

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**6 JULY 2016**

**DEV/FH/16/015**

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

**PLANNING APPLICATION DC/14/2073/FUL - LAND ADJACENT 34 BROOM 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 consider the case it wishes to make at the forthcoming planning appeal.**

## **CONTACT OFFICER**

Case Officer: Gareth Durrant  
Email: [Gareth.durrant@westsuffolk.gov.uk](mailto:Gareth.durrant@westsuffolk.gov.uk)  
Telephone: 01284 757345

# Committee Report

**Date** 12<sup>th</sup> November **Expiry Date:** 15<sup>th</sup> January 2016 (with extension).  
**Registered:** 2014

**Case Officer:** Gareth Durrant **Recommendation:** Appeal should be dismissed  
**Parish:** Lakenheath **Ward:** Lakenheath

**Proposal:** Planning Application DC/14/2073/FUL - 120 dwellings together with associated access, landscaping and open space, as amended.

**Site:** Land adjacent 34 Broom Road, Lakenheath

**Applicant:** Necton Management Limited.

## **Background:**

**The applicants have lodged an appeal against the 'non-determination' of the planning application within the prescribed decision making periods. The time period for the determination of this planning application expired on 15 January 2016 (with an agreed extension of time). The appeal has been submitted within 6 months of the agreed target determination date, as is required by the relevant Regulations.**

**The Council is no longer able to determine the planning application which will now be considered by an appointed Inspector unless the Secretary of State 'calls in' the application for his own determination. A request made to the Secretary of State in that respect made by the Lakenheath Parish Council remains unresolved. The appeal will be determined following a public inquiry.**

**The Council is able to make representations to the public inquiry and is able to carry on to resolve and represent how it would have determined the planning application. In accordance with established procedures, the matter is reported to the Development Control Committee to enable Members to confirm the decision they would have taken, had they been in a position to take it.**

## **Proposal:**

1. Detailed (full) planning permission is sought for the erection of 120 dwellings. The development would be served by two vehicular accesses; one to the north of the site from Broom Road and a second to the south-west from Roebuck Drive.

2. Details of the numbers, mix and heights of the dwellings and bungalows are provided in the table below.

<u>ACCOMODATION SCHEDULE:</u>				
<u>HOUSE TYPE:</u>	<u>BEDROOMS:</u>	<u>AFFORDABLE</u>	<u>PRIVATE</u>	<u>TOTAL No:</u>
Anmer	1 Bed (Bungalow)	6	9	15
Blakeney	2 Bed (Bungalow)	-	6	6
Colkirk	2 Bed (Bungalow)	-	4	4
Elmham	2 Bed (Bungalow)	-	15	15
Gresham	2 Bed (House)	22	6	28
Ickburgh	3 Bed (House)	6	8	14
Jaybrook	3 Bed (House)	-	11	11
Langham	3 Bed (House)	-	13	13
Kessingland	4 Bed (House)	1	6	7
Morston	4 Bed (House)	-	2	2
Newton	4 Bed (House)	-	4	4
Plumstead	4 Bed (Bungalow)	1	-	1
		<u>36 Total</u>	<u>84 Total</u>	<u>120 Total</u>

3. Only limited details of external building materials have been provided as part of the application. The application forms indicate the use of the following materials:
- Bricks – Red and buff bricks, pastel rendering, small areas of black weatherboard.
  - Roof tiles – concrete.
  - Doors and windows – white UPVC
4. Amendments were made to the application (received October 2015) involving a reduction in the total number of dwellings proposed, from 147 (as originally submitted) to 120 units in the revised scheme. The amount of public open space proposed was also increased at this time. The reduction in unit numbers elicited some changes to the internal layout of the site. A number of additional/amended reports were submitted at this stage. The amended proposals were the subject of full re-consultation. The outcome of both periods of consultation is

reported below.

5. Given the scale of development proposed and its proximity to sensitive areas (as defined by the Regulations) the proposals were screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 at pre-application stage. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.
6. Notwithstanding the conclusions of the screening opinion the submission of a number of other planning applications proposing 'major' housing development at Lakenheath over a relatively short space of time rendered the initial Screening Opinion out of date. The cumulative impacts of these proposals had not been considered as part of the original pre-application screening and, given there are no provisions in the 2011 Regulations that would enable a second EIA Screening to be undertaken, the Council (and subsequently the Parish Council) requested the Secretary of State issue a Screening Direction to ensure the potential cumulative and in-combination impacts of the developments had been properly considered.
7. The Secretary of State subsequently considered the project, in isolation and in combination with other projects, and concluded the scheme would not give rise to significant environmental effects. He confirmed an Environmental Impact Assessment was not required to accompany the planning application.
8. The applicant is, as part of the appeal process, required to submit an outline of the case they intend to make at the forthcoming appeal. A copy of the Statement of Case is attached to this report for information as Working Paper 1. The Committee is not required to respond to the Statement of Case as part of its deliberations.

**Application Supporting Material:**

9. The following documents were submitted to support this application when it was registered in November 2014:
  - Forms and drawings including site location, layout and house-type elevations, and tree constraints plan.
  - Planning Statement
  - Design and Access Statement
  - Biodiversity and Protected Species Survey
  - Transport Assessment
  - Desk Study Contamination Report
  - Utilities Assessment
  - Interim Travel Plan
  - Archaeological Evaluation Report
  - Noise Impact Assessment
  - Arboricultural Impact Assessment and Tree Protection Plan.
  - Flood Risk Assessment and Surface Water Drainage Strategy

### **Site Details:**

10. The site is situated towards the south of Lakenheath. It is approximately 5.85 hectares in size. The proposals for the erection of 120 dwellings on the land equates to a development density of around 20.5 units per hectare. The land is presently in agricultural use (Grades 3 and 4). It has a 'pine line' tree-belt along its east (side) boundary to the public footpath and countryside. These trees are protected by a Tree Preservation Order, such that no works can be undertaken on them without the prior consent of the Council.
11. The application site is situated outside but abuts the settlement boundary of Lakenheath. The settlement boundary runs along the west and south (side and rear) boundaries. The site is considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.
12. The site has a relatively narrow and open frontage onto the Broom Road highway. The east (side) boundary is marked by the protected pine trees, and abuts a public footpath (with open countryside beyond). The designated Maidscross Hill SSSI is situated around 200 metres to the east of the site and the RAF Lakenheath airbase is located further east beyond the SSSI. The west (side) boundary abuts a small field for its most part, although there is one dwelling abutting the western boundary at the site frontage (north) and a number of properties backing onto the side boundary towards the rear most (southern) parts. The southern boundary abuts a row of existing housing, all of which back onto it. The bulk of the village settlement and all key village facilities, save for the Maidscross Hill SSSI which has public access, are located east and north of the site.
13. There are no landscape or heritage asset designations at the site. The Lakenheath Conservation Area designation, which covers the more historic core of the village, is distant from the site.

### **Planning History:**

14. Between 1975 and 1984, seven separate applications proposing residential development were refused planning permission (application numbers F/75/162, F/79/334, F/79/550, F/79/862, F/80/802, F/81/291 and F/84/378 refer).
15. There are six other proposals for large scale residential development around the village, none of which have been determined. The proposals are considered relevant to the consideration and determination of this appeal application particularly insofar as the combined (or cumulative) impacts require consideration. The proposals 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 to be determined by the Development Control Committee in due course.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant 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	<i>Land east of Eriswell Road and south of Broom Road, Lakenheath</i>	<i>Up to 750 + school etc.</i>	<i>Application <u>withdrawn</u> in February 2016.</i>
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 132	Requires amendment. Presently awaiting information relating to impacts upon the Maidscross Hill SSSI.
G	DC/14/2073/FUL	Land adj 34 Broom Road, Lakenheath	120	This is the appeal application, subject of this report.
H	DC/16/0670/HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Planning application received in April 2016 but not registered at time this report was prepared. Some public consultation carried out by developer in January 2016.

### **Consultations:**

16. The planning application has been the subject of two separate rounds of consultation; i) November 2014 and, following the receipt of amendments, ii) November 2015. The following is a summary of the responses received from both consultations.
17. **Environment Agency** (November 2014) – **no objections** – subject to 5 (no.) conditions with respect to surface water drainage and contamination. The Agency also provides advisory comments for the benefit of the applicant/landowner.

18. **Anglian Water Services** (December 2014) – **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. 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. These comments were repeated in December 2015, following re-consultation.
19. **Natural England** (December 2014) – **objected** to the planning application. Further information was required with respect to the Special Protection Area, in particular Stone Curlew nesting records at locations outside the Special Protection Area (and within 1.5km of the site). Natural England noted the close proximity of the site to the Maidscross Hill SSSI and confirmed it would likely damage or destroy the site, which is of national biodiversity interest. The SSSI is approximately 200 metres from the application site and is the closest large area of public open space. The SSSI is already subject to significant recreational use and is currently in unfavourable condition. The proposed development is likely to result in an increase in the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. For example excessive trampling may result in a localised loss of vegetation and an increase in dog fouling may cause damage to rare plants at the site. It may be possible for the applicants to provide mitigation to avoid or reduce these impacts, for example through a contribution to the management of the SSSI.
20. Subject to this issue being resolved Natural England confirmed it would be able to withdraw its objection.
21. 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 15 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maidscross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
22. In November 2015, **Natural England** wrote to confirm its objections had not been addressed by the information accompanying the amended proposals and maintained its **objections** to the planning application.

23. On 15 March 2016 **Natural England** wrote to the Council to advise as follows:
- *We would like to review the nest records again as our bird specialist has been reviewing all the cases in the east of Lakenheath following further information on the two Broom Road sites. Since there is still so much uncertainty concerning the reduction in stone curlew nesting density near built development we haven't yet reached a conclusion on those proposals. With this in mind the bird specialist team, with Footprint Ecology, have been working on a planning tool to calculate whether a development is likely to have an effect on stone curlews associated with Breckland SPA and if so whether mitigation may be appropriate. We think it would be beneficial to put all three applications, including this application, through the model to make sure that our advice is consistent between the three applications and so we can provide advice on the potential for cumulative and in-combination effects in Lakenheath. With this in mind, I hope you will be able to delay a decision regarding Land North of Station Road until we have input all three proposals into the planning model and reached a conclusion.*
24. In May 2016, **Natural England** confirmed "we've looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA. The Broom road sites have not addressed their Maidscross Hill issues yet however."
25. **Suffolk Wildlife Trust** (December 2014) – commented on the proposals as follows;
- Proximity to Maidscross Hill Site of Special Scientific Interest (SSSI) - The site of the proposed development is located within 200m of Maidscross Hill SSSI and includes a footpath link, along an existing route, to the SSSI. Previously concerns have been raised about the potential for adverse impacts on this site resulting from increased recreational pressure from new developments in the vicinity. Given the level of new development proposed in this part of the village it is essential that such impacts are assessed and addressed strategically to ensure that there is no adverse impact on the designated site. Natural England, as the statutory nature conservation organisation, should be consulted on this application.
  - Suffolk Priority Species - Skylark, a Suffolk Priority Species, was recorded nesting on the strip of land to the west of the development site. This species has also previously been recorded nesting in neighbouring fields and it appears likely that these birds will nest throughout this area dependent on the conditions present each year. Development in this area will therefore reduce the amount of potentially suitable habitat available and therefore a strategic solution to the delivery of mitigation measures for this



species should be secured.

- Green Infrastructure and Ecological Enhancements - The site layout plan provided with the application appears to include only a limited amount of new green infrastructure provision, although the layout does retain the existing line of pine trees along the eastern edge of the site. Any new development should provide significant green infrastructure enhancements in accordance with both national and local planning policy. The design of such enhancements should also compliment provision proposed to be made as part of planning proposals for neighbouring sites.
  - In addition to the above the enhancement measures set out in the ecological survey report should be incorporated in to the design of any development found acceptable at this site.
26. In November 2015, the **Suffolk Wildlife Trust** provided additional comments to those submitted in December 2014, as follows:
- This site has now been visited as part of the Forest Heath Wildlife Audit (FHDC site reference L/22). During the April 2015 survey visit a population of grape hyacinth (*Muscari neglectum*) was recorded on the northern boundary of the site. This is a UK and Suffolk Priority Species and does not appear to have been recorded as part of the survey work undertaken in support of this application, although it is recorded in the nearby Caudle Farm and Broom Road Fields County Wildlife Site (CWS). It should therefore be ensured that the design and layout of the proposed development protects this species and provides and maintains suitable habitat for it.
27. **Defence Infrastructure Organisation** (January 2015) – **no objections**, but comments that due to the location of the proposed development the developer is advised to install acoustic insulation to the specifications of the NAS(M) insulation package, due to the noise of the aircrafts at RAF Lakenheath.
28. In July 2015 the **Defence Infrastructure Organisation** provided an updated response to the planning application and replaced their earlier comments (set out in the previous paragraph) as follows:
- The proposed development will occupy statutory height, bird strike, explosives and technical safeguarding zones surrounding RAF Lakenheath.
  - Having assessed the proposed development we have determined that the proposed structures will not adversely affect our safeguarding requirements.
  - However, the MOD is concerned that the development may have an indirect impact upon our management of explosives safeguarding zones surrounding explosives storage facilities at RAF Lakenheath.

- The application site abuts the inner explosives safeguarding zone known as the inhabited building distance (IBD). In this zone the MOD monitors land use changes and the associated level of occupation to maintain explosives licensing standards.
  - There is the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve which occupies the inner explosives safeguarding zone. If the development increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.
  - Due to the proximity of the application site to the aerodrome the proposed development may be affected by aircraft noise. It is therefore recommended that the applicant installs appropriate noise insulation in the properties.
  - Subject to the above considerations being taken into account I can confirm that the MOD has no safeguarding objections to this application.
29. **NHS Property Services** (November 2014) – **no objections** and commented that no healthcare contribution would be required based on their being overall sufficient GP capacity within the catchment surgeries that would serve the proposed development.
30. **NHS Property Services** (January 2016) – submitted **holding objections**, subject to a developer contribution being secured to secure financial contributions to be used towards health infrastructure provision serving the development. The following comments were received (summarised):
- The proposal comprises a residential development of 120 dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
  - The planning application does not include a Healthcare Impact Assessment (HIA) of the proposed development or propose any mitigation of the healthcare impacts arising from the proposed development. Therefore a HIA has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
  - NHS England has recently carried out a review of GP services to identify capacity issues. This development is likely to have an

impact on the services of 1 GP surgery within the Lakenheath locality. This GP practice does not have capacity for the additional growth as a result of this development.

