Forest Heath District Council

DEVELOPMENT CONTROL COMMITTEE

3 AUGUST 2016

DEV/FH/16/024

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/14/2047/HYB – LAND EAST OF BEECHES ROAD, WEST ROW

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Rachel Almond
Email: rachel.almond@westsuffolk.gov.uk
Telephone: 01638 719455

Committee Report

Date Registered:	28.11.2014	**Expiry Date:**	17.05.2016 (with extension)
Case Officer:	Rachel Almond	**Recommendation:**	Approve
Parish:	Mildenhall	**Ward:**	Eriswell & The Rows

Proposal: Hybrid Planning Application DC/14/2047/HYB comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

Site: Land East of Beeches Road, West Row

Applicant: Waters Family, Suffolk County Council, Pigeon Investment

Background:

This application is referred to the Development Control Committee because one of the applicants is related to the Leader of the District Council and because the application is contrary to the Development Plan.

Proposal:

1. Planning permission was originally sought for the erection of 131 dwellings (including 42 affordable dwellings), creation of new vehicular accesses onto Mildenhall Road, and Beeches Road, and the creation of two new vehicular accesses onto Chapel Road, the creation of a cycle and pedestrian access onto Beeches Road, the provision of public amenity space, allotments, a community car park, and associated infrastructure. 2) Outline Application with all matters reserved for the erection of 7 self build homes and provision of 0.3 hectares of land for future community uses.

2. The application still proposes 138 dwellings including 7 self build dwellings. The application includes details of only one new access which is onto Beeches Road. The remaining outline elements do not include details of other proposed access but they could be submitted with future reserved

matter applications. The scheme now includes 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of land for ecological mitigation. Additionally the scheme proposes two pedestrian crossings on Beeches Road and a layby near the new junction, within the development which would allow short stay parking to drop off children for the primary school opposite.

Application Supporting Material:

3. Information submitted with the application as follows:
   - Amended Site Layout
   - Details of the proposed Beeches Road junction
   - Amended Drainage Strategy
   - Parking Compliance Layout
   - Transport Assessment and Addendums
   - Flood Risk Assessment
   - Amended site location plan
   - Travel Plan
   - Statement of Community Involvement
   - Noise Impact Assessment
   - Arboricultural Assessment
   - Land contamination report
   - Biodiversity report
   - Site levels plans
   - Tree Survey
   - Elevational plans

Site Details:

4. The site is situated south of Mildenhall Road, east of Beeches Road and north of Chapel Road. Mason Gardens is also directly south of the proposed site. The local primary School, village shop and post office, hairdressers and a fast food take away are to the west and various community facilities (tennis courts, recreation ground, sports pavilion, village hall, allotments) are located to the south west.

5. Mildenhall Air Base is located to the north east. A footpath is on the eastern side of the site and links Mildenhall Road and Chapel Road. This footpath then links into another footpath which links Chapel Road and Church Road.

6. The site is located outside the existing Housing Settlement Boundary for West Row but it does abut it in several places.

Planning History:

7. Within the eastern part of the site is the location of the former White Horse Public House. This was demolished some years ago now. The remainder of the site is an agricultural field and has no relevant planning history.

Consultations:

8. Conservation Officer: The proposed development would not adversely affect the setting of either of the listed buildings. I therefore have no objection to this application.

9. Environment Agency: No objection with the recommendation of 2 conditions relating to SUDS and a remediation strategy if contamination is found.

10. Landscape and Ecology officer: The officer has carried out a Habitats Regulation Assessment and concluded that the proposal will not have a likely significant effect on the SPA with the mitigation proposed. The mitigation must be secured in perpetuity by S106. A variety of standard conditions are also recommended.

11. Environmental Health (Land Contamination): Recommends that conditions relating to land contamination be attached to any permission granted.

12. Environment Team (Air Quality): No objection The Air Quality Assessment sufficiently demonstrates that the impact on the local air quality will be negligible.

