2015 the Ministry of Defence announced a package of structural changes to the sites presently in use by the US air force. For RAF Lakenheath it was announced that operations at would be increased via the arrival of two squadrons of F35 fighter jets that would operate from the base alongside the existing F15 planes. No further detail has been released (i.e. how many planes there will be, how often they will take off and land and their flight paths to and from the base). The introduction of the F35's into RAF Lakenheath is likely to change the noise climate of the village, but at the present time (and in the absence of information) it is not clear how the noise climate would be changed. Given that i) the Environmental Impacts of introducing the F35 jets onto RAF Lakenheath will need to be considered and mitigated/avoided in advance, and ii) it is impossible to understand the full implications of the 'announcement', it follows that the announced introduction of the F35 squadrons into RAF Lakenheath cannot be taken into account in the determination of this planning application. The Ministry of Defence have been provided opportunity to provide further comments on all the planning application listed at paragraph 14 above since the announcement was released in January 2015. The Ministry, upon further consideration, has not objected to any of the proposals and are content they would

not (if approved) prejudice future intended operations of the base.

215. In October 2015, The Ministry of Defence updated the information underpinning its Military Noise Amelioration Scheme. Whilst there are limitations to the accuracy of the information included, the information suggested the north elements of Lakenheath were subject to noise from military aircraft. Previous evidence had suggested only the southern areas of the village (closest to the runway) were affected. The new information does not change the Council's consideration of this planning application given the noise report had already identified aircraft noise is affecting the application site. Upon further informal consultation, the Council's Public Health and Housing Team did not wish to amend or replace their previous comments.
216. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by development given the separation distances created by the need to retain mature tree landscaping along this boundary. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is designed at reserved matters stage.

### **Loss of agricultural land**

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

### **Sustainable construction and operation**

220. 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”.

221. The Framework confirms planning has a key role in helping shape places to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

222. 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.*

223. 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.

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

225. 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. It is considered reasonable to impose a condition on any potential planning permission granted, to require demonstration of how the general principles set out in the Energy Statement would be implemented as part of the later reserved matters proposal/s. Such a condition would ensure detailed measures are proposed and are subsequently incorporated into the construction/fitting out of the development.

### **Cumulative Impacts**

226. Members will note from the table produced at paragraph 14 above

there are a number of planning applications for major housing development currently under consideration at Lakenheath. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites might be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, only limited assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.

227. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 14 above. Project E from the table is disregarded as there is little prospect of a favourable decision on that particular planning application (which the applicant has confirmed will be withdrawn shortly). Furthermore, project H is not included (other than impact upon the SPA) given that it is yet to be formally submitted as a planning application and when it is submitted, will be accompanied by an Environmental Statement which will consider (inter alia) cumulative, or in-combination effects alongside the other projects listed in the table.

#### Primary education

228. If all of the planning applications were to be approved, all primary school pupils emerging from the developments could be accommodated within the new school, which the County Council are aiming to open by September 2017, ahead of any significant dwelling numbers being provided in the village.
229. The County Council has confirmed the application site is their 'preferred site' for the erection of a new primary school. Officers understand work is underway on the school project, including discussions with the current landowner.
230. If planning permission is granted the school site would be secured for purchase/transfer of the land to Suffolk County Council. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme.
231. Clearly the delivery of a site for the erection of a new school would be a significant benefit of these proposals. Not only would the opening of a new school unlock housing growth in the village (and, if appropriate, the wider school catchment), it would relieve pressure upon the existing village school which is at or close to capacity and would avoid pupils having to travel to schools outside the village to gain a primary education.

232. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would also provide proportionate funding for the construction costs of the new primary school and a proportion of the school site would be provided free of charge. Accordingly, the applicants have done all they can lawfully do to mitigate the impact of their development upon primary school provision.