- The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practice, a proportion of which would need to be met by the developer.
- There is a capacity deficit in the catchment practice and a developer contribution of £39,500 is required to mitigate the 'capital cost' to NHS England for the High quality care for all, now and for future generations provision of additional healthcare services arising directly as a result of the development proposal.
- NHS England, therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

31. **Suffolk Constabulary** (December 2015) – set out advisory comments for the benefit of the applicant/developer

32. **FHDC (Strategic Planning)** (June 2016) – Begins by appraising relevant national and local planning policies relevant to the planning application and submits the following **comments** to assist with the consideration of the appeal case the Council intends to make:

Housing Supply

33. The latest FHDC assessment of a five year supply of housing land was published on 2 March 2016. This confirms that the Council is able to demonstrate a five year supply of housing.

34. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016). Policies relating to the supply of housing can therefore be considered up to date.

35. The application site is not included in the Council's five year land supply.

Strategic Housing Land Availability Assessment

36. The site is included in the April 2016 version of the Council's Strategic Housing Land Availability Assessment (SHLAA). The aim of the SHLAA is to establish realistic assumptions about the availability, suitability and economic viability of land to meet housing needs. The national Planning Practice Guidance is clear that the SHLAA is 'an important evidence source to inform plan making but does not in itself determine whether a site should be allocated for development... It is the role of the assessment to provide information on the range of sites which are

available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs.'

37. Officers are aware of correspondence received from Natural England in 2014 and 2015 in relation to the current application, objecting that development on the site is likely to result in an increase of the level of recreational pressure on the Maidscross SSSI, which may in turn affect the ecological features for which it has been notified. Natural England do advise that it may be possible for this to be mitigated, but the council is unaware as to whether this issue has been resolved to the satisfaction of Natural England.
38. Therefore, officers consider an error was made in the assessment of environmental constraints during the preparation of the SHLAA in relation to this site. On this basis, officers consider there were grounds for deferring the site in the April 2016 SHLAA as being undeliverable on the basis of environmental constraints.
39. However, this error was corrected in the preparation of the April 2016 Site Allocations Preferred Options Local Plan (SALP), which fully considers the most up to date information in respect of environmental constraints, and the document does not allocate the application site as a preferred option.

#### Settlement boundary

40. Settlement boundaries are a policy linked to the supply of housing, therefore without a five year land supply a settlement boundary can be considered out of date (paragraph 49 of the NPPF).
41. As the council can demonstrate a five year supply of housing, the policies linked to the supply of housing are a material consideration in the determination of this application.
42. Settlement boundaries, and policies underpinning them, have not been reviewed since the introduction of the NPPF. This means the current settlement boundaries are afforded reduced weight (but are not to be overlooked altogether) in considering planning applications. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption. The Planning Inspector at the Meddler Stud confirmed this approach, noting that there is no up to date development plan for housing provision (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016).
43. The 1995 Local Plan shows the application site as lying outside of the Lakenheath settlement boundary. In the emerging Site Allocations Local Plan (SALP) Preferred Options, the settlement boundaries have been reviewed.

44. The application site is not proposed as a preferred allocation in this emerging Plan (omission site L/22, page 165 of the 2016 SALP). The preferred location for growth in the emerging Plan is to the north of Lakenheath. Focusing growth to the north will provide wider benefits, including alternative semi-natural greenspace/pedestrian access routes, a measure to influence recreation patterns in the surrounding area to avoid a damaging increase in visitors to Maidscross Hill SSSI and Breckland SPA, and provision of a new primary school.

*Principle of development*

45. On the basis that not all of the Council's housing policies are up to date, Paragraph 14 of the NPPF and policy DM1 of the Joint Development Management Policies Document is engaged. This paragraph states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The key issues in terms of planning policy are set out below;
46. The site lies in the countryside but partially adjacent to the settlement boundary
47. The application is contrary to a number of policies in the Joint Development Management Document. The site lies in the countryside and the proposals do not meet the criteria for development set out in policies DM5, DM2 (in particular g) and DM27.
48. The site lies mainly within an aircraft 72db and partially within a 66db noise constraint zone
49. It is noted that Public Health and Housing have suggested a noise attenuation condition should be attached to any planning approval on this site. The assessment of environmental constraints is a fundamental aspect of the preparation of a Local Plan. The Site Allocations Preferred Options Local Plan (2016) proposes that the preferred focus of growth in Lakenheath is to the north of the settlement. This is the least environmentally constrained area and lies outside of the noise constraint zone. The site is therefore less preferable than land to north but it is acknowledged that this matter has limited weight given it can be dealt with by condition.
50. The site lies approximately 200m from Maidscross Hill SSSI/Local Nature Reserve (LNR)
51. This SSSI is already subject to significant recreational use and is in an unfavourable condition. The development of this site is likely to result in an increase of visitors /recreational pressure which could have an adverse impact on the features it has been designated for. It is also considered that the development of this site would erode what could be described as a 'buffer' between existing residential development

and the SSSI.

52. On the basis of the above, it is considered that the application is contrary to paragraph 118 of the NPPF. It is also contrary to Policy CS2 of the Core Strategy – Natural Environment – which seeks to protect areas of landscape, biodiversity and geodiversity interest and local distinctiveness from harm. In addition, the application is contrary to Policy DM10 of the Joint Development Management Policies document (2015), in particular the paragraph which states 'Proposed development likely to result in adverse effects to a SSSI will not be permitted unless the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs'.
53. In this case it is not considered that the benefits of developing the site outweigh the likely impacts to the SSSI, particularly as the emerging preferred options for growth can achieve development which helps mitigate against recreational impacts on the SSSI and make provision for alternative natural greenspace (see Policy L2 of the Preferred Options Site Allocations Local Plan (April 2016)).
54. It is also noted that Natural England submitted an objection (December 2014) to development on the site, on the basis that development is likely to result in an increase of the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. Natural England do advise in their response that it may be possible for applicants to provide mitigation to avoid or reduce these impacts. Policy officers are unaware as to whether this issue has been resolved to the satisfaction of Natural England.
55. On the basis of the above, it is considered that the principle of the development of the site would have significant adverse impacts in relation to the environment and be contrary to both the NPPF and local planning policy.
56. Land to the north of Lakenheath has been identified as the focus for growth in the Site Allocations Preferred Options Local Plan (April 2016), as this is the least environmentally constrained part of the village. The northern area for growth comprises a number of parcels of land, two of which have resolution to grant planning permission (L2a and L2c, formerly L13 and L35). This planning application considered in isolation outside Local Plan process would give rise to additional pressure on existing services and facilities in the village including the school, for which there is a current outline application yet to be determined (DC/14/2096/HYB).
57. Allowing development on this site would prejudice the outcome of the plan making process

58. Consultation on the council's Site Allocation Preferred Options Local Plan finishes on the 1 July 2016. The council's preferred strategy for Lakenheath is one which directs growth to the north of the settlement, the least environmentally constrained part of the village. This strategy provides measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Maidscross SSSI and Breckland SPA through the provision of alternative natural greenspace and the enhancement and promotion of a dog friendly access route in the immediate vicinity of the development.
59. It is considered that the approval of this application might undermine the strategy underlying the SALP, to the extent that it might threaten the delivery of the alternative green spaces, to the detriment of the SPA and Maidscross Hill SSSI, and the proper planning of the area.

### Summary

60. The following key points can be taken from the above policy and background evidence context;
- The Council has demonstrated an up to date five year supply of housing land (published 2 March 2016)
  - The application is contrary to policies in Joint Development Management Document. The site lies in the countryside and the proposals do not meet the criteria for development set out in policies DM5, DM2 (in particular g) and DM27;
  - The application is contrary to the emerging Preferred Options Site Allocations Local Plan (April 2016) which is not proposing to allocate the application site (although it is recognised that while this plan indicates the council's preferred direction of growth, this plan is at Regulation 18 stage and therefore only carries limited weight). The council is proposing a preferred focus of growth in Lakenheath which will help mitigate against the effects of visitors to the Maidscross Hill SSSI and provide alternative natural greenspace and provides a new school. Approving this application could therefore be considered prejudicial to the delivery of the alternative green spaces, to the detriment of the SPA and Maidscross Hill SSSI, and the proper planning of the area;
  - The development of this site would lead to adverse impacts on the Maidscross Hill SSSI and the benefits of developing the site do not outweigh the impacts on the SSSI, thus being contrary to the NPPF and Local Plan policies CS2 and DM10;
  - The application is contrary to Policy CS13 which requires sufficient capacity to meet the additional requirements of the development, including school places. There remains uncertainty as to whether the determination of this application could, along with the proposed growth to the north of the village, tip the balance on the overall

scale of growth for the village and comprise the ability of the focus of growth to the north emerging through the Local Plan to deliver a new primary school.

61. To conclude, it will be for the case officer to balance the above planning issues, particularly the potential harm to the environment which conflicts with the NPPF and local planning policy, with the requirement of the NPPF to deliver sustainable development.
62. Planning law dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations dictate otherwise. It has been demonstrated that the proposal would be contrary to policies CS2, DM5, DM10 and DM27 that form part of the Forest Heath Development Plan.
63. **FHDC (Environmental Health)** (November 2015) – **no objections**, subject to the imposition of a standard condition to remediate potential contamination risks.
64. **FHDC (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms & attic rooms, hours of construction and construction management.
65. In response to new noise contour plans, the **Public Health and Housing** officer confirmed (November 2015) as the current situation is identified by the applicant's noise assessment; it is unlikely the developments would require further mitigation to that which has already been proposed. The Service did not wish to add any further comment to their original comments (set out in the preceding paragraph).
66. **FHDC (Leisure, Culture and Communities)** (November 2014) – commented and suggested a number of improvements that could be made to the design and layout of the proposals.
67. **FHDC (Strategic Housing)** (November 2014) – **objects** on the grounds that the mix of the proposed market and affordable housing does not reflect the Strategic Market Housing Assessment.
68. In November 2015, the **Strategic Housing** team considered the amended details which they considered had responded to their concerns (set out in the preceding paragraph) and offered their **support** for the amended proposals.
69. **FHDC (Ecology, Tree and Landscape Officer)** – (April 2015) **objects** to the planning application and underlines the objections received from Natural England and Suffolk Wildlife Trust with respect to the Special Protection Area, the SSSI and protected species. Further comments are provided with respect to the line of pine trees situated close to the east site (side) boundary, bats, landscaping and public open space as follows;



- The biodiversity study reports that the line of pine trees to the east of the site is used by bats for foraging, commuting and roosting. It is essential that the line of pine trees are retained on site and whilst the trees are nominally retained on the site layout plan, the arrangement and positioning of dwellings and garages is not consistent with the retention of trees. There is therefore the potential for an impact on bats through the loss of this important pine line. The impact of lighting associated with the development has not been considered.
- The most significant landscape feature on the site is the pine line on the eastern boundary. This is shown to be retained however the evidence submitted (16080/901) demonstrated that this is not technically possible. The root protection area maximum radius is 7.5m and therefore a landscape buffer of at least 10m along this eastern edge of the development is required. This easement could be supplemented with additional planting which would reduce the impact of the development on the countryside. The current strategic landscaping is not acceptable
- The development includes an area of public open space (shown on the layout plan to be 2540m<sup>2</sup>) however this falls significantly short of the open space required by the FHDC Supplementary Planning Document for Open Space, Sport and Recreation. Given the issues that have been identified in relation to potential recreational pressure on both the near by SSSI and the SPA it is important that the full amount of POS is included within the site, and this should if possible be distributed to allow access from all parts of the development. The current layout of open space is not acceptable.

70. In June 2016, the **Tree Landscape and Ecology** officer provided the following comments:

#### Constraints

- The application site is in close proximity to Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC) which are European designated sites (also commonly referred to as Natura 2000 sites). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is located 1.9km from Breckland Farmland SSSI, the nearest component of Breckland SPA, and 0.3km from RAF Lakenheath SAC. The site is outside of the Breckland 1500m constraint zone and also outside of the Breckland 1500m frequent nesters constraint zone. The site is also outside of the 400m Woodlark and Nightjar constraint zone as designated by policy CS2 of the FHDC Core Strategy.

- The application site is located 180m to the west of Maidscross Hill Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). Pashford Poor's Fen SSSI is approximately 1.7km to the northeast, Lordswell Field SSSI is approximately 1.7km to the south, and Lakenheath Pools Fen SSSI is approximately 1.7km to the north-west.
- A line of protected trees forms the eastern boundary of the site. The trees are included in G1 of tree preservation order TPO005 (2016). These pine trees which make up a distinctive pine line on land to the east of Lakenheath are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value particularly in relation to Broom Lane and other footpaths in the immediate vicinity. The tree preservation order has been made to protect landscape features which are potentially threatened by proposed development. The TPO was served on 2 June 2016.

#### Ecology - Habitats regulations assessment

- If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 of the Habitats Regulations requires the decision maker to make an 'appropriate assessment' of the implications for that site, before consenting the plan or project. As the decision maker for this application, the Secretary of State will be the Competent Authority with regard to the Habitats Regulations. Nevertheless in considering the planning application the local planning authority must have regard to any potential impacts that the proposals may have on the European sites.

#### Ecology - Impacts on SAC

- 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.

#### Ecology - Impacts on the SPA

- Breckland SPA is designated for its breeding populations of stone-curlew, European nightjar and woodlark. Development at this site would advance the line of development towards Breckland SPA. Research has shown a clear avoidance of housing by stone curlews on otherwise suitable habitat, and development within 1500m has the potential to affect stone curlew nesting densities and rates.
- Natural England has been consulted on the application and initially advised that there was currently not enough information to determine whether the likelihood of significant effects can be ruled out. The proposed development is outside the 1500m constraint

zone around units of Breckland SPA capable of supporting stone curlew however stone curlew nesting outside the SPA are considered to be part of the SPA population. An assessment of the impact of the proposal on stone curlew nesting within 1500m of the proposed development was requested. Information was submitted as Appendix 5 of the revised extended phase 1 habitat and protected species survey for proposed residential development at land south of Broom Road, Lakenheath, September 2015. The report confirmed that there are records of stone curlew breeding within 1500m of the site. The report goes on to suggest that the existing site conditions such as: location immediately adjacent to existing settlement boundary; existing aircraft noise effects from the adjacent USAFE base; disturbance arising from the use of existing footpaths by the public; and light spill from the base and nearby residential property, would not significantly deteriorate as a result of the development.

- Natural England has confirmed that the proposals are unlikely to significantly affect stone curlew associated with Breckland SPA (email of 10.05.16)

#### Ecology - Recreational impacts on the SPA

- This issue has not been assessed by the applicant as part of their submission and there are no specific measures included in the proposals to address this. The plan for the site shows some small scale open space; there is concern about whether these spaces are laid out to best provide the needs of the new residents (also see below). These spaces are unlikely to be as attractive to residents as the nearby forest areas and it is likely that residents will periodically travel in their car to use the SPA as their local green space. Whilst the proposed site design includes some footpaths, there are no specific dog walking routes within the site however the site is connected to the Public Rights of Way network which connects with Maidscross Hill SSSI and LNR. This is the closest area of natural greenspace however it is currently the only such area within the village and it is already showing signs of visitor pressure. Nevertheless the site is available for the use of new residents. The proposed level of development alone is unlikely to result in recreational impacts on Breckland SPA.