13. Housing Strategy and Enabling Officer: No objection. Strategic Housing team accepts the mix proposed for the 12 affordable units within the Full application for 4 x 1 bed flats, 6 x 2 bed houses and 2 x 3 bed houses. To meet our CS9 policy of 30% affordable housing the remaining 0.3 of a dwelling would need to be secured as a commuted sum. Officers also highlight that future affordable housing which will be brought forward in the reserved matter element of the site should not be adjacent to the affordable housing which is shown in the full details part of the site to ensure that clusters of more than 15 homes within one location do not occur. Additionally it is highlighted that there is a need for smaller market dwellings within the overall development and encouragement is given to propose these within future reserved matters applications. Concern has been raised at the amount of detached three and four bed dwellings which are proposed with the full element of the application (such dwellings are considered unaffordable for the majority of local residents)

14. Natural England: No objection. They consider that there is a risk that the proposed development may contribute to cumulative recreational impacts to the SSSI and SPA in future. Therefore they do not object to the proposed development but reminds the authority of the need to strategically review the cumulative recreational impacts of new residential developments when within 7.5km of the SPA.

15. Anglian Water: No objection but seek a condition that restricts development within 15m of the boundary of the sewage pumping station

16. Highway Authority: No objection to the scheme but require various conditions and a proportionate contribution to a new traffic light controlled

junction at the Queensway Junction in Mildenhall. This junction is at capacity at peak times already. There are a number of other developments which were set out in the Preferred Options Site Allocations Local Plan which will also impact on this junction and will need to make their proportionate contribution. Officers have identified four schemes including this application so there will be no conflict with the CIL regulations which states that no more than 5 contributions can be pooled on one project. The Highway Authority are familiar with the 4 identified schemes through the Local Plan consultation. To legitimately secure funds a costed scheme is needed. To date this has not been finalised by the Highway Authority but officers request delegated powers to secure a proportionate sum of money toward a junction once the scheme is fully costed in the coming weeks.

17. NHS England: No objection and seek a contribution of £45,380

18. Suffolk County Council Rights of Way: No objection but seek a contribution to upgrade the physical surface of existing rights of way that lead to a car free route to Mildenhall along the River Lark.

19. Suffolk County Council Archaeological Service: Recommends that conditions relating to archaeological matter be attached to any permission granted. Have highlighted that no ground disturbance should occur on the area of Public Open Space.

20. Suffolk County Council Contributions Manager: No objection and seeks the following contributions;

    - Pre School Provision £73,092
    - Primary School Provision £401,793
    - Conversion of FP7 and FP8 to Public Bridleway and surface works £87,000
    - Travel Plan Evaluation and Support
    - Library Provision of £2,208

21. Suffolk County Council Flood and Surface Water Manager: The overall strategy for the site is to use permeable paving to drain both roof water and parking areas. The Flood and water engineer has said that this approach is acceptable with a maintenance contribution secured during the adoption process. A condition is recommended

Representations:

22. Mildenhall Town Council: Object to the scheme for the following reasons
    - Concern over the access opposite the school
    - Infrastructure
    - Highways
    - Parking per house

23. 106 Representations have been received from local residents from the following roads:

24. Mason Gardens, Cricks Road, Stirling Close, Wellington Close, Pott Hall Road, Beeches Road, Beeches Close, Church Road, Church Lane Close, Church Walk, Church Lane, Eldo Road, Ferry Lane, Bargate Road, Blenheim Close, The Green, Corinth Close, Ford Close, Park Garden, Rolfe Close, Williams Way, Bagsham Lane, Friday Street, Chapel Road, Mildenhall Road, Jarmans Lane, Hurdle Drove, The Gravel, Cooks Drove, Undley Common, Cow and Sheep Drove, Arundel Court (Northampton), Fen Bank (Isleham)

    These representations raise the following summarised concerns:

    - Loss of privacy/Amenity/View
    - Site is outside Development Boundary
    - Development should take place on the air base instead
    - Detrimental impact on schools
    - Loss of agricultural land – some of which is grade I
    - Impact on Roads/Highway Safety – pavement needed, Chapel Road not good, Queensway already too busy
    - Will spoil a rural village – Too much growth – Will increase village by 20%
    - Not enough detail included within application
    - Only minor changes have been made
    - Impact on sewers/drainage/flooding – concerns over sewerage capacity, water supply and water pressure
    - Will become dormitory for Mildenhall with no jobs and no local housing need
    - Access should be off Mildenhall Road not opposite the school
    - Doubts over green travel plan
    - No gas
    - Construction traffic and disturbance
    - Poor housing mix included
    - Better broadband is needed
    - Development of agricultural land and public open space should be prevented
    - Fengate Farm will be surrounded by development
    - Poor public transport
    - Applicant is family of Council leader
    - Questions over methodology of transport assessment
    - Prematurity
    - Questions over ecology reports
    - Health and Rescue Services cant cope
    - CO2 emissions

Policy:

25. 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:

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

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design.
- DM27 – Housing in the Countryside
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

Core Strategy (2010)

27. 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.

