

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 FEBRUARY 2017

DEV/FH/17/007

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2042/FUL – LAND NORTH OF BROOM ROAD,
COVEY WAY AND MAIDSCROSS HILL, LAKENHEATH**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

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Committee Report

Date	27 th October	Expiry Date:	29 th February 2016 (with extension).
Registered:	2014		
Case Officer:	Gareth Durrant	Recommendation:	Refuse planning permission
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Planning Application DC/14/2042/FUL - Residential development of up to 110 dwellings, as amended.		
Site:	Land North of Broom Road, Covey Way and Maidscross Hill, Lakenheath.		
Applicant:	Mr & Mrs Rutterford, Mr & Mrs Allsop & Mrs Reeve		

Background:

This application is referred to the Development Control Committee as it is a proposal for 'major' development. The proposal also raises complex planning issues of national and international importance.

The planning application has been advertised as a departure from the Development Plan.

A Member site visit is due to take place on 30 January 2017.

Proposal:

1. Outline planning permission is sought for the erection of up to 110 dwellings. Whilst vehicular access is a reserved matter, the illustrative plans show the development could be served by two vehicular accesses from Covey Way and The Firs.
2. Amendments were made to the application (received August 2016) involving a reduction in the total number of dwellings proposed, from up to 132 (as originally submitted) to up to 110 units in the revised scheme. A number of additional/amended reports were submitted at this stage alongside an amended illustrative layout plan. The amended proposals were the subject of full re-consultation. The outcome of both consultations is reported below.
3. 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. The Secretary of State considered the project, in isolation and in combination with other projects, and concluded it would not give rise to significant environmental effects. He confirmed an Environmental Impact Assessment was not required to accompany the planning application.

Application Supporting Material:

4. The following documents were submitted to support this application when it was registered in October 2014:
 - Forms and drawings (site location plan, existing site plan illustrative layout plan and tree survey plan)
 - Planning Statement
 - Design and Access Statement
 - Various ecological surveys and reports (Reptile Surveys, confidential Badger survey, Habitats Regulations Assessment, Invertebrate Assessment, Extended Phase I Habitat Survey, Breeding Bird Survey, Bat Activity Survey)
 - Transport Assessment
 - Phase I Desk Study (Contamination and ground conditions)
 - Archaeological Reports
 - Noise Assessment
 - Arboricultural Impact Assessment, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
 - Flood Risk Assessment

5. The planning application was amended in August 2016. The following amended plans and documents were received at this time:
 - Amended Design and Access Statement
 - Addendum to the Habitats Regulations Assessment
 - Ecological Masterplan
 - Noise Impact Assessment
 - Transport Assessment Addendum
 - Amended Illustrative Layout Plan

6. In December 2016, amended planning application forms were received to reflect the fact that some of the previous applicants had withdrawn from the planning application. The Council also received revised ownership certification to address this change (and the consequential changes to the application site area).

Site Details:

7. The site is situated on the eastern side of Lakenheath. It is approximately 4.3 hectares in size. The proposals for the erection of up to 110 dwellings on the land equates to a gross development density of around 25.5 units per hectare. The majority of the land is unused and to a large extent is covered by woodland. The site picks up parts of existing rear gardens to dwellings in Maidscross Hill and

the unmade section of Broom Road. A number of the trees on site (but not the woodland) are subject to individual or group Tree Preservation Orders. No works can be undertaken on these protected trees without the prior consent of the Council. There is a public footpath running along (outside) the east site boundary.

8. The application site is situated outside but abuts the settlement boundary of Lakenheath. The settlement boundary runs along the west and part north boundaries. The site is situated in the countryside for the purposes of applying relevant Development Plan policies.
9. The site does not have a frontage onto an adopted highway. Vehicular access is available from two points in Covey Way and The Firs, with opportunities to link pedestrian and cycle access onto the unmade section of Broom Road to the south of the site. The east boundary abuts a public footpath, The Maidscross Hill SSSI and Nature Reserve is situated close to the eastern boundary of the site and the RAF Lakenheath airbase is located further east beyond the SSSI. The north and west site boundaries abut residential areas and, to the north, a disused reservoir. The aforementioned potential vehicular access points would connect from the eastern side. The southern boundary butts up to the unmade Broom Road. The bulk of the village settlement and all key village facilities, save for the Maidscross Hill SSSI which has public access, are located to the east of the site.
10. 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:

11. In 1977, planning permission was refused for the erection of a 2-bed bungalow and garage on part of the site. Application F/77/195 refers.
12. In 1999, planning permission was granted for the erection of a telecommunications mast in the south eastern corner of the application site. Application F/99/602/FUL refers.
13. There are six other proposals for large scale residential development around or close to 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:

Project Ref.	Application Reference.	Address.	No. of dwellings.	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Approved by the Committee in August 2016. The Secretary of State is presently considering a 'call in' request. S106 negotiations are on-going.
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. The application has been subject to amendment in the meantime and requires further consideration by Committee before decision.
E	DC/13/918/OUT	Land e. of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	Application <u>withdrawn</u> in February 2016.
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way and Maids Cross Hill Lakenheath	Up to 132	This is the planning application which is the subject of this report and recommendation.
G	DC/14/2073/FUL	Land adj. 34 Broom Road, Lakenheath	120	The applicants submitted a 'non-determination' appeal. A Public Inquiry is programmed to commence on 28 th February 2017. In July 2016, Committee resolved it would have resolved to refuse planning permission had it retained decision making powers. The Council will request appeal is dismissed.
H	DC/16/0670/HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	The applicant has requested time to make amendments to the planning application. The application will be reported to DC Committee for decision in due course.