#### Ecology - In-combination effects

- The assessment of in-combination effects is pending more information particularly in relation to the traffic that would arise. There is however the potential for in-combination effects to arise in relation recreational pressure.
- 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)
  - 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 (totalling 1492 dwellings), in-combination likely significant effects cannot be screened out.
  - In 2010 a visitor survey of Breckland SPA was commissioned by Forest Heath District and St. Edmundsbury Borough Councils to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. An important finding of the study was that Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. The Annex I heathland bird interest features are not yet indicating that they are negatively affected by recreational disturbance. However there are still some gaps in our understanding of the Thetford Forest populations of Annex 1 birds, their current status and potential changes that may be occurring. It is not currently understood whether distribution is affected by recreation, for example.
  - The recreation study went on to advise that provision of alternative greenspaces could be provided to potentially divert some of the recreational pressure away from the SPA. These would need to be at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local plan. Important factors to consider in the design of such spaces are the distance to travel to the site, the facilities at the site, and experience and feel of the site. The visitor survey identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.
  - A Natural Green Space Study has been prepared to support Forest Heath District Councils Single Issue Review of Core Strategy Policy CS7 and separate Site Allocations Local Plan. The status of the study is draft. The purpose of the study is to provide evidence on appropriate accessible open space that will support the planned growth in the district. The study is required because there is concern that increased development in the district has the potential to contribute to recreational pressure on Breckland Special

Protection Area (SPA) and Breckland Special Area of Conservation (SAC).

- The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. In addition new access routes are required which could potentially focus on the Cut-Off Channel. A number of opportunities were identified for the village to develop suitable alternative green space for both new and existing residents to use.
- This application does not include any measure that would contribute to this strategic approach to mitigation of potential in-combination recreational effects.
- SSSI - Maidscross Hill Site of Scientific Interest (SSSI) is approximately 200 metres from the application site and is the closest large area of public open space; it is designated as Local Nature Reserve (LNR). The SSSI is already subject to significant recreational use and is currently in unfavourable condition. Maidscross Hill supports nationally rare plant species associated with the open calcareous grassland. These are; Breckland Wild Thyme *Thymus serpyllum*, Spanish Catchfly *Silene otites*, Grape Hyacinth *Muscari neglectum* and Sickie Medick *Medicago falcata*. Early Spider orchid, *Ophrys sphegodes* was recorded on the site but has not been seen in recent years. The main reason for the unfavourable status is the decline in the Grape Hyacinth population. The SSSI is owned by Elveden Estates and leased to Forest Heath DC under a 25 year lease; FHDC is the managing authority however some of the management work is undertaken by Elveden maintenance teams.
- The proposed development is likely to result in an increase in the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. There would be direct access from the new dwellings to this site via existing public footpaths. Likely impacts and effects could include, for example, excessive trampling which may result in a localised loss of vegetation and an increase in dog fouling may cause damage to rare plants at the site.
- This is acknowledged in the ecological report although a detailed assessment has not been undertaken and mitigation measures are not identified. The report notes that an increase in recreation pressure will likely exacerbate the already unfavourable condition of the SSSI and as such some form of contribution to the management and enhancement of the site would be deemed appropriate. The ecological report also raises concern about noise, light and human disturbance on nesting birds during the active

nesting season March to August inclusive.

- Natural England has advised that it may be possible for the applicants to provide mitigation to avoid or reduce these impacts, for example through a contribution to the management of the SSSI. Detailed discussion between Natural England and the council (who manage the site) and the local planning authority has concluded that the most effective mitigation would be the provision of a warden for the site who would also promote community involvement and education. How this could be would need further consideration.
- In addition other measures aimed at diverting the new residents from using Maidscross Hill as their local greenspace could be considered.
- An assessment of the number of pets likely in a development can be calculated. The Pet Food Manufacturers Association (PFMA) estimated that in 2015 there was a dog population of 8.5 million in 24% of households and 7.4million cats in 17% of households. Within the development site it is possible that 29 households would have at least one dog and 20 households would have at least one cat.
- The increase in the number of cats in close proximity to the SSSI could potentially lead to the predation of rabbits (vital to keep the site in condition) and ground nesting birds. NE has indicated that whilst this could not be mitigated; a wardening service at the site to deal with recreational effects may also be effective in reducing the effect of cats such that it would not be significant.
- The loss of the agricultural field to development will represent an erosion of the buffer between the settlement of Lakenheath and the SSSI, to a distance of 200-300m which has the potential to increase other urban effects such as those listed in the ecological report.
- The current situation is that the applicant has not approached the managing authority (which is Forest Heath District Council) to discuss any measures that might be appropriate and these do not form part of the scheme that is being considered. Recreational impacts from increased visitors to Maidscross Hill, particularly new residents using the reserve as their local greenspace cannot be ruled out. Without the prospect of an effective wardening scheme for the site, it is understood that Natural England maintains its objection to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which Maidscross Hill Site of Special Scientific Interest (SSSI) has been designated.
- Interestingly Grape hyacinth, an interest feature of the SSSI, has been identified on the northern boundary of the application site

however the submitted survey did not record this and the development proposals do not include for the retention and protection through management of this species on site.

### Other Ecology Issues

- Suffolk Wildlife Trust has commented that Skylark, a Suffolk Priority Species, was recorded nesting on the strip of land to the west of the development site. This species has also previously been recorded nesting in neighbouring fields and it appears likely that these birds will nest throughout this area dependent on the conditions present each year. Development in this area will therefore reduce the amount of potentially suitable habitat available and therefore a solution to the delivery of mitigation measures for this species should be secured. No skylark mitigation is included.
- The biodiversity study reports that the line of pine trees to the east of the site is used by bats for foraging, commuting and roosting. It is essential that the line of pine trees are retained on site and whilst the trees are nominally retained on the site layout plan, the arrangement and positioning of dwellings and garages is not consistent with the retention of trees. There is therefore the potential for an impact on bats through the loss of this important pine line. There is no information to indicate which tree has been identified as supporting roosting bats other than it being about half way along the row. T9 which is to be removed is located closer to the south.
- Suffolk Wildlife Trust undertook survey of this site as part of the wildlife audit of all development sites being considered as part of the Forest Heath District Site Allocations Local Plan. The recording of Grape hyacinth on the northern boundary is notable. This species was also recorded on the northern roadside margin of the adjacent arable field site, as well as within the CWS itself (which follows the boundary between Maidscross Hill and the arable field east of the development site). Any future development should protect this Priority Species and Red Data Book Plant (Vulnerable). There is no information in the applicants ecology report on the position of this species and whilst there is potential that it could be retained within the open space fronting the development along Broom Road this does not form part of the current proposals and there is no evidence that retention of Grape hyacinth is consistent with the provision of an access and public footpath as shown on the plan.

### Landscape, green infrastructure and open space.

- The most significant landscape feature on the site is the pine line on the eastern boundary.
- Pine lines are a distinctive feature of the Brecks consisting of

single rows of twisted and contorted Scots pine trees. The majority were planted as hedges during the early 1800's. The rows have been singled out by numerous writers on topography and landscape history as a major contributor to the region's 'sense of place'.

- Pine lines and their associated margins also contribute significantly to the biodiversity of The Brecks. It has been calculated that Scots pines have 91 associated insect species nationally (compared with 41 for ash, 28 for hawthorn, but 284 for oak), and 132 associated lichen species. Additionally, the associated grass strips and earth banks support diverse invertebrate assemblages, including several rare moths and nationally scarce species of beetle although in this case the invertebrate data does not demonstrate this.
- Despite the fact that pine lines are a key defining feature of the Brecks, little attention is given to their management, restoration or to establishing new ones. Their distribution has decreased over the years.
- A recent report by University of East Anglia (The Brecks Pine Rows: History, Ecology and Landscape Character) concluded that:
  - The pine rows are an important and characteristic feature of the Brecks landscape, and every attempt should be made in the future to protect and enhance surviving examples, and to establish new ones.
  - Further research is urgently needed into the character of the fauna, and especially the insects, associated with the mature pines which make up the 'rows'.
- The protected pine line (TPO005/2016) on the eastern boundary of the site is shown to be retained however evidence from the site layout plan and tree constraints and protection plan (16080/901 B) is not consistent with the retention of the trees. The alignment of the 'temporary protective fencing' marked on the tree protection plan is a good indication of the easement that is required to ensure that the landscape feature is protected intact.
- The case for this level of easement is also made in the ecology report which states:
- The main ecological value of the application area is the mature tree line and hedgerow along the eastern boundary which provides cover and foraging habitat for nesting birds and as a corridor for commuting and foraging bats. The majority of the marginal habitats along the field edges should be retained wherever possible and maintenance and enhancement of a



buffer strip along the eastern boundary will reduce any impacts on more ecologically important areas and maintain habitat connectivity in the wider landscape.

- The built development punctures the proposed 'temporary protective fencing' in the following places: garage to 117-120; dwelling and garage at 114; dwelling at 104; garage and patio at 103; dwelling at 93; road south of plot 93; dwelling at plot 92; garage at 78-79 and dwelling and patio at 78. As a consequence of the development a large number of the trees would be within or on the boundary of residential gardens and hence it is likely that they would be subject to resentment pressure from the new residents. Irrespective of the tree preservation order the new relationship between the trees and dwellings could provide legitimate grounds for the removal of the trees in the future which the council could not reasonably resist and which would lead to deterioration in the character of the area.
- There would be a visual impact arising from the proposals which would affect visitors to Midscross Hill LNR. The lack of additional strategic landscaping on the eastern boundary of the site will not provide screening or softening of the development from the adjacent countryside. The construction of garden boundaries which are most likely to be closed board fencing will lead to a further deterioration of landscape character and of views from Midscross Hill and the adjacent footpaths.
- The revised layout for the site includes four distinct areas of open space, equating to the requirements of the FHDC Supplementary Planning Document for Open Space, Sport and Recreation. Within developments open space can have a number of functions and the design must reflect that function.
- The proposed play space and area marked public open space are of a scale that would encourage use by children for activities that would include ball games. However the design of the space in relation to surrounding infrastructure such as roads and houses would potentially lead to conflicts. It is noted that access to the existing public footpath has been facilitated by the retention of an open area; it is regrettable that the road forms a barrier to free safe movement.
- This site is located within walking distance of the existing formal play area in Lakenheath which are maintained by the Parish Council (approximately 400m). There is potential to therefore provide safe access for young people to use these facilities. This may require a formal road crossing which will need to be agreed with highways.
- Given the issues that have been identified in relation to potential recreational pressure on both the nearby SSSI and the

SPA it is important that the POS functions to provide local greenspace for local residents. Ideally the greenspace should be connected to provide a space of sufficient size for a range of informal recreational facilities and link to a convenient walking route to enable exercising of dogs to divert the use of Maidscross Hill SSSI and LNR for this purpose. The layout of the site does not allow for this.

#### Mitigation measures proposed in the ecology report

- The mitigation measures proposed in the ecology report are listed below. A review of these concluded that they are achievable but would need to be conditioned if permission were given. However the mitigation falls short of what is required to mitigate for all of the impacts of the scheme identified and discussed above.
- Contribution to the management and enhancement of Maidscross Hill by way of a Section 106 agreement.
- Noise and dust during works will be controlled as necessary
- Light and noise pollution as a result of artificial lighting and human activity will be minimized and controlled through a sensitive lighting scheme with ground level lighting only to prevent disturbance to birds and bats
- The boundary trees and hedges will be retained and enhanced
- Maintenance and enhancement of a buffer strip along the eastern boundary of the site to reduce any impacts and maintain habitat connectivity in the wider landscape. Easement to be 5m
- Landscaping, management of the existing habitats and biodiversity enhancement delivered through a Construction Environmental Management Plan (CEMP)
- Precautionary site clearance having regard to breeding birds and reptiles/amphibians
- Operations within the working areas to be started outside of the bird breeding season to minimise the risk of disturbance to breeding birds that have already commenced nesting. Construction standoff from any active bird's nests found during the construction period (inconsistency in distance which varies between 10m and 25m)
- 30 bird and 20 bat boxes will be erected on the mature trees.
- Any potential refugia within the working areas will be hand

searched for the presence of herpetofauna (between mid-march and mid-June) immediately prior to clearance and prior to commencement of works. If amphibians or reptiles are discovered, works would stop until a mitigation strategy is developed

- The site manager and other site staff will be briefed (by suitably qualified ecologist) on the possible presence of protected species in the area.
- Habitats removed, wherever possible will be replaced at the earliest opportunity with native or wildlife attracting species.
- Trenches, pits or holes dug on site that are to be left will be covered over or have a ramp placed in them so avoid entrapment of wildlife
- Location of the site compounds and any material storage areas will away from important habitats, notably the boundary trees and hedges.
- Any brash and log piles on site will be searched by hand before removal
- Any external lighting strategy will be implemented to avoid impacts on bats
- All middle aged and mature trees to be retained and protected. Any trees to be removed to be surveyed to confirm the absence of any roosting bats.
- Standard pollution prevention measures will be put in place
- Contractors will implement measures to limit the presence of air borne dust during clearance and construction.
- If a period of more than 18 months passes between the date of this survey and the commencement of works then a further protected species site survey should be undertaken.

#### Proposed enhancements in the ecology report

- The proposed enhancements in the ecology report are listed below. The site layout plan shows little space identified on the boundaries of the site for strategic landscape planting such as hedges and trees. No details of landscaping have been submitted to show how native planting and standing water can be delivered.
  - Bird and bat boxes
  - Hedge and tree planting on the site margins
  - Planting native trees and shrubs within the site;
  - Creation areas of standing water such as ponds, SUDS

71. **Suffolk County Council (Highways – Development Management)** (January 2015) – suggested a number of **minor changes** should be secured to the layout prior to any planning permission being granted. The Authority recommended a number of controlling conditions which would be appropriate to impose upon a potential grant of planning permission, once the amendments had been secured.
72. In December 2015 the **Highway Authority** commented on the amended scheme as follows:
- The visibility splay needs to be 43m in each direction not 40m as shown
  - The tree along Broom Road that is shown alongside the cycleway, will need to be removed in order to achieve inter-visibility along broom Road.
  - There will need to be a 1m service strip along all adoptable highway where there is no footpath and any bollards in the highway will come with a commuted sum.
  - Plots 58-61 have below SCC standard parking provision, there is some visitor parking provided which should be allocated to these dwellings. This will however leave the site with lower visitor parking provision than is in the 2014 Suffolk Parking Guidance. More visitor parking provision needs to be designed into the scheme.
  - **S106** – contributions will be required towards a cycle scheme through Lakenheath (costs presently being calculated) and to upgrade the adjacent footpath (costs awaited).
  - **Travel Plan** – The submitted Travel Plan (as amended) is approved, although the Authority are awaiting more information on the cumulative transport assessment for Lakenheath before a formal response can be finalised.
73. The Highway Authority recommended a number of conditions that should be imposed following receipt of the amendments they had requested.
74. **Suffolk County Council (Highways – Public Rights of Way)** (December 2014) – no objections – and provide advisory comments with respect to Public Footpath No.11, which is adjacent to the site. The service did not wish to make any further comments in November 2015, following consultation in relation to the amended scheme.
75. **Suffolk County Council (Archaeology) (November 2014) – No objections** and comments the site is topographically favourable for early occupation of all periods. It also notes the site is close to Madsdross Hill, which is an internationally significant lower Palaeolithic

site that has yielded some of the oldest hand axes in Europe.