#### Highways

233. It is acknowledged, given i) the extent of new housing development currently proposed in the village in multiple projects and ii) the need to consider the impact of any mitigation arising from cumulative impacts upon nearby European designated sites, a comprehensive cumulative highways assessment will be required in advance of this planning application being determined.
234. The outcome of the cumulative highways assessment will inform details of any cumulative (strategic) highway contributions which will need to be secured from any approved developments. The recommendation set out towards the end of this report sets out the need for a cumulative highways assessment to be completed and assessed prior to the determination of the planning application.
235. There is potential for the planning application to be returned to Development Committee at a later date for further consideration and that outcome would depend, in part, upon the content of the cumulative assessment.

#### Special Protection Area and SSSI

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

#### Landscape

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

#### Utilities

238. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study identified a tipping point of 169 dwellings before the Treatment Works

reaches capacity. The seven proposals for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.

239. Anglian Water Services has not objected to any of the three planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained above (paragraph 183) there is sufficiently greater headroom available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (given that project E from the table included at paragraph 14 above is highly unlikely to proceed).
240. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
241. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

#### Air Quality

242. The Council's Environmental Health Officers initially expressed concerns about the potential impact of the developments proposed at Lakenheath (projects A to G from the table included at paragraph 14 above) and requested further information from the proposals. Project E from the table was set aside given it is unlikely to be approved.
243. 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.
244. 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

245. Until relatively recently, the NHS Trust Property Services had not raised any concerns with respect to the planning applications submitted for major residential development at Lakenheath and had previously confirmed there was capacity in the existing local health infrastructure to absorb additional demand arising from the

developments.

246. Upon review, the Trust is now concerned that demands for local NHS services arising from the developments proposed in the village cannot be absorbed by the local health infrastructure. The Trust has so far requested contributions from some of the proposed developments (including this planning application) and is presently reviewing its position on others. There is, however, nothing to suggest that there would be impacts upon NHS services that could not be adequately mitigated by means of developer contributions to be used towards increasing health infrastructure capacity. It is a matter for the individual applications to assess and lawfully secure relevant health contributions depending upon the circumstances of the particular case and on the assumption that planning permission is to be granted.

### Summary

247. On the basis of the above evaluation, and on the assumption that subsequent information (prior to determination) demonstrates there would be no adverse cumulative impacts arising on highways and ecology, officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of ecology utilities, landscape, air quality, healthcare, transport and schooling) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused on these grounds.

### **Planning Obligations**

248. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
  - be directly related to the development, and
  - be fairly and reasonably related in scale and kind to the development.
249. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
250. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the

development to be deliverable.

251. 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.
252. No claim to reduce the level of contributions on viability grounds has so far been claimed by the applicants and a viability assessment has not been submitted. The recommendation (at the end of this report) therefore assumes the development can provide a fully policy compliant package of measures.
253. The following developer contributions are required from these proposals.

#### Affordable Housing

254. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
255. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (112.5 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
256. As the planning application is in outline form, it is appropriate to secure the percentage of units for affordable housing as required by policy CS9 (30% of 'up to' 375 dwellings = 'up to' 112.5 affordable dwellings). It is also appropriate to secure an appropriate (and policy compliant) tenure mix at this time. It is important that an element of flexibility is added into the agreement to allow the mix to be reviewed should circumstances change between the granting of the outline permission and reserved matters approvals (which could be as much as 3 years apart). Such changes in circumstances may include changes in national/local planning policies relating to affordable housing provision, or additional evidence of housing need coming forward in advance of Reserved Matters proposals being considered.

#### Education

257. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local



planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

258. 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).
259. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested the provision of land and financial contributions (construction costs) from this development. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraphs 45 and 46 above.

#### Public Open Space

260. 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.
261. 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.
262. 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).

263. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals. Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured from the development. The precise quantities of land of the various relevant open space categories set out in the SPA could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into the S106 Agreement.
264. The 'strategic public open space' provision proposed as part of the planning application would also need to be secured. The S106 Agreement would set out requirements for timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance. Furthermore, the S106 Agreement would secure financial contributions to be used to deliver/enhance publically accessible off-site footpaths in order to provide additional local recreational capacity to reduce pressures upon the nearby Breckland SPA and Maidscross Hill SSSI designations.