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 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)

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

    - Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.
    - Inset Map 15 (West Row Development Boundary)

Other Planning Policy:

Emerging Development Plan Policy

29. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). The Council's "preferred options" consultation finished on the 1st July 2016. It is the intention of the council to consult on its "Submission Version" of these two documents between November 2016 and January 2017. Following further amendments to the document, in the light of public consultation, the draft plans will be submitted to the Planning Inspectorate for examination and, ultimately, adoption. The plans, once adopted, will set out policies for the distribution of housing development in the District throughout the remainder of the plan period and positively allocate sites for development, including for housing.

30. National Planning Policy Framework

31. National Planning Practice Guidance

32. The site is included in the 2016 SHLAA

Officer Comment:

33. The issues to be considered in the determination of the application are:
    - Principle of Development
    - Highways matters
    - Sustainable Travel
    - Archaeology
    - Ecology, Open Space and landscape
    - Surface Urban Drainage (SUDS)
    - Impact on residential dwellings
    - Design, density and visual Impact.
    - Other matters
    - Conclusion and Planning Balance

Principle of Development

<u>National Policy context and Forest Heath's 5-year housing supply.</u>

34. 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.

35. 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.

36. 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".*

37. 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 are presently the subject of review as part of the emerging Single Issue Review document.

38. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1st March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 66 of the dwellings proposed by this planning application are included in current five-year supply forecasts.

<u>What is sustainable development?</u>

39. 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;)

40. 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.

41. 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

42. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.

43. 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:

44. 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.

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

46. In this case the development proposal for 138 dwellings is not particularly

substantial in comparison to the overall quantum of development that needs to be provided in the District over the Plan period. Furthermore, the Single Issue Review of the Core Strategy and the Site Allocations document are both at early stages and presently carry only limited weight in the decision making process. Notwithstanding the weight that can be attributed to these documents, the Site Allocations Document, in particular, includes part of the application site as a site allocated for housing. The proposals are therefore considered consistent with the emerging Development Plan position.

47. It would be difficult to justify any decision that approval of this scheme would be premature in the context of the facts of the case and current national guidance. This advice is further re-enforced by the fact that the Council is already 15 years into the Plan period (2001 – 2031) and in the continued absence of an adopted Site Allocations Document the proposed development would make a positive contribution towards the overall number of dwellings required to be provided by Core Strategy Policy CS7.

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

Development Plan policy context

49. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 7 (and policy CS1) confirms Lakenheath as a Primary Village. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms that Primary Villages will reflect the need to maintain the vitality of those communities.

50. 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.

51. 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

52. 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 planning application given that 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 in the next planning cycle.

53. 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

54. The application site is situated outside the settlement boundary of the village and is thus situated in the Countryside for the purposes of interpreting planning policy. The detailed settlement boundaries were 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 do have Development Plan status. The settlement boundaries are illustrated at a large scale on the Policies Map 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 Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

55. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. That said, the 'Preferred Options' Site Allocations Plan extends the settlement boundary in Mildenhall to include part of the application site but only limited weight can be attributed to this emerging position at the present time. 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.

56. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight attributed to those policies consistent with national policies set out in the Framework.

57. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

Highways matters

58. Concerns have been raised about the traffic that would arise from the development and the proposed access onto Beeches Road. Specifically the amount of traffic and how the surrounding highway network would not be able to cope and how the access is opposite the local primary school.

59. The Highway Authority have raised no objection to the scheme. The transport assessment submitted by the applicants demonstrates that the Queensway Junction in Mildenhall is already over capacity at peak times. The Highway Authority have informed officers that they are satisfied that an amended junction layout can be accommodated within the Highway land available. At this point in time the Highway Authority are still working on a new layout and as such a worked up scheme can not be costed which is a requirement to enable officers to secure an appropriate financial contribution. However in the coming weeks the Highway Authority will have this which will enable a proportionate contribution to be calculated. This development will not be expected to pay for the complete works. This will be apportioned to the other planned developments which are already known through the Site Allocations Local Plan work completed to date. It is therefore considered that this development should make a proportionate, and in scale contribution to a new junction arrangement at Queensway which would improve pedestrian and cycle safety and increase capacity.

60. The Highway Authority have considered the full details presented and are satisfied that the layout complies with the latest minimum parking standards for development like this in rural areas.