Consultations:

14. The planning application has been the subject of two separate rounds of consultation; i) October 2014 and, following the receipt of amendments, ii) August 2016. The following is a summary of the responses received from both consultations.
15. **Environment Agency** (November 2014) – submit **no objections**. The Agency comments the site is above a Principal/Secondary Aquifer, WFD groundwater body, WFD drinking water protected area and within 30 metres of a surface water course (drain). The Agency considers the previous farm/pig rearing land use and demolition of former buildings to be potentially contaminative. The Agency notes the site is of high sensitivity and could present potential pollutant/contaminant linkages.
16. The Agency recommends any planning permission granted is subject to 3 (no.) conditions with respect to remediation of any contamination present (including any additional previously unknown contamination found later) and surface water drainage. The Agency also set out advisory comments for the benefit of the applicant/landowner.
17. The **Environment Agency** wrote again in September 2016, following re-consultation, to confirm they did not wish to add to previous comments made.
18. **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 there is insufficient detail as to how impacts to the SSSI will be avoided. Natural England agrees with the applicants conclusions that the development would result in additional recreational pressure at Maidscross Hill SSSI and Local Nature Reserve and that this could be addressed through a developer contribution to its management. However, the scope of necessary management works and associated contribution has not yet been agreed or discussed.
19. In addition the proposed housing backs on to Unit 2 of the SSSI (the covered reservoir) and may present a risk from activities such as encroachment of gardens and dumping of garden rubbish. This risk will depend on the type of fencing between the development and SSSI (both existing and proposed). Although this type of impact is recognised by the ecological report it is not discussed in enough detail for us to be confident that this impact would be avoided.
20. Subject to these issues being resolved Natural England would be able to withdraw its objection in relation to Maidscross Hill SSSI.
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 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.*

23. 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."

24. In October 2016, **Natural England** wrote to formally confirm their position with respect to the SPA, as set out above. With respect to the Maidscross Hill SSSI, Natural England noted that mitigation is required, and provided the following comments about the SSSI:

- In our previous response we noted that Maidscross Hill SSSI/LNR is adjacent to the application site and that therefore the proposed development is likely to result in an increase in recreational pressure on the SSSI, with most of the damage caused by dog walking and visitors walking off the main path. These activities often result in the trampling of habitats and rare plants and the eutrophication of the soil. Other activities that result in pressure to the site include increased litter on site (and potentially fires) due to picnics and barbeques. In addition, we noted that the proposed

housing development backs on to Unit 2 of the SSSI (the covered reservoir) and may present a risk from activities such as the encroachment of gardens and the dumping of garden rubbish.

- We noted that this could potentially be addressed through a developer contribution to its management (which would need to be agreed between the applicant, the local authority and Natural England).
- Natural England welcomes the reduction in housing, which is likely to reduce the number of residents in this location by approximately 70 people. However following discussion with our land management team and FHDC, we consider that without mitigation it is still not possible to rule out that this application will lead to significant effects on the interest features of the SSSI, either alone or cumulatively with other developments within Lakenheath. Due to the location of the application site it would not be possible to prevent or discourage the c.240+ new residents from accessing the site. The population of Lakenheath is also increasing due to recent residential development, and since Maidscross Hill is currently the main greenspace in the area for recreation, we can therefore expect a rise in visitors at Maidscross Hill SSSI/LNR from across the whole settlement, particularly if further development on the east side of Lakenheath is granted permission.
- Taking all this into account, we consider that it would only be possible to mitigate for the recreational effects of an application site this close to the SSSI by contributing to a wardening service to oversee Maidscross Hill SSSI/LNR. We welcome the proposals put forward by your authority for the wardening scheme earlier this year and would be happy to discuss this further if you have any queries. We advise that this is the only mitigation that is likely to sufficiently address recreational effects as it would not be possible to prevent residents associated with this application from accessing the site and we consider that no improvement works or other measures on site could entirely prevent access. We also welcome measures to contribute to the management of the site and to encourage visitors to stay on the paths (eg. path and sign improvements, and information boards).
- Although not mentioned in our previous response, discussions between Natural England and the LNR manager and ecology officer at FHDC has highlighted a further issue which we consider has to be taken into account. The application is likely to lead to an increase in cats on site, which are likely to predate rabbits and ground nesting birds. The habitats of Maidscross Hill rely on rabbit grazing to keep them in good condition. In recent years, the lack of sufficient grazing has allowed bracken and considerable amounts of gorse and hawthorn scrub to invade the site. It is possible that an increase in cats will reduce the effectiveness of the rabbits to maintain the site. Also note that loss of some grassland the scrub has provided additional nesting habitat for birds, which may in turn

be predated by cats. In our view there is no way to mitigate for this as cats also cannot be prevented from entering the site. However note that we consider that the effect due to cats is unlikely to be significant alone, but is likely to contribute to loss of condition of the interest features of Maidscross Hill SSSI.