#### Transportation

265. The County Council Highway Authority has requested developer contributions to be used to enhance pedestrian routes from the site into the village centre. These would include, foot and cycleway provision/enhancement and crossings. These would be funded by financial contributions secured from this development. Further measures and initiatives (including potential financial contributions) arising from a Travel Plan for the site may also need to be secured via the S106 Agreement.
266. The cumulative highway assessment may identify a range of off-site highway/junction improvements as consequence of the level of traffic anticipated to be generated by the developments included in the table at paragraph 14 above. A proportionate financial contribution to these identified and costed mitigation measures could be secured by the S106 Agreement.

#### Libraries

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

## Health

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

## Summary

269. With these provisions in place (and subject to subsequent consideration of compliance with Regulations 122 and 123 of CIL), the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 22 tests set out at paragraph 248 above.

## **Conclusions and Planning Balance:**

270. Saved 1995 Local Plan policies for new housing developments, including the settlement boundaries contained in the document are considered out of date, by virtue of the age of the document. Relevant housing policies set out in the Core Strategy are consistent with the NPPF and, in your officers view, carry full weight in the decision making process. Latest evidence confirms the Council is able to demonstrate an up-to-date 5 year supply of deliverable housing sites which means policies in the Core Strategy relating to the supply of housing carry full weight. The proposed development is not considered contrary to the provisions of the adopted Core Strategy insofar as it proposes new residential development in a Key Service Centre as defined by Core Strategy Policy CS1. Furthermore, the proposals must be considered in the light of the surviving requirements of Core Strategy policy CS7 which sets a target of delivering just over 11,000 new homes in the District between 2001 and 2031. Further weight is added to the acceptability in principle of the proposed development in the light of national planning policies set out in the Framework. Of particular reference is the desire to *boost significantly the supply of housing and approve development proposals that accord with the development plan without delay.*
271. With this background in mind, and in particular in the absence of a Development Plan document identifying sites to deliver the housing targets of Core Strategy Policy CS7, national planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Should outstanding matters pertaining to potential in-combination effects upon the Special Protection Area subsequently be satisfactorily resolved, there would be no specific policies in the Framework that

direct that this development should be restricted. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the consideration of this planning application, especially the presumption in favour of sustainable development, which, subject to satisfactory resolution of the outstanding matters, officers consider these proposals would represent.

272. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth. The development would provide additional infrastructure of significant wider benefit – including, a site for a new primary school and significant provision of new green infrastructure.
273. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could, subject to the later submission of reserved matters, result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance, the viability and accessibility of existing local services, both within Lakenheath and further afield.
274. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the development proposals. However, the provision of a site for the construction of a new village primary school is a significant benefit of development and a key driving factor of the scheme. Without certainty of provision of a new school facility in the village, the in-combination effects of all developments presently proposed in the village would have significant adverse impacts upon primary education provision in the village and many future primary school pupils would have been forced to leave the village to secure their primary school place. The delivery of a school site as part of this project avoids that situation arising, particularly as the leader of Suffolk County Council has confirmed the opening of a new school on the application site by September 2017 remains a possibility and priority of the Suffolk County Council.
275. In relation to the environmental role it is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the District. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would mitigate these effects.