61. The Highway Authority has considered the proposed new access onto Beeches Road. The developer has provided a detailed drawing to demonstrate how the junction would work in relation to a new pedestrian crossing that would be used to access the Primary School on the other side of Beeches Road to the site. The Highway Authority are satisfied that the junction and the crossing ware safe and that highway safety would not be compromised. The scheme also proposes another pedestrian crossing

on Beeches road to the south of the proposed new junction. This will act as a safe route for pedestrians from the new development to the services and facilities to the south west of the site. Whilst full details of this would be agreed at condition stage the Highway Authority are satisfied that this will be safe.

62. The indicative drawings show the seven self build dwellings served by a new access onto Chapel Road. This access is not part of the application and precise details will be submitted to the council at a later stage but the Highway Authority have confirmed that an access could be accommodated with safe visibility splays.

Sustainable Travel

63. The Highway Authority have asked for a sum of £15,000 to improve infrastructure at bus stops. These bus stops are nearby to the site and within a walking distance and therefore considered acceptable.

64. The Rights of Way and Access team at Suffolk County Council have asked for a sum of money to upgrade the status and surface of two footpaths. These footpaths are known as FP7 and FP6. They link Mildenhall Road and link in with each other on Chapel Road and then finish at the junction of Eldo Road, Church Road and Cricks Road. These rights of way are approximately 750metres in length and help pedestrians and cyclists link into a Bridleway that was surfaced 3 years ago and that follows the route of the river lark into Mildenhall. Whilst this route isn't completely traffic free and is slightly longer than simply travelling along Mildenhall Road into Mildenhall it would create a very attractive mostly traffic free route which is less than 3 miles in length from the application site to the High Street in Mildenhall. This improvement is considered by officers to weigh heavily in the acceptability of the scheme.

Archaeology

65. The proposed 1.9 hectares of Public Open Space is generous in size and relates to an area of land that is likely to contain shallow highly important archaeological matter. The open space area is an important link between the proposed dwellings and the proposed southern pedestrian crossing on Beeches Road. This new link will provide a safe route to the existing facilities (tennis courts, football ground, play equipment, community centre) in West Row which are south west of the site. The Archaeological Service has said that they would not wish to see any ground disturbance on the Public Open Space. Officers have asked if this includes the creation of a year round surfaced foot/cycleway as indicatively shown on drawing no. 013-027-105. Developer assessments can be used to help identify an appropriate route for a path and the Archaeological Service that a path of no more than 200mm should be acceptable. Details of precise route and alignment of the separated foot/cycle ways will be required and one of those reasons will be to protect archaeological matter on the open space.

Ecology, Open Space and Landscape

66. The scheme has three main which are relevant in this section. That is (1) the 1.90 hectares of agricultural land retained for ecological mitigation (2) the 1.91 hectares of Public Open Space and the 1.9 hectares of landscaping.

67. The site is within 3.7km of Breckland Special Protection Area (SPA), in this case Breckland Forest. This is a site of international importance important for woodlark and Nightjar. The site is sufficiently remote from the boundary of the SPA and its constraint zones for direct impacts to be screened out. However the potential for the construction of residential dwellings on this site has been considered in relation to the potential to contribute to recreational pressure on the SPA.

68. As such it is necessary that residential applications within this distance to the SPA provide their own sufficient green infrastructure to allow for recreational activities on site such as dog walking paths, allotments and areas of natural green space. Such on site provision will help to ensure that new residents are not travelling to the adjacent protected sites because there is insufficient quality green space. Of particular concern is ensuring residents are able to exercise dogs. Mitigation in the form of provision of well connected open space that will serve as local green space for residents should be provided on this site and connection to the wider network of public rights of way is a priority.

69. The application includes indicative plans on the outline to demonstrate how the future reserved matter details will include separated foot/cycle ways across the site which will provide linkages between the full element of residential dwellings, the Public Open Space on the western side of the site, the footpath to the east and the outline element of the residential dwellings. The Public open space would be a large semi-natural open greenspace suitable for exercising dogs and for other types of informal recreation. It will be important for the Public Open Space on the western side of the site to link with a strategic green corridor which will enable wildlife and people to travel between the Open Space on the west of the site and other existing and proposed green corridors (footpaths and hedgerows) to the east.