76. A preliminary field investigation has adequately demonstrated there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and full extent of these assets requires closer definition by a second phase of field evaluation and mitigation as necessary. Two conditions are recommended.
77. These comments and requirements were repeated in November 2015 when the **Archaeology** team responded to the consultation in relation to the amended plans.
78. **Suffolk County Council (Suffolk Fire and Rescue Service)** (December 2014) – **no objections** – Requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
79. **Suffolk County Council (Development Contributions)** – (December 2014) – initially raised a number of requests for developer contributions towards local infrastructure provided by or via the County Council. However, these comments were superseded following amendments made subsequently and so the original response to the planning application is not reported in detail here.
80. In November 2015 provided the **Development Contributions** officer provided 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.

- Previously there had been 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 primary 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. Of these, the proposal to include land for a primary school within the scheme under reference DC/14/2096/HYB is Suffolk County Council's preferred option subject to the following issues being resolved.
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - 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.
- The current proposal is for the land identified for educational use within application DC/14/2096/HYB to be transferred by way of an option agreement to SCC for a freehold transfer of £1. However, at the time of writing the application had not been determined by Forest Heath so there is currently no certainty about securing the school land. If an alternative site in the village needs to be purchased there is an assumption of, say, £350,000 per acre (£864,850 per hectare) which equates to £5,491 per pupil place. From this scheme of 120 dwellings a land contribution of £142,766 is appropriate.
- 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 together with the costs of providing temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school. At present, the strategy is for the land for a new primary school to be secured as an integral part of application number DC/14/2096/HYB. However, if this application is not determined or is refused, then Suffolk County Council will need to identify an alternative site within the village for a new primary school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 120 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 26 pupils of primary school age. The contribution to be secured from this development is therefore £462,228 (26 places x £17,778 per place).
- The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum alternative residential value of £864,850 per hectare is £142,766.
- 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 (2015/16 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 12 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £73,092 (2015/16 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.

### **Libraries.**

- A capital contribution of £25,920 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.



### **Superfast broadband.**

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

81. **Suffolk County Council (Floods Team)** (October 2015) **comment** as follows:

- We have reviewed the FRA and Drainage Strategy by Plandescil and currently we have no objections to the proposed drainage strategy. The use of soakaways is encouraged within our local SuDS guidance and this development utilises this method of disposal satisfactorily. Adoption/ownership of shared soakaways will need to be made clear to make sure correct maintenance is adhered to as listed in the maintenance schedule.
- I'm unsure of the proposed site levels once completed but using the existing topography of the site, during exceedance flows the majority of water will convey and accumulate in the western region of the site where the ground levels are lowest. Currently the proposed exceedance swales are located in areas where they won't intercept/capture a large proportion of the excess flooding. Can the applicant demonstrate why swales have been located in the areas proposed and how excess flood water will be routed towards them? Ideally these swales should have been located within a long strip of open space along the western boundary of the development.

### **Representations:**

82. The planning application has been the subject of two separate rounds of consultation; i) November 2014 and ii) November 2015. The following is a summary of the representations received.

83. **Lakenheath Parish Council** (December 2014) – **objects**. The following comments were submitted:

- It is agreed that the initial 800 houses originally allocated are expected in Lakenheath between now 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 Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has been granted and the further 674 for which permission is now being sought of which this application covers 147 dwellings.
- The single issue review has not been addressed yet therefore all developments now should be plan led not developer led, especially as the 5 year land supply for FHDC is presently resolved with the required 5% buffer. Therefore until the single issue review is completed all planning cases should be considered as premature. At the end of the day we are now shaping the village for the next

100 years.

- 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 was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will use Broom Road to enter the High Street although some will use Roebuck Drive leading into the North Road and Eriswell Road Junction which is less congested as a general rule. This is contrary to Policy CS4 not encouraging additional car usage. This policy provides for safe and attractive footpaths and cycle linkages to be kept or created to link any new development into nearby areas. These should be extended into the private driveways suggested for the estate.
- Education. How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwellings, including infill. 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. Indeed Sir Michael Wilshaw, head of Ofsted on TV Wednesday 8th October evening totally slammed the education system in Norfolk and Suffolk. He said; "Some of the unluckiest children live here in Ofsted's East of England region. Despite some recent improvement, they still have among the lowest chances in the country of attending a good or better school.
- Primary schools fare worse here than in almost every other region and secondary schools also lag behind. "Our educational problems cannot be resolved whilst we have SCC as the provider messing about with children's education to this level of incompetence.
- Sewerage. Anglian water will always say 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. Additionally the surface drains do not cope presently at the bottom of Mill Road, Broom Road and Avenue Road as it meets Eriswell Road. There have also been problems at the end of Roughlands where it meets Broom Road, Eriswell Drive where it meets Broom Road and occasionally in Highfields. This needs to be addressed before any problem is created with the additional capacity.
- Roadways will be strained with the additional traffic from this proposed development. The High Street is already congested at various times of the day. The proposed site is a distance from the centre of the village and it is likely that there will be at least 2 cars per family. Additionally the junction of Broom Road with the High Street is already fairly congested at various times of the day. As a bus route it will not be possible to slow traffic down. A solution will have to be found elsewhere to improve this. Installation of traffic lights would have to be considered particularly if the application for

Maids Cross Hill is also accepted.

- Planning Statement suggests good safe pedestrian links as there are many shared surface ways not sure how this can be considered safe. Pavements are only provided down the middle of the proposed development including a cycle route on one side? How is this safe to pedestrians?
  - The density and layout of the proposed dwellings is out of character and certainly does not reinforce local distinctiveness of the area (contrary to CS3 and CS5). Dwellings in surrounding areas sit in more spacious grounds a setting more amenable and pleasing; the design is too dense and visitor parking inadequate bearing in mind particularly the area of shared surfaces and given the poor level of public transport within the village, thus contrary to FHDC Policy 4.14, Policy CS3, more importantly, Policy CS5 and Policy CS6. The planning statement has been drawn up assuming that FHDC does not have a 5 year land supply, which is now not the case.
  - If mindful to accept a development in this location it is suggested that it should be reduced in numbers and proper roads provided with pavements both sides incorporating a cycle route on one side. It is considered that developers should be asked to provide dog waste bins.
  - It is also suggested that the mix of affordable homes are reassessed. At the moment there is on the current waiting list for affordable homes with Lakenheath as their chosen home 209 applicants. Of this 119 want a 1 bed home, 60 a 2 bed home, 23 a 3 bed home and 7 a 4+ bedroom property. Of the 209 applicants 5 only want Lakenheath, 51 have Lakenheath mentioned as a possible choice of home and 153 were not worried where they were provided with a home. The developer proposes to build 38 3 bed and 6 2 bed affordable homes. This does not reflect current needs for the village.
  - An assurance that the developer provides the renewable technologies is requested to ensure a 'Greener Estate' in accordance with the provision of CS3.
  - 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.
84. Lakenheath Parish Council (November 2015) – support the planning application and provides the following comments:
- Firstly Lakenheath Parish Council is in favour of the suitability of this site for development which as proposed we are happy to support. However we still have concerns and reservation over sustainability and infrastructure as follows:

- There are no plans to increase or improve public transport; Lakenheath now only has one bus service which links Lakenheath with Thetford, Brandon and Mildenhall Monday to Saturday only. This is contrary to Policy CS4 not encouraging additional car usage.
- Roadways will be strained with the additional traffic from this proposed site with no new roads or road improvements envisaged; residents from the site will use Broom Road to enter the High Street although some will use Roebuck Drive leading into the North Road and Eriswell Road Junction which is less congested as a general rule. As a bus route it will not be possible to slow traffic down. A solution will have to be found to improve this taking into account the tight turn from Broom Road left into Eriswell Road. An addition to the traffic impact assessment currently being arranged by Suffolk County Council should be extended to include this site. Any recommendations as a result should be carried out.
- Education. We are aware that an additional primary school is to be provided for the Village but not till the summer of 2017 at the earliest. On this point alone any development should be delayed until the new school is provided. The site is yet to be agreed.
- A condition that the developer provides the renewable technologies is requested to ensure the 'Greener Estate' as suggested is in accordance with the provision of CS3.
- On previous sites within Suffolk, thinking of Westover in Mid Suffolk in particular, it was legislated that garages cannot be converted in the future into living space. We would ask that Permitted development rights should be removed for any such conversions on this site. This will safeguard any shortage of car parking spaces in the future.
- Phasing should be agreed over a 4 year period so that the expansion of the Village is gradual bearing in mind the other developments which could occur simultaneously.
- Following discussions with a representative of Necton Management they will consider providing the Village with the following in return for leaving the open spaces as open spaces without a play park due to the close proximity of that already in existence at the playing fields:
  - a. Benches / seating in the open space area
  - b. Provision of a Safe Pedestrian Crossing near the Doctors in the High Street to access the playing fields
  - c. £30,000 to the playing fields to fund an extension to the Pavilion
  - d. £30,000 to the Village Halls to bolster fund to join same with the peoples project
  - e. Dog Bins (including emptying)

- f. Litter Bins (including emptying)
- g. Notice board; to match those now being provided to various parts of the Village. Perhaps this could be located near the area where the proposed new bus shelter is to be provided

- It has also been agreed with the developer that they will provide an annual sum, yet to be agreed, to cover the cost of grass cutting the open spaces in the growing season.

85. **Lakenheath Parish Council** – (January 2015) submitted further representations with respect to all of the 'live' planning applications set out in the table below paragraph 15 of this report above. The representations were received via Solicitors representing the Parish Council. The following matters were raised:

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

86. Seven 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);

- The new access will displace some on-street parking from Broom Road to the detriment of residents and/or their visitors whom often need park on the roadside.
- There are already problems with large vehicles finding it difficult to pass in Broom Road.

- The lights of vehicles using the proposed access will shine on the windows of the properties on the opposite side of Broom Road to the detriment of residential amenity.
- The development would be outside the village settlement boundary.
- Broom Road and its footpath, are narrow and unsuited to further traffic movement.
- Caudle Avenue is narrow and not suited to traffic growth.
- The B1112 is particularly busy during school drop-off and pick up periods.
- Buses are infrequent during the daytime with no service at night time. The development would generate a large number of additional journeys and would require enhance public transport provision. The development is not compatible with the notion of sustainable development.
- The development would increase the burdens on village amenities, including the GP surgery and primary/pre-school facilities.
- The proposed play area is likely to encourage anti-social behaviour, which has been experienced elsewhere.
- The site may well be contaminated given its historic use as an abattoir.
- Water pressure is presently not adequate. The development proposals would cause further problems.
- The site is greenfield land, probably agricultural grade 3a. Brownfield sites should be given preference for development.
- The development will be impacted by noise from aircraft flights from the nearby RAF Lakenheath airbase.
- Are there safety issues (direct or indirect) if development is built close to a military base?
- The development is not needed. There are already a number of empty dwellings in the village which detract from its character.
- Roads in the area, particularly where a right turn manoeuvre onto the Brandon Road is required, are busy with queueing experienced at many junctions.
- Further traffic congestion is likely to reduce highway safety further as drivers become impatient and take greater risks.

- Visibility from Broom Road onto The Street is poor.
  - The site is close to the SSSI and the increase in use, particularly by dog walkers is likely to be detrimental to it.
  - Devaluation of existing properties.
  - Development would lead to loss of light.
  - The development would bring no community benefits to the village.
  - Surface water flooding on the High Street and Eriswell Road can be a problem.
  - The GP surgery already has long waiting lists, without further development.
87. One further letter was received in response to the first consultation from the occupiers of one of the dwellings in Caudle Avenue backing onto the south boundary of the site. The author does not object to the planning application per se, but expresses concerns about the location of the proposed 'new adaptable pumping station' and requests further information regarding any emissions from the plant (e.g. noise and odours).
88. Four further letters were received from local residents in response to the second round of public consultation (carried out in November 2015). All of these submitted objections to the planning application. The issues and objections raised by the objectors largely reflect the comments received in response to the first consultation (set out above) with the following additional matters (summarised):
- The vast majority of dwellings in the area are bungalows, but the majority proposed in the planning application are two-storeys.
  - RAF Mildenhall is scheduled to close and this will reduce demand for housing whilst providing a new supply.
  - There is no mention of the archaeology of the site.
  - The development will inevitably be sold to the rental market. The village does not need any further rental properties.
  - My property (in Caudle Avenue) would be overlooked.

**Policy:**

89. 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)**

90. 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.
- 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)**

91. 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)**

92. A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and 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. The following saved Local Plan policy is relevant to these proposals;

**Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.

### **Other Planning Policy:**

#### Supplementary Planning Documents

93. 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

94. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). At the time of writing, the Council's formal consultation on its 'preferred options' was on-going (but is due to end a few days in advance of the Development Control Committee meeting). Following any further amendments made to the document, in the light of public consultation, 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.
95. 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 National Planning Policy Framework, the greater weight that may be given.
96. The emerging Single Issue Review and Site Allocations documents have reached 'Preferred Options' stage but, given the consultation period is yet to be completed, these emerging documents can be attributed only very little weight given the significant uncertainties that surround the content of the 'submission' and 'final' versions of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is not included as a Preferred Option for development.

#### National Policy and Guidance

97. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are

expected to be applied.

98. 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.”

99. 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".

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

101. 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 regularly updated on-line) assists with interpretation about various planning issues and advises on planning policy, best practice and planning process.

**Officer Comment:**

102. This section of the report enters into discussion about whether the appeal development 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 following an exercise to balance the proposals benefits against its dis-benefits.

## **Principle of Development**

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

103. 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.
104. 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.
105. 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"*.
106. 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 as part of the emerging Single Issue Review document.
107. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1<sup>st</sup> March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision dated 05 May 2016). General policies relating to the supply of housing can, therefore, be considered up to date and the Councils position with respect to the 5-year housing supply has been validated at appeal. Officers propose the Council should make representations to the public inquiry to that effect.