276. It is not yet certain that the development proposed by the application (particularly in combination with other projects proposed in the village) would have no significant effects on European designated sites. If significant effects are found likely to occur or it is uncertain whether they would occur, the Council is required to carry out Appropriate Assessment if the implications of the project upon the Special Protection Area. Further work is required to enable the Council to fully understand the implications in this respect and, whilst no significant issues are anticipated to emerge, the Council is not yet able to fully complete its Habitats Regulations Assessment.
277. Whilst this particular issue remains outstanding, the Council is not lawfully able to grant a planning permission (i.e. issue a decision notice granting planning permission) for the development. The Committee is, however, able to reach initial resolution so long as that resolution is sufficiently flexible to enable the Committee to reconsider the proposals if certain criteria is not met.
278. The development proposals would be impacted adversely by noise from aircraft operating from the nearby runways at the Lakenheath airbase. This is not capable of being fully mitigated and the external areas (e.g. garden spaces, public open spaces and school playing fields) would be particularly exposed to the effects of aircraft noise. The Public Health and Housing Team have not expressed objections to the application on noise grounds and have set out internal noise standards the developer would need to achieve.
279. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and the content of the final documents (including the location of sites allocated for development) remains far from certain, given that the Single Issue Review and Site Allocation documents have reached only the early stages in the process with public consultation only carried out in relation to 'Issues and Options' so far. In any event, there is no evidence to suggest approval of the proposals would be premature to or prejudice emerging Development Plan documents.
280. To the limited extent that the evidence (so far) demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of good to moderate quality and some adverse noise affects, the benefits of development would (subject to the outstanding matters being resolved satisfactorily) significantly outweigh those concerns (dis-benefits) and, at present, points cautiously towards the grant of planning permission in this case.

**Recommendation:**

281. That, following;
- i) the Secretary of State resolving not to recover the planning application for his own determination,

and,

ii) the receipt of satisfactory information enabling the Council (officers) to objectively complete its Habitats Regulation Assessment of the project,

and;

iii) (upon receipt of information required in ii) above) the Head of Planning and Growth concluding the development proposals do not require Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010, and that conclusion is wholly consistent with advice received from Natural England,

and;

iv) the Secretary of State (or the Local Planning Authority if lawfully able) confirming that an Environmental Statement is not required to accompany the planning application,

and;

v) the completion and submission of a cumulative highways assessment addressing potential highway impacts and mitigation proposals arising in-combination from all relevant projects discussed in the report and the Local Highway Authority offering no reasonable objections to the planning application following its consideration of the findings of the cumulative assessment,

and;

vi) the receipt of satisfactory tree surveys illustrating the extent of tree removal required to provide suitable vehicular access and associated visibility splays and satisfactory bat surveys of all trees shown to be felled or requiring significant works and that information (including any potential mitigation proposals) being reasonably acceptable to i) the Local Highway Authority, ii) Natural England, iii) the Suffolk Wildlife Trust and iv) the Council's Tree, Landscape and Ecology Officer,

and;

vii) formal confirmation from the Local Highway Authority that an extension to the existing 30mph zone to the north of the village (past the frontage of the application site) has been approved and can be implemented unfettered (subject to funding) to the satisfaction of the Local Highway Authority,

and;

viii) the receipt of a satisfactory Travel Plan being reasonably acceptable to Local Highway Authority,

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

1) The completion of a S106 agreement to secure:

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

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

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

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

(e) Public Open Space contributions:

i) Formula to be included in the Agreement to secure policy compliant provision on site at reserved matters stage

ii) Provision, laying out, timing of delivery and management/maintenance of the strategic open space and reptile mitigation areas.

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

(g) Implementation of the agreed Travel Plan including payment of any financial contributions towards travel planning initiatives arising.

(h) Strategic Highway Contribution (should this subsequently be required and deemed compliant with CIL Regulations 122 and 123 – a proportionate contribution would be appropriate, sum to be determined)

(i) SPA Recreational Impact Contribution, including off site provision/enhancement of local footpaths, monitoring of potential impacts upon the SPA from development (sums to be determined), provision/payment towards public information boards and information packs for residents.

(j) Health Contribution (£123,420)

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

(l) Removal/amendment prior to decision of any S106 clauses the Head of Planning and Growth subsequently considers do not meet the legal tests set out at Regulations 122 and 123 of The Community Infrastructure Levy Regulations 2010.

And

B) subject to conditions, including:

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



282. That, in the event of;

i) any of the matters listed at sub-paragraphs i) to viii) of paragraph 280 above not being resolved as stated,

or,

ii) the Head of Planning and Growth recommending alternative (reduced) Heads of Terms on viability grounds from those set out at paragraph 281 above,

or,

iii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at paragraph 281 above for reasons considered unreasonable by the Head of Planning and Growth,

the planning application be returned to Committee for further consideration.

**Documents:**

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