25. In terms of green infrastructure and ecological management, the following advice was provided:

- We note that due to the reduction in housing, there has been a small increase in onsite green infrastructure and the site now includes a cycle/footpath to the site from Broom Road. Whilst we welcome this increase in GI and all the measures set out in the Ecological Mitigation Plan we are not clear what measures are being provided to support residents after reviewing the submitted documentation. For this reason we recommend that if the application receives planning permission, a green infrastructure strategy should be secured by planning condition.
- In terms of the Ecological Management Plan, the measures set out to encourage species on site, to increase ecological connectivity between the site and SSSI/LNR and to provide priority habitat on site are all welcome. We also consider that the provision of the buffer to separate the site from the SSSI will help block direct access and prevent urban effects such as the encroachment of gardens and the dumping of garden rubbish. However we would also expect that the plan should also include more emphasis on walking and cycling routes, in particular dog walking routes. We appreciate that this site is not large enough to incorporate a whole dog walking route (usually around 2.4km) but it could certainly provide a circular walking route within the site which would join up to paths outside the site and divert at least some walks away from the SSSI/LNR.

26. **Defence Infrastructure Organisation (Ministry of Defence)** (November 2014) – **no objections**, and confirmed that the Ministry of Defence has no safeguarding objections to the proposal.

27. **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.

28. **NHS Property Services** (February 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 up to 132 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 £43,480 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.
29. **Suffolk Constabulary** (September 2016) – set out advisory comments for the benefit of the applicant/developer.
30. **Lakenheath Internal Drainage Board** – In November 2014 confirmed they had **no objections** to the proposals on the basis that the use of soakaways was deemed to be an appropriate method of surface water disposal for the site. If this was not an acceptable method, the Board requested to be consulted further.
31. **Forestry Commission** – In December 2014 raised **no objections** against the proposals. The Commission noted the loss of individual trees and a plantation of approximately 1.9 hectares (albeit not ancient or semi-natural woodland). The Commission summarised relevant national policies relating to woodlands to assist with determination of the planning application.
32. **FHDC (Environmental Health)** (November 2014) – **no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants

remediated, and ii) to investigate and mitigate potential cumulative impacts upon air quality.

33. **FHDC (Public Health and Housing)** (November 2014) – **no objections**, subject to conditions to secure, hours of construction and construction management.
34. In September 2016, the **Public Health and Housing** team raised **no objections** to the amended proposals.
35. **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 illustrative proposals with respect to public open spaces and children’s play facilities.
36. **FHDC (Strategic Housing)** (November 2014) – **supports** the proposals on the condition the scheme meets Core Strategy policy CS9 requirements for 30% affordable housing provision.
37. In September 2016, the **Strategic Housing** team considered the amended details and re-affirmed their **support** for the proposal. They also commented upon the likely mix requirements for the affordable housing.
38. In October 2015, the Council’s **Tree, Landscape and Ecology Officer** commented on the proposals and revised those comments following submission of the amendments in August 2016. The following sets out the revised comments:

Habitats Regulations Assessment

- The application site is in close proximity to a European designated site, Breckland Special Protection Area (SPA), and has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’).
- In considering the European site interest, as the competent authority under the provisions of the Habitats Regulations, the local planning authority must have regard for any potential impacts that the proposals may have.
- The proposed development is outside of the 1500m buffer around units of Breckland SPA capable of supporting stone curlew but is within the 1500m stone curlew ‘nest attempts’ buffer as revised (2016) and referred to in Forest Heath District Council’s Core Strategy Policy CS2. Therefore stone curlews nesting outside of the SPA should be considered.
- Natural England has advised that having reviewed the locations of the nest records, the application is not likely to lead to a significant effect on the qualifying species of Breckland SPA, or lead to an

effect on the integrity of the site. This is due to the fact that the nest records are not close enough to the application site to lead to direct effects, such as those due to lighting or noise. Furthermore as the proposal is situated at some distance from Breckland SPA and screened from the SPA and the sites where nests were found to be present by Maidscross Hill, the proposal is not likely to lead to visual disturbance to birds nesting within or outside Breckland SPA.

- Recreational effects also appear unlikely to lead to a significant effect as the majority of records are within non accessible areas (such as RAF Lakenheath) and there are no obvious routes towards other nest sites. It is also around 2km from Breckland SPA which we consider is sufficiently far to discourage the majority of residents from walking to the SPA on a regular basis, particularly for the purposes of dog walking. Therefore, taking all the above into account, we have been able to conclude that the site, alone, is not likely to significantly affect the qualifying species or integrity of Breckland SPA.
- In terms of the in-combination effect, should all proposals on the east side proceed we assess that there is likely to be a minor effect on the nesting density of stone curlew, but due to the distance of Lakenheath from the SPA and the position of all the nest records (which were similar for all applications), we have concluded that the in-combination effect is also not likely to be significant.