### What is sustainable development?

108. 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;)
109. 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.
110. 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

111. The Strategic Planning team have raised concerns that the proposals for development at the appeal site would be premature and prejudicial to the emerging Local Plan.
112. 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:
113. 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.

114. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. 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.
115. In this case the appeal site is not included in the Council's 'preferred options' version of the emerging Local Plan Site Allocations Document and has been 'deferred' from that document.
116. The decision maker's consideration of potential prematurity and prejudicial impact upon the plan making process needs to be undertaken in the light of the evidence to hand and following assessment of the key contributing factors, including potential cumulative effects. These are discussed below. The potential for the appeal proposals to be premature and prejudicial to the local plan process is considered later in this section of the report.

#### Development Plan policy context

117. 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).
118. 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.
119. 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.

120. 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.
121. 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.

#### Impact of the announced closure of Mildenhall airbase

122. In January 2015 the Ministry of Defence announced the United States Air Force is planning to leave the Mildenhall airbase over an extended period whilst at the same time increasing its operations at the Lakenheath airbase. The announcement has only very limited impact upon the consideration of this non-determination appeal given any development opportunities which may arise at the base are not likely to occur in the short term (i.e. within the 5-year housing supply period) and may need to be planned for during the next Local Plan cycle.
123. The emerging Site Allocations Local Plan – Preferred Options, includes the following commentary on the announced closure of the Mildenhall airbase:
  - *3.7 It was announced on 18 January 2016 that the Government will be selling off RAF Mildenhall for housing once the United States Air Force vacates the base by 2022. Until there is certainty from the MoD over the deliverability and timescales for bringing the site forward, it is not possible to include the site as an option in the Site Allocations Local Plan. Should this position change during the plan period, the council will immediately commence a review of the local plan and a masterplan will be prepared.*

#### Officer comment on the principle of development

124. The application site is situated outside the settlement boundary of the village and is thus situated in the countryside for the purposes of interpreting relevant planning policy. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies providing for settlement boundaries (namely policies 3.1, 3.2, 3.3 and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by policy CS1 of the Core Strategy upon adoption in 2010. Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, but the document itself does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and thus continue to have Development Plan status.
125. The settlement boundaries are illustrated at a large scale on the

Policies Map accompanying the Joint Development Management Policies Document such that it is difficult to establish their detailed alignment. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Policies Document and thus their detailed alignments have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable and appropriate to read the Policies Maps and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

126. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. The 'Preferred Options' Site Allocations Plan does not specifically extend the settlement boundary at Lakenheath to include the appeal site. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications, until the review within the Site Allocations Plan progresses and can be attributed greater weight.
127. The application proposals are contrary to the settlement policies set out in the Development Plan, particularly given the location of the site outside the defined settlement boundary. The development is also inconsistent with the emerging settlement policy provision insofar as it is not a favoured site of the 'Preferred Options' version of the emerging Site Allocations Development Plan document and there are no proposals to extend the settlement boundary to include the appeal site. Notwithstanding the conflict with Local Plan policies relating to settlement boundaries, and given the absence of 'up-to-date' policies for housing provision at Lakenheath, a key determining factor in the forthcoming appeal will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). In order to draw conclusions in that respect, consideration must be given to whether the dis-benefits of development would significantly and demonstrably outweigh its dis-benefits, as required by the Framework.
128. Relevant policies in the Core Strategy should be attributed appropriate weight, with greater weight attributed to those policies consistent with national policies set out in the Framework. There is no over-arching short term need to realise a housing development at this site given the Council is presently able to demonstrate a 5 year supply of housing development. Accordingly, the delivery of the 120 houses proposed by the planning application should not carry the 'significant weight' that would otherwise be attributed to it in circumstances where a five year housing supply cannot be demonstrated.
129. 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 the 'planning balance' and whether the proposed development is 'sustainable' development, is set



out below on an issue by issue basis.

## **Impact upon the landscape and trees**

### Impact upon landscape

130. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land. 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 'in principle' sense.
131. 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.
132. 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.
133. 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.
134. 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.
135. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, the settlement boundaries are to be afforded reduced weight in considering this planning application.
136. 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.

137. 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.
138. The development would be harmful to the immediate local landscape as a matter of principle given that it would ultimately change its character from undeveloped agricultural land to a developed housing estate. The character change is to be regarded a dis-benefit of the proposals.
139. 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, the likelihood is tempered somewhat by the presence of significant existing development in the village which wraps around three of the four site boundaries, leaving only the eastern boundary abutting the countryside. That said, the line of mature and protected pine trees marking this boundary is a key local landscape feature, particularly in public views from Broom Road and the public footpath which runs alongside them. The impact of the development proposals upon these TPO protected trees and their incorporation into the design and layout of the appeal proposals requires careful assessment.

#### Impact upon trees

140. The protected pine line marking the eastern (side) boundary of the appeal site is the most important feature of the site and an important natural asset being of benefit the local landscape. Pine lines are a distinctive landscape feature of the 'Brecks'. The trees have been afforded formal protection via a Tree Preservation Order in recognition of their high landscape and amenity value.
141. The Ecology Tree and Landscape Officer has expressed concerns about the design and layout of the proposals, in particular, the relationship of the proposed development to the pine line (please refer to paragraph 69 above). A number of dwellings towards the east boundary of the site are considered to be positioned too close to some of the tree specimens in the pine line. Indeed, a number of breaches of the root protection area have been identified. Not only would this threaten the future of the trees through damage, the inclusion of the dwellings close to the tree line, with some marking (or within) garden boundaries, would increase pressure to fell trees in the future (following occupation) and would reduce their significance and impact as a group.

142. Officers consider the position of dwellings close to trees is an unnecessary feature of the site layout and represents a poor design solution. Furthermore, opportunities have been missed to make a feature of the tree line through strengthening it and providing an appropriate setting by incorporating the tree line into a green corridor of public open space along the eastern boundary. Indeed direct and indirect benefits would arise of the tree belt were to be properly incorporated into the design and layout of a development scheme. These would include landscape, urban design and ecological benefits. The scheme, as presently proposed, would be harmful in these respects.

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

143. 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.
144. 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.
145. 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.
146. 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 partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
147. 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.
148. 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)).

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

*Information submitted with the planning application*

150. The planning application is accompanied by a Transport Assessment (TA). The TA tested a theoretical development of 170 units to cover the 147 dwellings that were proposed at the time (first submission of the planning application) and a potential development of the strip of agricultural land that would remain behind the appeal site to the west. The application was subsequently amended with the number of dwellings reduced to 120. The TA has tested a quantum of development in excess of that currently proposed by the appeal application.
151. The TA document examines the local highway network, including existing facilities for pedestrians, cycling, public transport and the local road network before assessing accident records on relevant routes within the confines of the village. It goes on to appraise relevant local and national planning policies for transport and considers the sustainability and accessibility credentials of the location.
152. In assessing the traffic impact of the development proposals, the TA document predicts (for a scheme of 170 dwellings) an average of 102 motorised (excluding buses) trips during the am peak (24 arrivals and 78 departures) and 108 motorised trips (excluding buses) during the pm peak (71 arrivals and 37 departures). It then goes on to assess traffic flows and distribution, using 2014 baseline data. A number of key junctions around Lakenheath and the wider road network are assessed in relation to their capacity during peak periods. The TA

document draws the following conclusions:

- The TA reflects agreements reached with the Highway Authority.
  - An accident review concluded that the proposed development will not increase the propensity for accidents to occur in the area.
  - The site is sustainable in terms of its location to adjacent services and facilities and existing residential areas and is accessible by sustainable modes of transport.
  - There is sufficient capacity available within the network to accommodate the proposed development.
  - On-going discussions are to be had with the Highway Authority in order to determine if crossing points should be provided in the local area of Broom Road.
  - There are no highways or transportation issues which prevent the Highway Authority supporting the proposed development.
153. An addendum to the TA document was submitted in October 2015 following amendments to the planning application which included reducing the number of dwellings proposed from 147 to 120. The addendum concluded, simply, that the [traffic] impact will be much less than previously assessed given the drop in dwelling numbers.
154. In spite of the claims in the TA about the sustainability and accessibility credentials of the site in transport terms, 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. Indeed, of all the trips forecast during the am and pm peaks, the TA predicts only four trips would be via bus, 4 by bicycle, 10 by walking with a further 10 car passengers (naturally occurring car share). Some of the regular car journeys emanating from the site could be lengthy (non-airbase employees in particular). However, it must also be acknowledged there are a range of services and facilities in the village that will prevent the need for travel to access some destinations. Furthermore, the proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy and the village is likely to accommodate future growth (around 800 dwellings) as part of the emerging site allocations Local Plan document. Having due regard to 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 locationally sustainable in transport terms.
155. 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 including site-specific considerations, subject to further relatively minor amendments being made to the

proposals.

156. The TA confirms that off-site works are likely to be required in the Broom Road area in order to facilitate safe pedestrian (and possibly cyclist) access to the village facilities. There may also be a requirement to provide a crossing over High Street to the west of the site in order to secure safe pedestrian passage to the public open spaces and children's play equipment which are present there. Whilst the TA suggests discussions were ongoing with the highway authority in that respect, no confirmations or solutions have been submitted with the planning application. These outstanding matters will need to be resolved in advance of the public inquiry. Otherwise, if the highway concerns remain and/or any required local highways mitigation cannot be secured, the localised highway impacts of the proposed development might be deemed a disbenefit of the proposals when considering the planning balance.
157. Subject to the amendments and off-site works requested by the Highway Authority being secured, access to the proposed development, in isolation from other developments in the village, is considered safe and suitable and the development (again, in isolation from other developments in the village) would not lead to significant highway safety issues or hazards. 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/approved in the village, the independent assessment of which is discussed later in this report) would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

### **Impact upon natural heritage**

158. 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.
159. 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.
160. 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.

161. 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

162. 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 such that no direct impacts upon the SPA are anticipated as a consequence of the proposed development. Natural England has confirmed their view in this respect, which is set out at paragraph 24 above.
163. The site is also outside but close to the 1.5km buffers to Stone Curlew nesting sites that have been recorded outside the Special Protection Area. Natural England initially objected to the planning application on grounds that up to date records of nesting attempts within 1.5km of the application site had not been submitted or analysed as part of the applicant's ecological assessment. Upon later consideration of the information, when submitted to them, Natural England confirmed, in their view, the species would not be directly affected by the proposals (paragraph 24 above).
164. The SPA is also vulnerable to increased recreation visitor pressure (indirect impact) arising as a consequence of new housing developments, including those located at distances greater than 1.5km from the SPA boundaries. Indirect impacts upon the conservation interests of the SPA can not automatically be ruled out and further consideration of potential indirect recreational impacts is required.
165. The applicant has submitted an extended Phase 1 Habitat and Protected Species Survey which includes a 'Breeding Bird Survey and Stone Curlew Impact Assessment' as one of its appendices.

166. The applicant's ecological information does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The scheme apparently contains no measures to mitigate, off-set or avoid potential recreational impacts upon the SPA. If the applicant had considered the point, it is likely the public open space provision would have been enlarged and/or re-configured in order to attract dog walkers to use the development site for day-to-day recreational activities in order to reduce the number of recreational trips into the SPA.
167. It is likely the occupants of this scheme will use the nearby SSSI for day to day recreation (dog walking in particular) as opposed to the application site and the more distant SPA given i) the absence of alternative suitable provision within the development proposals, ii) it is an attractive 'open space' with public access and iii) it is in close proximity and accessible from the application site. The SSSI already suffers from recreational pressures and as a consequence is presently in an unfavourable condition. The impact of development upon the SSSI is discussed below.
168. It is considered that the proposed development, in isolation, is unlikely to have a significant impact upon the SPA and the requirement for the decision maker to carry out Appropriate Assessment of the project under Regulation 61 of the Habitats Regulations is not triggered. Notwithstanding this conclusion, it is likely the development would lead to minor adverse impacts upon the interests of the SPA, owing to the increased human population in the area of influence for visitor pressure. These minor adverse impacts which, whilst acceptable on their own in the context of this planning application, would still qualify as a dis-benefit of the planning application and needs to be taken into account when considering the 'planning balance'. The adverse effects also need to be carefully considered alongside the potential impacts arising from other developments, particularly those at and close to Lakenheath. The potential for cumulative or, 'in-combination' recreational impacts upon the SPA are considered later in the report.

#### Maidscross Hill SSSI

169. The Maidscross Hill SSSI is situated a short distance (around 200m) to the east of the application site. The designation supports nationally rare plant species associated with the open calcareous grassland. The SSSI is currently in an unfavourable condition owing largely to the impacts of its use for recreation (excessive trampling under foot and enrichment of soil from dog walking). The main reason for the unfavourable status of the SSSI is a decline in the Grape Hyacinth population.
170. The SSSI is particularly vulnerable to the impacts of recreational use and the application proposals would, if approved and implemented, increase pressures on the facility. These pressures would arise given the increase in human population in close proximity to the facility



combined with the absence of suitable alternative provision of recreational facilities (attractive and convenient dog walking routes, in particular) as part of the development proposals, or elsewhere away from the SSSI.

171. The development of the site would also serve to erode the buffer it helps to create between the village and the SSSI.
172. The planning application material acknowledges the likely adverse recreational impacts of the development upon the Maidscross Hill SSSI, but does not assess the matter in detail or propose specific measures to mitigate or avoid the adverse impacts. No approaches have been made to the Council which has management responsibilities over the SSSI to discuss any measures that might be appropriate.
173. Recreational impacts upon the SSSI arising as a direct consequence of the development cannot be ruled out at this time and is therefore a significant disbenefit of the development. Natural England has maintained its objection to the proposals on this ground. The matter has remained unresolved since Natural England's first response to the planning application in December 2014.

Other ecological issues.

174. The Habitat and Protected Species survey submitted to amend the planning application in October 2015 assessed i) any likely significant effects on flora and fauna arising from the proposed development of the site, ii) the presence or likely use of the site by protected species and biodiversity habitats, and iii) habitats of 'principle importance' to UK biodiversity. The report also proposes measures for avoidance, reduction or compensation for those effects, together with biodiversity enhancement measures and recommendations for further assessment.
175. The applicant's assessment states the interior of the site contains a relatively low diversity of habitats with the plant communities being ecologically unremarkable. The study did not, however, detect the presence of Grape Hyacinth at the north, roadside boundary of the application site. This particular plant is nationally rare and is a qualifying feature of the nearby Maidscross Hill SSSI (and is in decline at that location). The application material does not acknowledge the presence of this species at the site and no provision has been made in the Ecological report, or elsewhere, to retain and protect it as part of the development proposals. Whilst some open space is illustrated in the affected area (the extent of which has not been clarified), there is a public footpath proposed at the location, which suggests species could be curtailed or destroyed if development proceeds in the form proposed.
176. Furthermore, the ecological assessment accompanying the planning application recognises the site is likely to be suitable for nesting skylarks and that development would reduce potentially suitable habitats, but does not propose any mitigation for this loss. Instead it

claims there are suitable alternative sites for the species elsewhere.