70. It will be important for the public open space to be available from the day of the first occupation of dwellings. This will therefore provide the space for dog walkers from day one and which will help protect the SPA. A condition requiring the agreement of the delivery programme of the open space is considered appropriate.

Surface Urban Drainage (SUDS)

71. The Flood and Surface Water Engineer has no objection to the scheme. The Highway Authority has confirmed that it will adopt the permeable roads which are proposed to be adopted. This will require a maintenance contribution to be paid. Whilst the development does not include swales or retention basin officers are satisfied that the scheme will not cause

flooding or cause harm to water quality. A standard condition is recommended which amongst requires details of water butts with high level overflows.

Impact on residential dwellings

72. Loss of amenity to existing nearby properties would be contrary to Local Plan policies. This can occur through overbearing, loss of light or overlooking. Particular attention has been given to the impact of properties on Beechleigh which are to the north of the 41 full detailed dwellings. Plots 10 and 11 which are 2 storey dwellings back onto properties in Beechleigh but the distance is considered acceptable as to not cause any significant harm.

73. Properties in Mason Gardens will back onto the outline dwellings. The details of those dwellings are not known at this time and the acceptability of those dwellings will be considered at a later stage. Due regard to the private amenity of residents will be given at that time.

74. It is therefore considered that the details shown at this time are acceptable and do not cause any significant harm.

Design, density and visual Impact.

75. The density of the full application for the 41 dwellings is 22.3 dwellings per hectare (dph). The outline element of the scheme is up to 90 dwellings and 90 dwellings would equate to 28.3 dph. The 7 self build dwellings equate to 5.5 dph. If these areas are combined and the full 138 dwellings were delivered this would make a density of 22.15 dph. The amount of open space which is needed to make a development acceptable is included in calculating a developments density. In this instance the following amount and categories of open space should be delivered by 138 dwellings. The following figures total 21,276m2 (2.1276 hectares)

- Sport Space 5,910 m2
- Play space 1,773m2
- Parks and Recreation Grounds 2,955m2
- Informal Green Space 2,955m2
- Natural Green Space 5,910m2
- Allotments 1,773m2

76. The proposal does not propose any Sports Space, Play Space or allotments and as such could be considered as being deficient. However developers often look to see what facilities are present nearby or within a village setting and concentrate on specific types of open space over others where there might be a perceived shortfall. In this instance allotments sport space and play equipment are already located nearby to the site and will be accessible to the future occupants of this development. The scheme proposes a total of 3.81 hectares of Open Space which is made up of the 1.91 hectares of Public Open Space and 1.90 hectares of Strategic Landscaping. The scheme on the face of it proposes a far greater total of open space than is necessary. However the site is required to provide a

quantum of open space that will mitigate the possible harm to the Breckland SPA. In this instance the Public Open Space (1.91 h) and the links (including the strategic green corridor that will link the Public Open Space and the Public Rights of Way which is not included in this calculation) to other footpaths act as dog walking opportunities. Therefore in this situation it is considered by officers that the scheme does not provide an excess of open space but it does provide sufficient open space.

77. Guidance says that open space that serves a wider area should not be taken into consideration when calculating density. Given the above need for this Open Space it is considered that the 1.91 hectares of Public Open Space should be included in calculating overall density of a scheme. This results in an overall development density of 16.93 dph. 16.93 dph is a low density form of development in any situation. This appears worse by the fact that the agricultural land being lost is classified as "best and most versatile". However sites that have the potential to cause harm to the SPA on their own, or cumulatively must have the appropriate mitigation that will help protect the SPA. That mitigation will, by its very nature, take up a lot of land and reduce the overall density of any scheme. Therefore on balance the overall density of the development is considered acceptable.

78. The scheme proposes a landscape buffer on the eastern edge of the public footpath that runs between Mildenhall Road and Chapel Road. This landscaping belt is substantial in width and will help screen the built development proposed from views from the east and it is considered acceptable.

79. The scheme currently proposes 41 dwellings in full. The Strategic Housing Officer has highlighted that a disproportionately large percentage of those dwellings in the full element are 3 and 4 bedroom detached dwellings which will be unaffordable to local residents. This is considered acceptable because officers will be able to work with the developer and the Strategic Housing Team to ensure that the overall development delivers a balance and mix of housing sizes and types that are needed and appropriate for the area in accordance with Local Plan policies. It is expected that future reserved matter applications will have a higher proportion of semi detached, terrace and small properties to balance out the overall development. Therefore on balance the proposal is considered acceptable.