Recreational In-combination effects

- There is 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 Briscow Way(67 dwellings)
 - e) Land North of Broom Road (132 dwellings)
 - f) Land adjacent to 34 Broom Road (120 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 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. This point is also noted by Natural England in their letter of 6.10.16

Ecology - Designated sites

- This application is in close proximity to Maidscross Hill Site of Special Scientific Interest (SSSI) and Local Nature reserve (LNR). The applicant has submitted a document entitled Addendum to the HRA that deals with the impacts of the scheme on Maidscross Hill SSSI, which forms part of the planning application for comment during consultation.
- Natural England has commented that the proposed development is likely to result in an increase in recreational pressure on the SSSI, with most of the damage caused by dog walking and visitors walking off the main path. These activities can result in the trampling of habitats and rare plants and the eutrophication of the soil. Other activities that result in pressure to the site include increased litter on site (and potentially fires) due to picnics and barbeques. In addition, the proposed housing development backs on to Unit 2 of the SSSI (the covered reservoir) and may present a risk from activities such as the encroachment of gardens and the dumping of garden rubbish.
- Natural England has confirmed that without mitigation it is not possible to rule out that this application will lead to significant effects on the interest features of the SSSI, either alone or cumulatively with other developments within Lakenheath. Due to the location of the application site it would not be possible to prevent or discourage the c.240+ new residents from accessing the site.
- Natural England has further advised that it would only be possible to mitigate for the recreational effects of an application site this close to the SSSI by contributing to a wardening service to oversee Maidscross Hill SSSI/LNR. They go on to confirm that no improvement works or other measures on site could entirely prevent access. Natural England in their letter went on to state measures to contribute to the management of the site and to encourage visitors to stay on the paths (eg. path and sign improvements, and information boards) would be welcomed.
- Discussions between Natural England and Forest Heath Council has highlighted that the application is likely to lead to an increase in cats on site, which are likely to predate rabbits and ground nesting birds. The habitats of Maidscross Hill rely on rabbit grazing to keep them in good condition. In recent years, the lack of sufficient grazing has allowed bracken and considerable amounts of gorse and hawthorn scrub to invade the site. It is possible that an increase in cats will reduce the effectiveness of the rabbits to maintain the site. Also note that loss of some grassland the scrub has provided additional nesting habitat for birds, which may in turn be predated by cats. Natural England has confirmed that there is no way to mitigate for this as cats also cannot be prevented from

entering the site. However note that we consider that the effect due to cats is unlikely to be significant alone, but is likely to contribute to loss of condition of the interest features of Maidscross Hill SSSI.

Ecology - Habitats

- The site has an interesting and varied range of habitats and although its history suggests that these habitats (other than the woodlands and scattered mature trees) are relatively new, the site is developing a diverse range of wildlife. There is evidence of acid grassland developing, particularly where the grassland has been managed regularly. Structural diversity across the site is excellent with trees, scrub, tall ruderal species, short grassland, bare ground and gardens all providing a range of habitats for wildlife. The site borders the open grasslands of Maidscross Hill SSSI and has excellent connectivity. The proposals include for the clearance of large parts of the site vegetation and trees.
- The site currently acts as a physical buffer between existing residential development and Maidscross Hill SSSI. Any development must retain a suitably wide buffering habitat along the boundary with the SSSI and LNR and a buffer of 11m is now set out in the indicative plan and this would need to be secured if the application were to be granted permission.
- The Forestry commission has noted that the proposals would lead the loss of some individual trees and plantation woodland of approximately 1.9 hectares, although this does not appear to be ancient and/or semi-natural woodland. The UK Forestry Standard ("the government's approach to sustainable forest management", Forestry Commission 2011) states that, "the overarching policy for the sustainable management of forests, woodlands and trees at a UK level is a presumption against the conversion of forest land to other land uses – unless there are compelling reasons in the public interest for doing so.

Ecology - Protected species

- A badger survey report has been submitted to support the planning application. This reported that no evidence of badgers was found on the site. Resurvey for badgers would be required prior to any development if permission were granted.
- A bat survey was also undertaken at the site. This concluded that woodland edge, hedgerow and tree habitats on the eastern and western boundaries are considered to be important for foraging bats. The report goes on to state that the loss of these features of value (through removal or loss of functionality via light pollution) may confer significant effects (habitat loss/fragmentation) to the local bat populations utilising the site without mitigation. The indicative layout does not show any retained trees or vegetation

although the tree survey plan indicates that those trees on the boundary but outside the site would be retained along with a row of trees on the southern boundary. A significant impact on bats as a result of the proposals cannot be ruled out.