177. Taking a precautionary stance, and in the absence of assessment as part of the material accompanying the planning application, the potential loss of notable plant species (Grape Hyacinth) and habitat for Suffolk Priority Species (Skylark), without mitigation proposals being forwarded, is a significant disbenefit of the development.
178. Notwithstanding the omissions of the ecological information accompanying the planning application identified above, the ecological report makes the following recommendations for mitigation:
  - Undefined S106 contribution to be used for (undefined) management and enhancement of the SSSI to off-set recreational impacts;
  - Control of noise and dust during construction
  - Control of lighting of the residential scheme.
  - Protection and enhancement of boundary trees, hedging and shrubs.
  - Retention of field margins where possible (for marginal habitats)
  - Provision of a buffer strip along the eastern boundary (to minimise impact upon ecology and maintain habitat connections).
  - Implementation of a Construction Environmental Management Plan.
  - Avoidance of disturbance to nesting birds during the active nesting season, March to August inclusive.
  - Precautionary site clearance
  - Protection of any bird nests identified via high visibility fencing allowing a 15 metre buffer (or 25 metres for ground nesting birds).
  - Over-night covering or ramping of any trenches, pits or other holes dug at the site.
  - Sensitive positioning of site compounds and other activity areas.
  - Pollution prevention measures
  - Further survey work (in the event the applicants ecological assessment becomes out of date)

- Ecological enhancements, including provision of 30(no) bird and 20(no) bat boxes on mature trees, hedge and tree planting on site margins, planting of native species trees and shrubs within the site and, creation of standing water such as pounds or SUDS.
179. The implementation of many the recommendations set out in the Ecological Assessment could be secured by a suitable method statement imposed by planning condition. Some of the proposals for mitigation (e.g. provision of a buffer to the site margins, protection of the tree belt) and certainly the protection of Grape Hyacinth species to the site frontage may well necessitate amendments to the site layout in advance of the appeal. Other mitigation proposals, including management/enhancement of the SSSI (if suitable proposals are forthcoming from the applicants) and possibly the provision of bat and bird boxes (given the trees appear to be located off site on third party land) may well need to be secured as part of a suitably worded S106 Agreement.

**Impact upon the RAF Lakenheath base.**

180. The Ministry of Defence (MoD) has confirmed that increases in use of the Maidscross Hill SSSI for recreation as a consequence of development is of concern to them and a request has been made that the Council take this into account when reaching a decision on the planning application (ref paragraph 28 above). In particular the MoD has expressed the following concerns about the application proposals (extract repeated from paragraph 28 above);
- *...the MOD is concerned that the development may have an indirect impact upon our management of explosives safeguarding zones surrounding explosives storage facilities at RAF Lakenheath.*
  - *The application site abuts the inner explosives safeguarding zone known as the inhabited building distance (IBD). In this zone the MOD monitors land use changes and the associated level of occupation to maintain explosives licensing standards.*
  - *There is the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve which occupies the inner explosives safeguarding zone. If the development increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.*
181. Whilst the planning application proposes a policy compliant level of on site public open space (as discussed later in this report) that provision would not by itself divert or fully mitigate the impact of the development upon the Maidscross Hill SSSI. The Ecological

Assessment submitted with the planning application concedes the development is likely to increase recreational pressures upon the SSSI. The Assessment also suggests the physical impact of the increased recreational pressure upon the qualifying features of the SSSI could be mitigated (and suggests wardening may assist in that respect).

182. The material accompanying the amended planning application does not, so far, explore or attempt to mitigate the impact of increased recreational activity in the SSSI upon the operations of the Lakenheath airbase. Whilst the implications of increased recreational use of the SSSI upon the viability of the explosives handling operations of the airbase is not entirely clear at present, it would at the very least, count as a disbenefit of the proposals. Further clarification will be sought from the MoD in advance of the appeal.
183. The apparent conflict also lends support to the prematurity arguments cited against the development elsewhere in this report and adds further weight to the Local Plan (Site Allocations) strategy of providing new housing development at locations away from the Maidscross Hill SSSI and airbase.

#### **Impact upon built heritage**

184. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. 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.
185. 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.
186. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
187. 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).
188. The development proposals would not impact upon any listed buildings, (including their settings) and is suitably distant and separated from the village conservation area such that it would have no direct impacts upon it. If the development is approved at the forthcoming appeal there is likely to be a small increase in traffic using the main road through the Conservation Area following occupation,

but this is not considered to lead to significant impacts arising with respect to its character or appearance.

189. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and at least 1% sample trial trench evaluation. The applicant commissioned Suffolk County Council to carry out the preliminary investigations.
190. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 75-77 above. Further archaeological investigations and recordings could be secured by means of appropriately worded condition in the event that planning permission is subsequently granted at the forthcoming appeal.
191. The development proposals would have no significant impacts upon heritage assets.

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

192. 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."
193. 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".*
194. 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.
195. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.

196. 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

197. 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 120 dwellings proposed by this planning application.
198. 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, albeit regard should be had to more up-to-date evidence that may be available, including comments and evidence received from relevant infrastructure providers.
199. 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.
200. 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).
201. The IECA report suggests 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 915 additional residential units (the proposals for 550 dwellings at Eriswell would be served by different treatment works and are thus not included in this calculation).

#### Waste water treatment infrastructure

202. 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.
203. 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.

204. Anglian Water Services has not objected to any of the currently live planning applications listed in the table at paragraph 15 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.

205. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report and the advice received from Anglian Water Services above. Accordingly, the available evidence concludes this development is acceptable with regard to waste water infrastructure. Indeed this conclusion is corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application, subject to conditions.

#### Water supply

206. 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

207. 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**

208. 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.
209. 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.
210. 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.
211. 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.
212. The application site is in Flood Zone 1 (low risk of flooding). The proposed dwellings would not therefore be at risk from fluvial flooding. The document also explains the Environment Agency's Surface Water Flooding Map indicates the site to be located in an area of very low risk where there is less than 1 in 1000 (0.1%) change of surface water flooding in any one given year.
213. The drainage strategy prepared for the development proposes an infiltration drainage system using soakaways. A swale is proposed to be located within the public open space in order to provide exceedance storage capacity following periods of particularly inclement weather.
214. Suffolk County Council's Flooding Team has approved the drainage strategy in principle, but has requested further technical details (see paragraph 81 above). These matters, which presently remain outstanding, could be secured by means of planning condition if they are not resolved prior to the determination of the planning application



at appeal (or, potentially, the Secretary of State). It is anticipated the outstanding matters will be satisfactorily resolved in advance of the formal Public Inquiry sessions.

215. The planning application is accompanied by a Desk Study Ground Contamination Report. The study has found some 'anecdotal' potential sources of contamination at the site but considered the risks to be low.
216. 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 from agricultural sources, including measures to secure any remediation necessary. The Environment Agency has identified there is a Principal Aquifer beneath the site which is particularly vulnerable to potential contaminants. The Agency also recognises potential contaminants from the previous agricultural use of the site and recommends a similar condition to ensure further investigations and remediation works are carried out at the site.
217. 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'.
218. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (FW drainage), the Council's Environment Team (contamination and pollution control) and the the Floods Team at Suffolk County Council (SW drainage) have not objected to the proposals (subject to being satisfied of further technical detail). A number of conditions are recommended in order to secure appropriate mitigation and/or detail.
219. 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 subject to appropriate conditions being imposed upon any (potential) grant of planning permission.

### **Impact upon education**

220. The County Council as Local Education Authority has confirmed the village school has reached its 315 place capacity. This means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility which is yet to be built in the village or diverted to alternative primary schools outside of the village.
221. It is unlikely that the Local Education Authority would be able to cater for the educational needs of the 30 primary school pupils forecast to emerge from this development at the existing village school. The County Council has confirmed, following consideration of other

potentially available sites in the village, that a site for a new primary school currently proposed by an alternative planning application is their 'preferred option' for delivery. The County Council remain intent on securing the land and building a new primary school for opening in September 2018. However, at the time of writing the Council has not determined the planning application such there can be no planning certainty (let alone education provider certainty) that a new primary school will be available in the village to accommodate pupils emerging from this development.

222. This situation is likely to develop in the run up to the public inquiry but, assuming a worst-case scenario, the pupils emerging from this development may need to be schooled at locations away from the village, certainly in the short term. This is likely to be the case unless the position surrounding delivery of a new school crystallises in the meantime and enables the Local Education Authority to open a new school by September 2018. Suffolk County Council has acknowledged that school children may need to travel out of Lakenheath if new developments in the village are occupied in advance of a new school opening. SCC has expressed concerns that such arrangements would not represent sustainable development or good planning.
223. If primary school pupils (as young as four years old) emerging from this proposed development are forced to leave the village in order to gain primary education it would be an unfortunate consequence and a disbenefit of the development proposals (albeit it is unlikely to be a permanent disbenefit). That said, if the applicant is willing to commit their 'pro-rata' share of the reasonable land and construction costs of the new primary school infrastructure that will be required to facilitate new development in the village, they will have done all they reasonably can to mitigate the impact of their development with respect to primary education provision.
224. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.
225. Further discussions regarding the cumulative impacts of development on Lakenheath upon education is set out later in this report.
226. It is likely that an early years facility would be provided alongside the new school, funded (in part) by contributions secured from developments in the village (including some of those listing in the table beneath paragraph 15 above) that may be consented.

### **Design and Layout**

227. 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.

228. 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.
229. 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.
230. The application seeks full planning permission for development so details of the site layout and appearance of the dwellings are included for consideration.

#### Relationship to context

231. The application site is situated towards the south of the village and effectively 'bolts-on' to an existing mid 20<sup>th</sup> Century housing estate. There is a mix of single-storey and two storey dwellings in the vicinity of the site; predominantly bungalows along this part of Broom Road, and predominantly two-storey units on the housing estate to the west. The site is detached from the core of the village, a designated conservation area, and has no visual relationship to the more vernacular buildings along the village High Street. The proposal's organic, informal layout, mixture of standard house types, despite not being of the typical Suffolk vernacular, would reflect the character of the existing housing in the area.

#### Connectivity

232. Owing to the relationship of the development site to existing housing, there are limited opportunities to connect west or south (into the adjacent housing estate). There is reasonable connectivity from the site to the village, although the majority of the village facilities would be located further from the site than the 'typical' walking distances. The roadside footpath network would benefit from some improvements and the potential need to provide informal crossing points in Broom Road is acknowledged in the submitted Transport Assessment. A further formal pedestrian crossing across the B1112 High Street/Eriswell Road may also be required in order to facilitate safe pedestrian access to the public open spaces and play area at the bottom of Broom Road. Further discussions will be required with the

Highway Authority in order to establish need and precise requirements (and costs).

233. Connection is made into the adjacent residential estate at a single location towards the south west corner of the site. Good connections are provided onto the public footpath that runs along the western site boundary. The development maximises opportunities to connect back into the village. Furthermore, opportunities to make connection to any further future development of the 'land-locked' parcel of agricultural land to the immediate west of the site are facilitated through the design of the scheme.

#### Existing trees

234. The physical relationship of the proposed development to the line of pine trees along the eastern boundary of the site has been assessed above, at paragraphs 140-142 of this report. The close proximity of the development to the pine trees is unsatisfactory and unnecessary. The layout of the scheme contradicts the applicants own arboricultural and ecological assessments in this respect.
235. The arboricultural assessment identifies a root protection area (RPA) inside the eastern boundary of the site and proposes erection of protective fencing to mark and protect this area, yet the layout of the development proposes several breaches of the protective fencing, eroding the buffer to the RPA and in some instances, proposed buildings or hardstandings actually abut or breach the identified RPA.
236. The ecological assessment identifies the pine line as the most important asset of the site. It suggests the feature should be protected by a buffer of undeveloped land and if properly retained and incorporated would be an important connection and corridor for wildlife. The proposed site layout does not respect or give due prominence to the pine line but instead backs onto it incorporating the trunks within what appears to be domestic garden fencing likely to be of crude suburban construction and appearance. The opportunity to embrace the pine line has been missed in this scheme. The dwellings closest to the pine line could be turned to face towards it and moved back, away from the specimens providing them with due space and prominence in the development. Separation of the built form from the trees could have been achieved by providing the public open spaces along this boundary as a 'linear park' alongside the public footpath.
237. It is apparent that little thought has been given to the incorporation of the pine line into the development and the situation as proposed for the trees, is a particularly poor, yet unnecessary design feature of the scheme.

### Parking provision

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

### Efficiency of layout

241. The use of single-sided access roads serving plots around the public open space would be an inherently inefficient use of land, but this needs to be balanced against the design and crime prevention benefits of providing built enclosure to and natural surveillance of, the open spaces.
242. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and in consequence it needs to be laid out efficiently in order to achieve an acceptable result. There are examples of the development being too efficient with consequential harm arising in certain areas. This is particularly evident with respect to the inappropriate positioning of the built form in close proximity to the protected pine line along the western site boundary. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

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

243. Some inefficiencies of layout are an inevitable result of the absence of a significant highway frontage and the consequential fixed points of access. The long and relatively narrow shape of the site does not

assist an efficient layout given the need to provide a lengthy stretch of road to connect the front and rear parts of the site. Other inefficiencies flow from the demands of the local authorities, such minimum parking standards and requirements for the provision of public open space with the associated need to provide it with surveillance and enclosure. Further inefficiencies are introduced by the inclusion of a number of bungalows in the scheme (which tend to require larger plot sizes than 2-storey housing or flats with equivalent floorspace). Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

### Placemaking

244. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The urban design of the scheme could be improved by designing the configuration of standard house types to contribute to the quality of space.
245. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; provision of a 'village green' space at the southern end of the site, contained by a road and fronted by dwellings in order to create a focal feature at this part of the site at the end of the main transport route. Elsewhere, however, there are some areas which would be less successful in place-making terms including the scattering of dis-connected public open spaces which (as discussed elsewhere in this report) would be of little value to the residents of the scheme and the open parking arrangements which would visually dominate the spaces around the affordable dwellings. Many of the spaces and streets would have little sense of enclosure or of design and appear to be no more than pragmatic arrangements of standard dwellings and roads to fit the site and its shape.
246. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed opportunities' and matters which could be improved upon rather than matters which actually cause harm. However, as already stated, the design solution proposed for the important pine line feature along the eastern side boundary of the site is a particularly poor design component of the scheme and a disbenefit of the scheme.