80. The Self build dwellings have the potential to cause intrusion and harm into the countryside. These dwellings are the only residential element of the scheme that is outside of the proposed housing settlement boundary for West Row that was consulted on in the Site Allocations Local Plan (Preferred options). If we are to consider them favourably, they will need to make a positive contribution to the character of the countryside and be viewed as integrating with their rural surroundings, rather than as an extension to a suburban housing development. We need to avoid imposing houses filling their plots, each one competing with its neighbours for dominance and avoiding urbanising features such as uninviting high boundary walls and gates. Despite its ultra-low density, there is no guarantee that inappropriate development will not appear cramped. It is therefore important that the scale of development is appropriate for its

setting.

81. To mitigate any such harm, it is considered essential to require a design code or design strategy for the self build units that will act as guidance for the separate developers or individuals that bring forward these dwellings. To ensure that these dwellings successfully integrate into the countryside setting out important characteristics will be a vital component of the design code. It will be important for the design strategy to help deliver a well designed development whilst still allowing for different approaches that will be architecturally unique.

Other matters

82. A sum of £45,380 is sought from NHS England to increase capacity at the Market Cross and White House surgeries in Mildenhall. These are considered acceptable.

83. Additionally the County Council has sought a contribution for improved library provision. This sum is £2,208 and it would be spent on stock improvement in the local Library in Mildenhall.

84. The Environmental Health officer has confirmed that there will be no air quality issues. However there is the potential for contamination and a standard condition is recommended to ensure this is investigated appropriately.

85. SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

Planning Balance and conclusions:

86. 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.

87. 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.

88. If it is subsequently concluded that potential 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.

89. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth. The development would provide additional infrastructure of significant wider benefit – including significant provision of new green infrastructure.

90. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could, subject to the later submission of reserved matters, result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance (particularly primary education provision) and the viability and accessibility of existing local services, both within West Row and further afield.

91. In relation to the environmental role officers' are satisfied the proposed development would have no significant effects on European designated sites. It is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the housing needs of the District. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.

92. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and the content of the final documents (including the location of sites allocated for development) remains uncertain, given that the Single Issue Review and Site Allocation documents are yet to be adopted or submitted for adoption. In any event, there is no evidence to suggest approval of the proposals would be premature to or prejudice emerging Development Plan documents.

93. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited

local landscape effects and loss of agricultural land of good to moderate quality, the benefits of development, particularly those arising from the delivery of a significant number of new homes, including affordable homes and significant new green spaces would significantly outweigh those concerns (dis-benefits) and, (subject to an acceptable and deliverable package of highway mitigation measures being subsequently agreed and secured) points firmly towards the grant of planning permission.

Recommendation:

94. It is recommended that full and outline planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

- Proportionate Highway contribution to an altered Queensway Junction – Cost to be confirmed in the coming weeks.
- SCC Travel Plan evaluation and & support officer – £1,000 per year up to 5 years from final occupation
- Travel Plan Bond - £123,623
- Rights of Way - Between £82,320 and £88,920 depending on the order making process.
- Primary Education £401,973
- Pre School £73,092
- Public Transport £15,000
- Affordable Housing - 30%
- Library Provision - £2,208
- Health - £45,380.00
- Off-site skylark habitat compensation – Control of land and provisions
- Any further clauses considered necessary by the Head of Planning and Growth.

95. In regard to the Outline part of the permission for up to 90 dwellings the following conditions are proposed to be attached;

1. Time Limit – Outline
2. Reserved Matters – Phasing
3. Approved Plans
4. Details of the internal accesses to be submitted, approved and implemented
5. Detailed of the parking and manoeuvring and cycle storage to be submitted, approved and implemented
6. Garage/ parking areas for each dwelling to be submitted, approved and implemented and retained – PD rights removed
7. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
8. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
9. Details of estate roads, footpaths to be submitted approved and implemented
10. No dwelling shall be occupied until the carriageways and footways

serving the dwelling have been constructed to at least binder course

11. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
12. Details of the foot/cycle paths as indicatively shown on drawing no. 013-027-106 to be submitted, approved and implemented. The details shall include a strategic green corridor for pedestrians, cyclists and wildlife and link the Public Open Space with the existing right of way that links Mildenhall Road and Chapel Road.
13. Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
14. Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
15. Details to be submitted of future residential development shall be informed by further ecological investigations
16. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
17. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
18. Submit and implement Archaeological WSI
19. Post investigation assessment of archaeology investigation
20. Fire Hydrants
21. Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
22. Construction Method Statement
23. Samples of external facing and roofing materials to be approved in writing
24. Details of the SUDS strategy to be submitted, approved and implemented