- A breeding bird survey was also undertaken. A total of 42 species of bird was recorded. Of these, 30 species are considered to be potentially breeding at the site or have territories which regularly encompass part of the site. The report recommended the retention of dense scrub at the eastern side of the site, which is contiguous with the scrub at Maids Cross Hill LNR/SSSI, should be incorporated in the development. Provision of scrub on-site (through retention or planting) or nearby should be implemented to enhance nightingale habitat. A minimum buffer on the eastern side of the site has now been retained although it is unclear what will be retained as the arboricultural report and plan is not updated.
- Invertebrate survey was also undertaken on the site. This found the site supports a small area of recently created bare earth habitat relevant to the species of conservation concern on Maidscross Hill SSSI, with two of the species of concern on Maidscross Hill SSSI occurring on the project site (the bee *Osmia bicolor*, and also the common cinnabar moth). The third species on the project site is not known from Maidscross Hill SSSI and may be absent as it requires aphids on umbellifers as prey. The scrub on the project site has the potential to be used for hunting and foraging by species otherwise present on Maidscross Hill SSSI, but no such species were recorded. The role of the project site as supporting habitat for Maidscross Hill SSSI was assessed to be minor.
- Impacts on invertebrates are associated with habitat loss but also with site lighting. Mitigation recommended in the report includes provision and management of soft landscaping – however the current application includes limited provision. It is also recommended that any site compounds are located away from the SSSI with lighting orientated away from the SSSI. The lighting scheme for the whole site, and in particular the south and eastern boundaries, should also be designed to limit impacts on invertebrates within the Maidscross Hill SSSI. The report includes enhancement measures which would need to be incorporated. The main failings of the proposal are the loss of habitat and the lack of provision of open space to provide suitable mitigation.
- Supporting information also includes a reptile survey report which reports the presence of a population of lizards and grass snakes on the site. The site would require a reptile mitigation strategy to be implemented with animals translocated to a receptor site. No details of this are given and no receptor site is proposed; preparation of a receptor site would require a significant lead in time.

Landscape

- The amendment to the layout to include a green buffer to the east of the development is welcomed. However the remainder of the site and the fragmented distribution of open space through the development remains. The layout is poor, and of particular concern is permeability for pedestrians. In addition the proposals do not seek to retain any of the existing site features which would be of benefit in providing a mature landscape setting.
- I note that the tree plan has not been updated in light of the new layout. A number of the trees on the site are protected by tree preservation order TPO4/2016. The tree preservation order was made because the trees within this site form a buffer to the eastern edge of Lakenheath and a visual separation between the built development and the adjacent Maidscross Hill Site of Special Scientific Interest and Local Nature Reserve. The trees are an important visual amenity and contribute to the character of the adjacent open space which is used by the community. This tree preservation order has been made to protect the most significant trees on the site which are potentially threatened by proposed development.
- The layout of the site does not provide meaningful and useable open space to serve the new community. Neither does the landscaping seek to provide well connected and attractive open space that could be used by residents for recreational activities such as dog walking as an alternative to visiting the adjacent sensitive nature reserves. The response from SCC Flood and Water Engineer suggests that the layout has not given sufficient consideration to the provision of SUDs and I would be concerned that the requirement for SUDs would further compromise the open space indicated. Given the issues that have been identified in relation to potential recreational pressure on both the adjacent 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.
- Natural England has commented in relation to green infrastructure that:

We note that due to the reduction in housing, there has been a small increase in onsite green infrastructure and the site now includes a cycle/footpath to the site from Broom Road. Whilst we welcome this increase in GI and all the measures set out in the Ecological Mitigation Plan we are not clear what measures are being provided to support residents after reviewing the submitted documentation. Ecological mitigation is proposed in all the areas of open space in preference to amenity open space.

- Whilst the buffer to the eastern side of the site and the measures proposed to encourage species on site are welcomed, measures to

provide for onsite recreational space, including a dog walking route on site are not included.

39. **Suffolk County Council (Highways – Development Management)** (November 2014 – note these comments were received to the original planning application which included vehicular access onto the unmade Broom Road. Amendments have subsequently been made to the access strategy) – The Highway Authority raised **no objections** and commented that Broom Road would need to be made up to adoptable standards with a footway. Given that stretch of Broom Road is a footpath, Rights of Way permission would need to be sought. The Highway Authority also confirmed that a Transport Assessment would need to be provided which scopes this site and all approved development and any mitigation required.
40. A number of conditions were recommended in the event that planning permission was to be granted. It was indicated that details of the developer contributions required to be provided towards highway improvements for pedestrians, cycles and bus provision was to follow.
41. **Suffolk County Council (Highways – Public Rights of Way)** (November 2014) – **objected** to the application and commented as follows:
 - The site has Public Footpath No. 7 to the west, Public Footpath No. 12 to the east and Restricted Byway No. 6 (RB6) to the south.
 - The application proposes to use RB6 as one of three vehicular access points for the development; the restricted byway is not suitable for vehicular traffic of that extent at the eastern end. Therefore we would not support a vehicular access at this point but a pedestrian access should be considered as opposite is an entrance in to Maidscross Hill Open Access Land. We would also suggest a pedestrian access is provided from the development to Public Footpath No. 12. Improved pedestrian access will encourage walking for recreation and health benefits.
42. In September 2016, the **Rights of Way Team** responded to the re-consultation to confirm they held **no objections** to the amended scheme and welcomed the replacement of the previously proposed vehicular access onto the Restricted Byway (the unmade part of Broom Road).
43. **Suffolk County Council (Highways – Travel Planning)** – (November 2014) noted the application should have been accompanied by a travel plan given its size. The submission of a travel plan was requested prior to the determination of the planning application and its subsequent implementation and monitoring enforced by a S106 obligation or planning condition.