### External materials

247. The proposed materials (ref paragraph 3 above) would be contiguous with those one would expect to see on a modern 'suburban' housing estate of this kind. The materials palette is considered acceptable given the non-descript character and architecture of the scheme proposed.

### Conclusions on design matters

248. The relatively hard, urban character of the housing area would be adequately balanced by the open space, landscaped internal spaces and the new boundary planting. However, as discussed elsewhere, the strategy for providing the public open spaces has not been adequately considered and would have been better placed as a 'linear park' along the eastern boundary of the site in order to provide a suitable buffer to the protected pine trees present on this boundary and retain their prominence in the local landscape. The consequential treatment of the trees in the design and layout of the scheme is particularly poor and, in this respect, fails to adhere to national and local planning policies which require high standards of design in new developments.
249. The proposal would be as connected to adjoining development as it could be. The layout takes a varied approach to the question of frontages which is not inherently wrong but in places leads to inefficiencies of land use and missed opportunities for place making. Some efforts at place making are evident.
250. Officers consider the scheme represents poor design such that policy 64 of the NPPF is engaged. This directs the decision maker to refuse permission 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.

### **Impact upon residential amenity**

251. 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.
252. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents.
253. The application is accompanied by a noise assessment, dated September 2015. The assessment considered, in particular, the impact upon the proposed development of noise from the Lakenheath RAF airbase which is situated relatively close to the east and south of the application site. The assessment also considered the noise implications of the pumping station which is proposed as part of the planning application. The assessment draws the following conclusions:
- The Noise Impact Assessment has identified that the key noise sources within the vicinity of the Site are aircraft using the RAF Lakenheath Airbase to the east and road traffic using Broom Road to the north of the Site.

- Accordingly appropriate mitigation has been specified in order to reduce these impacts for internal habitable areas. This includes for higher specification glazing and alternative ventilation to opening a window for certain dwellings and habitable rooms.
  - As the Site is "slotting into" an area afforded by the existing residential development off Eriswell Road and the fact that dwellings will be located no closer to RAF Lakenheath than existing dwellings, it is considered reasonable to achieve the lowest practicable outdoor noise levels for garden areas.
  - Subject to the incorporation of the identified mitigation measures, it is considered that in principle, the Site is suitable for the promotion of residential development.
254. The report confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. It also acknowledges, however, that the external spaces, including domestic gardens, could not be mitigated against intermittent aircraft noise. 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. Whilst the impact of unmitigated aircraft noise upon the external areas of the application site is not fatal such that it renders the scheme unacceptable on this ground alone, the matter is a clear disbenefit of the development proposals to be considered in the overall planning balance.
255. 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. 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).
256. The introduction of the F35's into RAF Lakenheath may change the noise climate of the village, although it is understood the type of F35's that will operate from the base will have similar noise outputs to the existing F15's. 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 fully be taken into account in the determination of this planning application.
257. The Ministry of Defence has been provided opportunity to comment on all the 'live' planning applications listed at paragraph 15 above since their announcement 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.

258. In October 2015, The Ministry of Defence updated the information underpinning its Military Noise Amelioration Scheme, but given the location of the site close to the runways of RAF Lakenheath, it has not altered the understanding of how the application site is affected by aircraft noise.
259. The amenities of occupiers of dwellings abutting the application site to the south and south-west would not be adversely affected by development given the separation distances between the units and the predominance of bungalows positioned (in the development) close to the sensitive parts of these boundaries. Accordingly, there should be no significant issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas should this development proceed.

### **Loss of agricultural land**

260. 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.
261. 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 all new development over this period. Accordingly, future development of greenfield sites is inevitable.
262. The application site is predominantly Grade 4 agricultural land with an element (around 1 hectare) of Grade 3 land (good to moderate) towards the site frontage (north). The NPPF favours development of poorer quality (grades 4 and 5) over higher quality (grades 1-3) land. The loss of active agricultural land is a disbenefit of the development proposals, particularly the small parcel of grade 3 land towards the site frontage, but is not considered a significant factor in the outcome of the planning application.

### **Sustainable construction and operation**

263. 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".
264. 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.

265. 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.*

266. 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.

267. 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).

268. The documentation submitted in support of this planning application includes a Sustainability Statement. This sets out the measures the development would incorporate in order to accord with Policy DM7 and Building Regulations requirements.

269. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The 'standard' water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development. In this case, and only in the event that planning permission is granted on appeal, the Council could recommend the Planning Inspector (or Secretary of State, as may be the case) imposes a suitable worded planning condition in order to secure compliance with the 110 litre standard.

## **Cumulative Impacts**

270. Members will note from the table produced at paragraph 15 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.
271. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 15 above. Project E from the table is disregarded given it has been withdrawn from the planning register. Furthermore, project H is not included (other than impact upon the SPA) given that it is accompanied by an Environmental Statement which will need to consider and, as appropriate, mitigate cumulative impacts.

### Primary education

272. If all primary school pupils emerging from the developments currently proposed at Lakenheath are to be schooled within the village a new school needs to be built. The existing village school is at/very close to capacity and is not capable of expansion and it would be difficult to accommodate temporary accommodation given site constraints. It is likely that, without the construction of a new school in the village, primary school pupils emerging from this and other developments at Lakenheath would need to travel to schools outside of the village.
273. The County Council has confirmed a 'preferred site' at the north end of the village for the erection of a new primary school and Officers understand work is underway on the school project, including discussions with the current landowners whom have submitted a planning application for development of the site (ref. application A from the table included beneath paragraph 15 of this report).
274. It is understood there is currently no formal agreement in place between the landowners and Suffolk County Council with respect to the school site and planning permission is yet to be granted for project. 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 wider proposals, an agreement on a purchase being reached between the County Council and landowner and, ultimately, the land being transferred to the County Council enabling them to build a school. To date, none of these have been achieved which means the delivery of a new school to serve new development cannot be regarded as certain.

275. The likely short term need for some pupils to travel to a school outside of Lakenheath impacts negatively upon the sustainability credentials of the proposals and is therefore regarded as a dis-benefit of development in advance of a new school site being secured. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from the development proposals and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should development at Lakenheath proceed in advance of a new school opening.
276. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant proposals for major housing development at Lakenheath) needs to be considered as part of the planning balance in reaching a decision on this and other planning applications.
277. Clearly the situation may change in the run up to the consideration and determination of these appeal proposals and the Planning Inspector will need to be informed of any planning decisions (or site acquisitions) with respect to the delivery of a new primary school and increases in pupil numbers as a consequence of other planning decisions in the meantime (including those developments included in the table beneath paragraph 15 of this report).
278. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would be required to provide proportionate funding for the construction and land purchase costs of the new primary school. Accordingly, on the assumption the applicant is willing to provide the contributions he will have done all he can lawfully do to mitigate the impact of his development upon primary school provision.

#### Highways

279. There are a number of currently undetermined planning applications on the Council's books proposing major housing development at Lakenheath. All of these (including the appeal proposals) are accompanied by Transport Assessments assessing the traffic and transport implications of the individual schemes and all of these conclude (in isolation) that no significant impacts would occur. None of the Transport Assessments submitted with the Lakenheath planning applications consider the potential cumulative impacts of all or some of the proposed developments upon the local highway network.

280. In order to inform its advice to the Local Planning Authority, the Local Highway Authority has commissioned two independent cumulative highway's impact assessments via its consultants AECOM. The first study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications (Applications, B, C and D from the table included above, beneath paragraph 15). A requirement for the cumulative study was part of the resolution of the Development Control Committee (September 2014 meeting). At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had at that time already encountered the insurmountable problems which ultimately led to it being withdrawn. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of further planning applications proposing over 600 additional dwellings between them.
281. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has recently been received in draft and has not yet been the subject of public consultation. Accordingly, the final comments of the Highway Authority in light of the cumulative impact of the development proposals upon the highway network are yet to be received and any mitigation requirements arising to off-set cumulative impacts have not yet been established.
282. The draft cumulative assessment considers four different levels of development:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 15 of this report)
  - 663 dwellings (specifically applications A, B, C and D from the table)
  - 1465 dwellings (applications A, B, C, D, F, G and H from the table)
  - 2215 dwellings (all development in the previous scenario, plus a margin for sensitivity which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
283. The study assessed a number of junctions on the local road network and concluded all of these, with the exception of two, could accommodate the cumulative growth set out in all four scenarios. The two junctions where issues would arise cumulatively as a consequence of new development are i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), and ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout").
284. The Lords Walk roundabout would be approaching capacity and mitigation is advised following the occupation of the first 288

dwellings. The situation would be exacerbated following occupation of the first 663 dwellings (an increase of 375 dwellings). Accordingly mitigation would be required to improve the capacity of the Lords Walk roundabout and a scheme could be designed, costed and funded via S106 Agreements attached to any planning permissions granted. The junction would (without mitigation in place) experience 'severe impacts' by the time 1465 dwellings had been completed.

285. The Eriswell Road junction is more complicated given the limited land available for improvements within the highway boundaries and would require third party land in order to facilitate carriageway widening (to provide additional lanes). The cumulative study has assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being signalisation of the junction and introduction of two entry lanes. The first option (signalisation only) could be delivered via funding secured from S106 Agreements attached to developments which are granted planning permission and implemented within existing highway boundaries. The second option (signalisation and two entry lanes), appears to require third party land and could therefore be more difficult to achieve and delivery cannot therefore be guaranteed.

286. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option provided (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first 663 dwellings. However, if 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional lanes need to be provided. This would need to be clarified for the public inquiry, particularly if applications A, B, C and D (from the table beneath paragraph 15 of this report) have been approved (or resolved to approve) at that time.

287. With respect to the appeal, a watching brief will need to be adopted with respect to the highway impacts of the appeal proposals and the Council will, through its initial Statement of Case, need to reserve the right to make formal representations to the appeal if it becomes apparent that the cumulative impacts of the development (with other committed schemes) upon the highway network are not capable of mitigation.

#### Special Protection Area and SSSI

288. The cumulative impact of development upon the SPA and SSSI has not been considered by the applicant as part of these development proposals. The Council's Ecology, Tree and Landscape Officer has considered the potential for cumulative impacts upon the SPA and has

provided the following specific comments (repeated extracts from paragraph 70 above):

- *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 (totalling 1492 dwellings), in-combination likely significant effects cannot be screened out.*
- *In 2010 a visitor survey of Breckland SPA was commissioned by Forest Heath District and St. Edmundsbury Borough Councils to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. An important finding of the study was that Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. The Annex I heathland bird interest features are not yet indicating that they are negatively affected by recreational disturbance. However there are still some gaps in our understanding of the Thetford Forest populations of Annex 1 birds, their current status and potential changes that may be occurring. It is not currently understood whether distribution is affected by recreation, for example.*
- *The recreation study went on to advise that provision of alternative greenspaces could be provided to potentially divert some of the recreational pressure away from the SPA. These would need to be at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local plan. Important factors to consider in the design of such spaces are the distance to travel to the site, the facilities at the site, and experience and feel of the site. The visitor survey identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.*
- *A Natural Green Space Study has been prepared to support Forest Heath District Councils Single Issue Review of Core Strategy Policy CS7 and separate Site Allocations Local Plan. The status of the study is draft. The purpose of the study is to provide evidence on appropriate accessible open space that will support the planned growth in the district. The study is required because there is concern that increased development in the district has the potential to contribute to recreational pressure on Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC).*
- *The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of*

*Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. In addition new access routes are required which could potentially focus on the Cut-Off Channel. A number of opportunities were identified for the village to develop suitable alternative green space for both new and existing residents to use.*

- *This application does not include any measure that would contribute to this strategic approach to mitigation of potential in-combination recreational effects.*
289. Similar concerns arise with respect to cumulative recreational impacts of development upon the Maidscross Hill SSSI which is particularly well used for recreation in the absence of alternative greenspace of equivalent quality and, as acknowledged in the applicant's ecological assessment, is already in unfavourable condition owing to recreational pressure.
290. The emerging greenspace strategy behind the Local Plan Site Allocations Development Plan Document has been designed to divert recreational activity away from the sensitive Breckland SPA and Maidscross Hill SSSI sites by providing alternative greenspace in the village, particularly for dog walkers. Furthermore, the overarching strategy and logic behind the locations of the housing sites within the Preferred Options document is to avoid likely increased recreational impacts occurring at the SSSI through avoidance (the sites being positioned a distance away from the SSSI) and the provision of alternative greenspace.
291. The appeal site was considered as part of the Council's Strategic Housing Land Availability Assessment evidence base, but did not make it into the 'Preferred Options' document which, at the time of writing, was out to public consultation. The appeal site was dropped at that stage largely because of its close proximity to the vulnerable Maidscross Hill SSSI and because it was not considered to be locationally favourable with respect to the 'alternative greenspace' provision the Council has identified. It was also considered likely that residents of a scheme at the site in Broom Road would continue to favour the SSSI over the alternative greenspace provision, even if it was possible to secure the alternative greenspace in its totality because it would be distant from the site (with the Maidscross Hill SSSI only 200m away) and would not be particularly accessible to residents of the appeal scheme.
292. Officers consider an approval of the appeal scheme would significantly undermine the greenspace strategy of the emerging local plan such that it could undermine the delivery of the totality of the new green infrastructure (particularly if other sites at Lakenheath need to be 'dropped' later as a consequence of the appeal proposals receiving a positive decision), ultimately to the detriment of the Breckland SPA



but particularly to the Maidscross Hill SSSI. In this respect, officers also consider the proposals could significantly prejudice the emerging Local Plan. Accordingly, officers intend to make representations to the Planning Inspectorate, particularly given the favourable five year housing supply (no immediate need for the housing scheme to be provided), that the appeal proposals are premature to and are likely to prejudice the Local Plan.

#### Landscape

293. 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 existing large settlements), no cumulative landscape impacts are anticipated. 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 harm would arise.

#### Utilities

294. 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.
295. Anglian Water Services has not objected to any of the planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained elsewhere in this report there is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (particularly given that project E from the table included at paragraph 15 above has now been withdrawn).
296. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which updates the evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
297. 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

298. 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 15

above) and requested further information from the proposals.

299. 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.
300. 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

301. 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.
302. 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 existing local health infrastructure. There is, however, presently nothing to suggest that there would be impacts upon NHS services that could not be adequately mitigated via the collection of developer contributions to be used towards projects increasing localised health infrastructure capacity. The NHS is presently considering a project that would be funded by developer contributions (in full/part).

### **Planning Obligations**

#### Community Infrastructure Levy Regulations 2010

303. 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).
304. 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.