96. In regard to the Full details part of the permission (41 dwellings, Public Open Space and Strategic Landscaping) the following conditions are proposed to be attached;

1. Standard Time limit
2. Approved plans
3. Details of the proposed new access onto Beeches Road in general accordance with Drawing No. 2765.SK11 rev P2 to be submitted, approved and implemented prior to any works commencing or the delivery of any other materials
4. The loading, unloading, manoeuvring and parking areas shall be shown on drawing No. 013-027-108 Rev – shall be available for dwelling that it served prior to the occupation of that dwelling
5. Details of cycle parking shall be submitted, approved and implemented.
6. The garage parking areas shown on drawing No. 013-027-108 Rev implemented – shall be retained and made available.
7. The visibility splays serving the new access onto Beeches Road hereby approved shall be provided and maintained prior to the access first being brought into use. PD rights removed to maintain the visibility splays

8. The visibility splays for the internal accesses shall be submitted to and approved in writing before development commences. The visibility splays must be available prior to serving relevant dwellings and retained thereafter.
9. Prior to commencement of the internal roads which are to be adopted a Construction Management Plan shall be submitted, approved and followed. The plan shall include details on the construction method, maintenance and protection of the permeable paving.
10. Details of refuse/ recycling bins and a compost bins have been submitted, approved and implemented.
11. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
12. Details of estate roads, footpaths to be submitted approved and implemented
13. No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
14. Before any development commences details of a pedestrian crossing from the hereby approved layby to the northern side of the new estate road will be submitted to and approved in writing. The crossing will enable the parents and children using the layby to then use the proposed zebra crossing on Beeches Road. The approved layby and crossing shall be available for use prior to the first dwelling being occupied.
15. Prior to development commencing details to be submitted in general accordance with drawing no. 2765-SK11 Rev P2 of the proposed Zebra Crossing on Beeches Road. The approved details shall be implemented prior to the first dwelling being occupied.
16. Prior to development commencing details shall be submitted for the southern pedestrian access. The location of the southern access shall have regard to the foot/cycle paths that will go across the Public Open Space, the route of which will be informed by avoiding important shallow archaeological matter. The crossing shall be implemented at a time that shall be agreed in writing with the local planning authority
17. Details of the Landscape and Ecological Management Plan (LEMP) for the Public Open Space, Strategic Open Space and the retained agricultural land to be submitted to and approved
18. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
19. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved Public Open Space
20. Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
21. Soft Landscaping plan submitted, approved and implemented for the Strategic Landscaping hereby approved
22. Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
23. For the residential element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed

and implemented.

24. For the Public Open Space, the Strategic Landscaping and the Agricultural field element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed and implemented.
25. Details of Strategic Landscaping for the Public Open Space and the Strategic Landscape areas to be submitted, approved and implemented.
26. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
27. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
28. Submit and implement Archaeological WSI
29. Post investigation assessment of archaeology investigation
30. No ground disturbance, storage of materials during construction, placing of fencing other than may be approved under other conditions in the permission shall occur in the area hereby approved for the Public Open Space or strategic landscaping areas
31. Fire Hydrants
32. Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
33. Construction Method Statement
34. Details of the SUDS strategy to be submitted, approved and implemented

97. In regard to the Outline part of the permission for 7 dwellings the following conditions are proposed to be attached;

1. Time Limit – Outline
2. Reserved Matters – Phasing
3. Approved plans
4. Upon receipt of the first reserved matters application details of the new access on Chapel Road shall be submitted and approved – sight splays must not be obstructed PD rights removed
5. The new junction shall be implemented prior to any works commencing or the delivery of any other materials commencing.
6. Design Strategy submitted to and approved in writing ahead of the first reserved matters application being submitted to the LPA.
7. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
8. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
9. Submit and implement Archaeological WSI
10. Post investigation assessment of archaeology investigation
11. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
12. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
13. Details of estate roads, footpaths to be submitted approved and

implemented

14. No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
15. A Soft Landscaping plan submitted, approved and implemented for the each plot hereby approved
16. Details of the SUDS strategy to be submitted, approved and implemented

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/applicationDetails.do?activeTab=documents&keyVal=NE5XH0PDMIN00