44. **Suffolk County Council (Archaeology)** (November 2014) – **No objections** and comments this large site lies within an area of archaeological potential. It lies adjacent to a major, regionally significant Lower Palaeolithic site associated with the ancient watercourse, the Bytham River. The area is extremely rich in archaeological remains, with multiple Prehistoric, Roman, Saxon and medieval findspots recorded within 250m to the north. A review of the historic maps also identified the potential presence of a post medieval or earlier cemetery in the southern half of the site.
45. The preliminary programme of archaeological assessment 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.
46. These comments and requirements were repeated in October 2016 when the **Archaeological** team responded to the consultation in relation to the amended plans.
47. **Suffolk County Council (Development Contributions)** – (December 2014) – raised **no objections** and provided the following comments and requests for S106 contributions:
 - Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.

Education (Primary).

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

new school site and meeting short term needs pending the construction and opening of a new 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 but these have yet to be carefully tested. It is noted that application reference DC/14/2096/HYB on land to the north of the village contains a proposal for a primary school site. However, at present, a number of uncertainties remain:

- The size and configuration of the sites in relation to the school requirements;
 - Whether the sites are likely to be available in the next couple of years;
 - Their relationship to access and services;
 - Environmental, flooding, aircraft noise and other constraints on the site;
 - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site.
 - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
 - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
 - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community.
 - 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.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 132 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 33 pupils of primary school age. The contribution to be secured from this development is therefore £586,674 (33 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 £181,203.
- 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 13 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £79,183 (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 £28,512 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).

48. In January 2017, the **Development Contributions Manager** wrote to update earlier requests in order to reflect changes in circumstances. The updated position required developer contributions to be used towards the delivery of a 420 place school (as opposed to 315 previously requested), at a cost of £16,429 per pupil emerging (£443,583 in total from the scheme) and £34,938 towards the land cost. An updated pre-school contribution was also requested (£108,330) to reflect increase build costs and a slightly reduced libraries contribution of £23,760 was also requested.

49. **Suffolk County Council (Floods Team)** (September 2016) **objects** to the planning application and provides the following comments:

- SCC have reviewed the FRA by Canham Consulting - Land North Of Broom Road and Land Way and Maids Cross Hill, Lakenheath Flood Risk Assessment (ref 203421 and dated Dec 2013). In principle the outline drainage strategy is on the right track but due to issues with the site layout we cannot approve the applications at this time.
- The basis of the drainage strategy is to use infiltration SuDS at the site, in line with national and local hierarchies on discharge locations. Some outline soakage tests have been undertaken which show good infiltration at the site, although no borehole logs have been submitted with the application. SCC require borehole logs to indicate the depths of the different stratigraphy.
- The main issue with the site is the building layout, there should be at least 12m between houses to allow for a 5m distance between the soakaways and any foundations. This currently is not the case and the density of the site is unacceptable and the gardens need to be extended.
- SCC will only allow shallow soakaways no more than 2m deep and will be at least 1m above groundwater table. Currently some of the soakaways proposed to drain the adoptable highway are deeper than 2 metres.
- There is no assessment of how highway water will be treated – this

is critical to protect local aquifers especially as soakaways are to be used.

- To alleviate any exceedance flows in excess of drainage design or due to blockage exiting the site; a green corridor along the western boundary which houses an infiltration trench or similar should be included.

Representations:

50. The planning application has been the subject of two separate rounds of consultation; i) October 2014 and ii) August 2016. The following is a summary of the representations received.

51. **Lakenheath Parish Council** – (December 2014) **objected** to the planning application on the following grounds:

- This area is considered as development in the Countryside as outside the defined development boundary. This is as defined by the local plan (1995). It is also contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment. The adjacent land, The Warren, includes a nature reserve (SSSI) and is frequently used by walkers etc. The visual impact of the development will be adversely affected by the loss of the Trees and the sight of houses.
- 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.
- 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 issue 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 ultimately Broom Road to enter the High Street. This junction is now often congested and with further development of other sites off Broom road this can only be exacerbated. 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. Where are they?

- 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 and in this county. 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 all 3 proposed locations entering the estate. The High Street is already congested at various times of the day. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. As a bus route it will not be possible to slow traffic down. A solution will have to be found elsewhere.
- Part of the proposed site L21 is adjacent to a site of special scientific interest (SSSI)/local Nature reserve. This should be considered as a wildlife "buffer" zone and the natural boundary of the village. The Breeding bird survey (page 6) suggests that there are 42 Species of birds using the area and 30 found to be breeding on the site. 9 of which have notable conservation status.
- The proposed site allows for the majority (possibly 70) mature trees to be removed. None have TPO's. There is no suggested new planting. When the trees are removed the noise buffer of the old

Covey will mean that the surrounding areas will have a nuisance by noise emanating from RAF Lakenheath because of the loss of the shielding effect from the belt of trees. This will also contribute to more adverse weather conditions to the area ie more wind etc (no tree protection).

- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential dwellings. L15 area is included for development within the site allocations designated for Lakenheath but L21 is not and should not be so considered.
- 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 spacious grounds a setting more amenable and pleasing when located, on the outskirts of the village; the design is unimaginative bearing in mind the loss of natural heath land and visitor parking totally inadequate 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.
- Since when does the mix of affordable homes with those privately owned work. Affordable homes should be kept together in one part of the estate only as has been done on other sites in the village (Briscoe Way as an example). It is suggested that the mixes of affordable homes suggested 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 42 2 bed affordable homes. A mix of 1 bed and 2 bed properties would better match the villages needs in affordable homes.
- The proposed site at L21 is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival and departure of many NATO aircraft. Those houses on the outer edge will be worst effected as they will overlook the Base.
- A single nightingale territory was present according to the Breeding Bird report and this contributes to a local population that is likely to be of District or possibly County importance. This territory is dependent on the presence of dense scrub and loss of this habitat is likely to adversely affect them. According to the RSPB there were 5 nesting pairs this summer on the SSSI reserve adjacent to the proposed development. Almost all of the breeding bird community, including the species of Conservation Concern, is largely associated with the habitat provided by scrub and the small patches of broad-leaved trees. All of the notable species, except nightingale, are still

widespread and common in Britain and Suffolk, albeit in decline nationally (Bird Atlas 2007-11 and Suffolk Bird Atlas 2007-11). Nightingale is widespread in Suffolk and the single territory in the survey area contributes to a local breeding population, centred on the adjacent Maids Cross Hill LNR, which is considered here to be of District Importance and may be of County Importance.

- If you are mindful to agree to a development in this area it should be considered only on the area of L15 and not include L21. To include L21 is against Policy CS2 which seeks to protect areas of landscape biodiversity geo-diversity but more importantly local distinctiveness. Policy CS3 says to preserve and where possible enhance the landscape character of the local area. To remove the trees and scrubland certainly would not achieve this. It is considered that developers should be asked to provide dog waste bins.
- The key principle of the core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.

52. **Lakenheath Parish Council** – (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.

53. In September 2016, following re-consultation, the **Lakenheath**

Parish Council maintained its **objections** to the planning application and provided the following comments:

- This area is still considered as development in the Countryside as outside the defined development boundary. This is as defined by the local plan (1995) and contravenes your policy DM5. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment. The adjacent land, The Warren, includes a nature reserve (SSSI) and is frequently used by walkers etc. The visual impact of the development will be adversely affected by the loss of the Trees and the sight of houses. DM13 applies here too.
- Good design is important for all development types in all locations. The NPPF makes it clear in paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. New development should achieve a high quality design that enhances the unique characteristics of an area and ensures a better quality of life for people within that area. Contrary to DM2 This new plan detail is still a cramped development even though it is reduced in dwelling provision. The site area 4.61 hectares has the potential capacity for 83 dwellings based on 30 dwellings per hectare on 60% of developable area per FHDC core strategy. The dwellings themselves will be adjacent to spacious bungalows yet they are in the main 2 storey properties.
- Grade 3 agricultural land lost
- The proposed site at L21 is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival and departure of many NATO aircraft. Part of the new estate is directly under the flight path of the returning jets therefore a nuisance by noise will affect the new properties.
- Removal of trees will increase noise and wind for the whole Village as the current trees must act as a wind break. Part of the land is one of the last remaining woods in the Village.
- There are no plans to increase or improve public transport. It was September 2014 that the direct link (bar the college bus early morning to Bury St Edmunds and evening bus from the College) to Bury St Edmunds was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will use ultimately Broom Road to enter the High Street. Roadways will be strained with the additional traffic from both locations entering the new estate. The road access from Covey Way and The Firs is too narrow to serve the entire proposed estate. These feed eventually into Broom Road and then High Street which junction is now often congested and with further development of other sites off Broom road this can only be exacerbated. This is contrary to

Policy CS4 not encouraging additional car usage. This policy also provides for safe and attractive footpaths and cycle linkages to be kept or created to link any new development into nearby areas. Where are they other than the short entrance to Broom Road? In addition DM9 states: Consideration will be given as to whether development will impact on the use of the highway, with particular attention paid to the potential for restrictions on the width of the highway, to the detriment of safety, amenity and/or accessibility.

- We would refer you to DM45, the Parish Council has previously raised concerns about the potential impact of the level of new traffic on local junctions and the cumulative impact of the level of new housing that is being promoted in and around Lakenheath already. This proposed estate is far too large providing for too many cars as previously stated to make use of the entrances proposed at The Firs and Covey Way. The Parish Council retains these concerns and suggests that until a solution is found as to how to mitigate the choke points (particularly Broom Road with the High Street, Lords Walk Roundabout and the junction at Eriswell of the A1065 and B1112 this case should not proceed.
- The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. Insufficient parking facilities appear to have been considered bearing in mind services and visitors too.
- 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 are in the main bungalows not two storey buildings. They generally sit in spacious grounds a setting more amenable and pleasing when located, on the outskirts of the village; the design is unimaginative bearing in mind the loss of natural heath land and visitor parking totally inadequate 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 mixes of affordable homes suggested need to be reassessed as not enough variety as to size.
- I would remind you that DM9 states: in the case of proposals in nature conservation sites, or within or visible from Conservation Areas or other heritage assets, the developer or operator can demonstrate to the satisfaction of the Local Planning Authority that the proposal represents the highest standards of siting and design appropriate to the location. This does not appear to have been taken into account on this occasion.
- DM10 suggests When considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the