305. 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'.
306. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010 as set out above.
307. 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.
308. 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.
309. 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.
310. No claim to reduce the level of contributions on viability grounds has so far been made by the applicants and a viability assessment has not been submitted. It is assumed the development can provide a fully policy compliant package of S106 measures.
311. At present a S106 Agreement has not been completed. This is not unusual in an appeal situation, particularly a 'non-determination' appeal. It is anticipated the applicants will be willing to enter into a S106 Agreement in advance of the forthcoming public inquiry (the plans indicate they are willing to provide 30% affordable housing for example), but this cannot be guaranteed at the present time. Furthermore, it cannot be guaranteed at this stage the applicant will be willing to provide all of the mitigation and other policy compliant measures the Council considers appropriate. Accordingly, and given the absence of a completed S106 Agreement at the present time, it is important the Council safeguards its position with respect to it until outstanding matters are properly resolved and a S106 Agreement is in place.

312. The following developer contributions are required from these proposals.

#### Affordable Housing

313. 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.

314. 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 (36 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).

315. The applicants have proposed 36 of the 120 dwellings as 'affordable' which equates to the full 30% provision required by Core Strategy policy CS9. The mix and tenures of the amended scheme have been agreed with the Council's Strategic Housing team, whom had objected to the original scheme (paragraphs 67 and 68 above).

#### Education

316. 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.

317. 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).

318. 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 pro-rata developer contributions (financial) to be used to purchase land and construct a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to 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 paragraph 80 above.

### Public Open Space

319. 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.
320. 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.
321. 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).
322. 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 requirements for on site delivery of public open space.
323. The SPD also makes provision for off-site delivery of public open space (should policy compliant provision not be provided) but following the enactment of Regulation 123 of the CIL Regulations last year (paragraph 305 above), the Council is no longer able to collect tariff based contributions where five or more have already been collected. Accordingly, it is important for the Council to secure the on-site requirements for public open space in full, particularly in settlements such as Lakenheath, where the available green infrastructure is pressured and ecologically sensitive.

324. The adopted SPD requires the following public open space provision from this development:
- 1,223 square metres of children and young people's space.
  - 2,055 square metres of informal green space.
  - 4,110 square metres of natural green space.
325. The adopted SPD requires this development to provide 7,388 (0.74 hectares) of land for public open space. The proposed site layout provides around 7,420 square metres (7.42 hectares) of land for public open space and 1,233 of that is provided for children's play. The quantum of public open space therefore complies with the SPD and linked Local Plan policies.
326. If the applicant and Council subsequently agree the public open spaces are to be transferred to the Council for future management and maintenance, a commuted sum would need to be secured as part of any S106 Agreement.
327. Commentary about the layout and dispersal of the public open spaces is set out elsewhere in this report.

#### Libraries

328. 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 £25,920.

#### Health

329. 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 £39,500 has been requested to provide additional capacity at the local GP surgery.

#### Summary

330. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, public open space (quantity of provision), health and libraries would be acceptable. Other matters, particularly relating to education, transportation and ecology (the Maids Cross Hill SSSI) are presently uncertain or yet to be fully resolved. Subject to these outstanding matters being satisfactorily resolved and a policy compliant S106 Agreement being completed in due course, the proposals would comply with Core Strategy Policy CS13 (and other relevant policies discussed in the report) by which the provision or payment is sought for services, facilities and other improvements directly related to development.

## **Planning Balance and conclusions:**

331. 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. The application proposals are contrary to the provisions of relevant Development Plan policies which direct (for the most part) that new residential development should be provided within defined settlement boundaries of the District's towns and sustainable villages. 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 in determining this planning application.
332. With this background in mind, but with particular regard to the continued absence of an adopted 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.
333. If it is subsequently concluded that potential in-combination effects upon the Special Protection Area would not be significant, 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 weight as a material consideration in the consideration of this planning application and it is appropriate to balance the benefits of the scheme against its disbenefits to consider whether the proposals represent sustainable development. If the proposals are deemed sustainable development, the Framework directs that planning permission should be granted without delay.
334. It is convenient in this case to set out the perceived benefits and disbenefits of development in tables for ease of reference and to assist Members consideration of the planning balance. These are set out below in Table A (benefits) and Table B (disbenefits). A third table has been included which sets out further 'potential' disbenefits of the proposals. The matters set out in Table C below require further consideration, assessment or consultation and may need to be added to the disbenefits included in Table 1 in the run up to the Public Inquiry.

**Table A – Benefits of the proposals**  
(in no particular order)

<b>Benefit</b>	<b>Comment</b>
Provision of housing	This is a clear benefit of the development, but its significance is reduced by the fact the Council is able to demonstrate a five year supply of housing. Furthermore, the simple benefit of housing provision would arise wherever in the District these 120 dwellings were to be constructed and would not necessarily only arise if this particular site were to be developed. In other words, if the 120 dwellings proposed at this site were delivered elsewhere in village or wider District as part of a Plan led approach to delivery, these benefits would still arise.
Affordable housing provision	This is a clear benefit of the development. This would, however, only count as a benefit in a wider context if the development of 120 dwellings was to be provided in excess of other housing allocations in the emerging local plan, in which case more affordable homes that otherwise planned for in the Development Plan would be realised. If the appeal is allowed, it is likely the Council would adjust housing numbers down in the village to acknowledge the commitment. Accordingly, there are unlikely to be any overall net benefit to affordable housing (i.e. no increase in what will be planned for over the local plan period) despite delivery as part of these proposals.
Economic activity	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. Those economic benefits would be relatively small in a local, regional and national context and would arise wherever the 120 dwellings proposed by this planning application are provided. The benefits are not specific to this site and would be realised elsewhere if planning permission is not granted for the development.



**Table B – Disbenefits of the proposals**  
(in no particular order)

<b>Disbenefit</b>	<b>Comment</b>
Direct impacts upon the Maidscross Hill SSSI (encroachment of development into its buffer)	This is unavoidable and reduces the separation between the built form and the SSSI designation.
Recreational impacts upon the SSSI	Again, these are unavoidable impacts given the location of the site close to the SSSI. Mitigation is unlikely to fully off-set the harm arising.
Recreational impacts upon the SPA	As discussed in the report, these are anticipated to be minor adverse given the likelihood that the Maidscross Hill SSSI would be the primary attraction for recreational activity from the proposed development. Nonetheless, some recreational trips from the site into the SPA are inevitable. Whilst counting as a disbenefit of the development proposals to be considered as part of the overall planning balance in determining the planning application, the impact does not trigger the legal requirement for the decision maker to undertake 'Appropriate Assessment' of the implications of the development upon the SPA.
Adverse impacts upon the RAF Lakenheath airbase	An unavoidable impact and a significant disbenefit. The proposals will add visitors into the safeguarding zone drawn around the inner explosives safeguarding zone which incorporates the Maidscross Hill SSSI. The explosives are licensed and the operations of the base could (as a consequence of this development alone or in-combination with other projects) lead to the explosives license being reviewed.
Poor design; strategy for on-site delivery of public open space and relationship of built development to trees.	The Framework considers good design is a key aspect of sustainable development and directs that planning permission should be refused for development of poor design which, for reasons discussed in detail in this report, these proposals represent.
Prejudicial and premature to the Site	The emerging plan is yet to gain significant traction given (at the time of writing) the

<p>Allocations Development Plan Document</p>	<p>Preferred Options version was out to public consultation. However, the overarching strategy in the Plan for the delivery of housing growth at Lakenheath is particularly sensitive to speculative developer led schemes of this type. If planning permission were to be granted for this scheme, the provision of the full package of green infrastructure designed to mitigate the cumulative impact of new development upon the Special Protection Area that is sought through the Local Plan could be compromised, particularly if other development in the plan is dropped as a consequence or if a 'cap' is subsequently placed on development in the village because of cumulative highway (junction) capacity issues.</p>
<p>Adverse impact upon trees.</p>	<p>This is an unnecessary impact, exacerbated by the formally protected status of the trees. The Ecological Assessment identified the trees in question as the most important asset of the site, yet the proposals disregard their importance and threaten their short and longer term viability.</p>
<p>Adverse impact upon the countryside</p>	<p>This is not a significant disbenefit given the development of greenfield (countryside) sites around the edge of the village is inevitable. The site is of no greater sensitivity than others around the village, including those in the emerging plan. Nonetheless, despite the moderate nature and inevitability of the harm it remains a disbenefit of the proposals to be considered in the overall balance.</p>
<p>Loss of agricultural land</p>	<p>The development would result in the loss of around 1 hectare of Grade 3 (Best and Most Versatile) agricultural land and around 5 hectares of Grade 4 land. The impact is minor, but insignificant but would be a disbenefit of the proposals to be considered in the overall balance.</p>
<p>Adverse impact upon habitat for skylarks</p>	<p>The impact was identified in the Ecological Assessment, but dismissed given it was considered suitable habitat exists elsewhere. The Ecological Assessment submitted with the planning application did not assess the significance of the site for breeding skylark or the consequences of its permanent as a consequence of its development. The loss of</p>

	<p>habitat suitable for skylarks, without mitigation is a further significant disbenefit of the proposals.</p>
<p>Adverse impact upon Grape Hyacinth species.</p>	<p>The Ecological Assessment submitted with the planning application did not identify the presence of this plant at the site. Grape Hyacinth is a rare plant and a qualifying feature of the adjacent Maids Cross Hill SSSI. The plants, discovered by the Suffolk Wildlife Trust, should have been protected and incorporated into the design and layout of the scheme with respective proposals for management and maintenance clearly specified. The likely destruction of the population of Grape Hyacinth present at the site is a significant disbenefit of the development proposals.</p>
<p>Absence of capacity in the existing village primary school</p>	<p>This is likely to be a short term consequence, but those pupils displaced into alternative (non-local) primary schools are likely to remain in the same school until they reach secondary school age. Whilst this is, to an extent, beyond the applicants control (given they can do no more at this time than provide a proportionate contribution towards the construction of a new school) it serves to add further weight to the Council's concerns the development proposals are premature to the Local Plan and must be regarded as a disbenefit (albeit minor) of the development proposals being delivered now, in advance of the plan.</p>
<p>Adverse impact to the development from aircraft noise.</p>	<p>It is generally accepted that all of Lakenheath is adversely affected by aircraft noise, but to varying levels. Those sites, including the application site, located closest to the RAF airbase will inevitably suffer greater noise exposure from planes taking off from the runways than those located further away. The appeal site is located close to the base and whilst mitigation is proposed to protect the internal spaces of the dwellings (should the occupants choose to keep their windows closed), nothing can be achieved to mitigate the noise impact experienced in gardens. Not only is this a disbenefit of the development but it also adds weight to the Council's concerns about prematurity and prejudicial impact upon the emerging Local Plan, given that sites for new housing are shown in the Preferred</p>

	<p>Options document to be located predominantly to the north of the village, away from the greatest source of noise.</p>
<p>Adverse impact upon bats</p>	<p>The threat to line of protected pine trees and the close relationship of built development to the tree line (which would straddle or be situated in garden spaces) is a disbenefit of the development. The Ecological Assessment identifies that bats use the trees and suggests that control could be placed over lighting to prevent harm to bats (and other wildlife). This is unrealistic and would be very difficult to enforce given that householders are likely to provide their own external lighting to rear garden areas. The likely (and unnecessary) disturbance to bats using the protected tree line is a significant disbenefit of the development proposals.</p>

**Table C – Potential further disbenefits of the proposals.**  
(in no particular order)

<b>Potential disbenefit</b>	<b>Comment</b>
Traffic related design concerns.	It is anticipated the applicant will make further amendments to the layout of the scheme in advance of the forthcoming public inquiry in order to address these specific concerns. However, should they not make those amendments, these matters would add to the disbenefits of the scheme already included in Table B above.
Impact upon wider highway network	<p>Concerns would only arise in this respect if a cumulative highways assessment reveals there is an effective capacity 'cap' at an identified junction to the south of the village that is not capable of mitigation to increase capacity. In such circumstances (and dependent upon the number of dwellings such a cap might apply to), this could be a further disbenefit of the development proposals. The use of junction capacity (assuming a low dwelling capacity cap) for these development proposals would contribute significantly to undermining the housing delivery and SPA mitigation strategy included as part of the emerging Site Allocations Development Plan Document.</p> <p>The outcome of the cumulative assessment is awaited.</p>
Absence of S106 Agreement	It is expected that a S106 Agreement will be completed (either unilaterally or bi-laterally) in advance of the appeal. Officers would expect the complete absence of a S106 Agreement to result in the dismissal of the appeal. Should the Council receive a S106 Agreement that does not secure (or adequately secure) necessary infrastructure provision and other necessary mitigation, the absence of that particular contribution (or contributions) would add significantly to the disbenefits of the development.
Adverse impact upon the SPA (cumulative)	<p>Impact will arise if:</p> <p>i) approval of the planning application for 120 dwellings leads to a reduction in sites allocated elsewhere in the village and that reduction leads to the loss or curtailment of the green space strategy for mitigating recreational</p>

	<p>impacts of new development upon the SPA or,</p> <p>ii) the cumulative highway assessment concludes there is effectively a cap on housing growth in the village owing to junction capacity issues in which case those sites that will deliver additional greenspace infrastructure (above normal SPD requirements) should be delivered in preference to this site which delivers no open space or recreation provision above normal SPD minimum requirements.</p>
--	---

335. To the limited extent the evidence demonstrates material considerations in favour of the proposals – essentially benefits that could be realised wherever in the District development is provided, it is considered that the dis-benefits of development identified in Table B above would significantly outweigh the benefits identified in Table A. This would be the case even without the inclusion in the balance of the 'potential' additional disbenefits identified in Table C above. Officers consider the proposals would not represent 'sustainable development' as defined by the Framework.

**Recommendation:**

336. That the Development Control Committee resolves that it would have **refused planning permission** had the non-determination appeal not been made, for the reasons briefly set out at paragraph 335 and that the disbenefits of development identified in Table B (and potentially, Table C) above significantly and demonstrably outweigh the benefits identified in Table A above.

337. The Development Control Committee are also requested to authorise the Head of Planning and Growth to:

i) defend the decision of the Development Control Committee at the forthcoming public inquiry, and

ii) remove or add to the reasons for refusal (including adding or removing issues as set out in Tables A and B above) in response to new evidence, information or amendment in the run up to and during the forthcoming public inquiry, and

iii) appoint an advocate and expert witnesses to present the Council's case to and defend its reasons for refusal at the forthcoming public inquiry, and

iv) agree a 'Statement of Common Ground' with the appellant and any other 'Rule 6' Party confirmed by the Planning Inspectorate as participating in the appeal, and

v) suggest conditions to be imposed upon any grant of planning permission should the Planning Inspector (or Secretary of State, as may be the case) resolve to allow the appeal.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**Working Paper 1 – Appellants Statement of Case (attached)**