Suffolk Wildlife Trust and other specialist sources. The Ecological Mitigation Masterplan does not appear to go far enough to safeguard the Nature reserve, SSSI site. In fact, it encourages leisure to the area not safeguard the habitats within the area. I would remind you that a single nightingale territory was present according to the Breeding Bird report (2 years old and out of date) however, and this contributes to a local population that is likely to be of District or possibly County importance. This territory is dependent on the presence of dense scrub and loss of this habitat is likely to adversely affect them. We understand that there were 5 nesting pairs this summer on the SSSI reserve adjacent to the proposed development on the site of the ROC camp. Almost all of the breeding bird community, including the species of Conservation Concern, is largely associated with the habitat provided by scrub or dense scrub and the small patches of broad-leaved trees. All of the notable species, except nightingale, are still widespread and common in Britain and Suffolk, albeit in decline nationally (Bird Atlas 2007-11 and Suffolk Bird Atlas 2007-11). Nightingale is widespread in Suffolk and the single territory in the survey area contributes to a local breeding population, centred on the adjacent Maids Cross Hill LNR, which is considered here to be of District Importance and may be of County Importance. We await detail from the RSPB and the British Trust for ornithology for confirmation of this. We would remind you of the continuing wording for policy DM9 says: 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. Proposals which would result in significant harm to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not be permitted. DM11 also applies to this site, protecting the species residing in the SSSI without sufficient mitigation in rehoming.

- NHS no mention of extra Doctors facilities for the Village. The NHS letter of 17.2.16 for this site suggested then that our current practice has a list size of 5325 patients whereas current capacity at the time was 3946. This is covered by 4 Doctors, 2 full time and 2-part time. Bear in mind the development Land North of Station Road (375 dwellings) has now been granted consent for outline planning. In addition, it is expected that further consent will be provided for Eriswell Road site (up to 140 dwellings) Briscoe Way (65 dwellings) and Rabbit Hill (up to 81) dwellings. The doctors' surgery is now over stretched and there has been NO suggestion for an additional site to be provided. This cannot be right as the surgery will not be able to cope with the patients expected from the above suggested 661 dwellings yet alone the additional possible 110 from this application. We know that it is a national problem to obtain locum cover. Mitigation measures need to be put in place to overcome this and provide additional facilities for the Village.

- We suggest that new proposals should be provided taking into account our comments and bear in mind the provision of DM22 contents as this proposal does not.
54. Twenty one letters were received from **local residents objecting** to the proposed development across the two consultations. The issues and objections raised are summarised as follows (in no particular order);
- Object to access onto the narrow Covey Way and Firs.
 - Too much traffic would be generated making the local road system much worse.
 - Safety concerns to children in the area including around the primary school (from traffic)
 - Too many homes are requested (132)
 - The school should not be enlarged again.
 - Access should be via Broom Road only.
 - A buffer should be provided between the development and the SSSI
 - The mature trees should be retained and protected for future generations.
 - Desecration of the wildlife using the site.
 - There are better development sites.
 - Loss of privacy and light to existing dwellings.
 - Devaluation of existing properties
 - Noise from the new residents.
 - Bungalows should be provided close to site boundaries.
 - Adverse visual and physical impacts upon the SSSI, being proposed so close to it.
 - The development is dreary and unimaginative
 - There would be no buffer between the proposed buildings and the base.
 - There would be very few employment opportunities for the residents of the scheme.
 - Adverse impact from aircraft noise.
 - Doctors' surgery and the school would not cope.
 - The intensification of RAF Lakenheath is bound to impact.
 - There are so many empty properties in the village that have been empty for months.
 - Why build houses when the adjacent estate is bungalows?
 - Extra sewer and drainage capacity is required.
 - The density of development is far greater than the existing development. There are too many houses proposed (110).
 - It is a major departure from the Development Plan
 - Is there evidence of need for this development?
 - The development would lead to surface water drainage issues.

Policy:

55. 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) which have not been replaced by policies from the two later plans.

56. The following policies are relevant to the proposals:

Joint Development Management Policies Document (2015)

57. 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)

58. 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 CS12 – Strategic Transport Improvement and Sustainable Transport

Policy CS13 – Infrastructure and Developer Contributions

Local Plan (1995)

59. 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

60. 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

61. The Council is presently consulting on submission versions the following emerging Development Plan Documents:
- Proposed Submission Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution
 - Proposed Submissions Site Allocations Local Plan
62. These documents are accompanied by a Policies Map Book which illustrates key constraints, including planning policy based constraints.
63. At the meeting of Full Council on 21st December 2016 the submission versions of the Single Issue Review and Site Allocations documents were approved for public consultation. Authorisation was also afforded to officers to submit the documents (along with any responses to the consultation) to the Planning Inspectorate for examination. The commitment to submit the plans was subject to no material issues being raised from the consultation which would require further consideration or major modifications to the documents.
64. This resolution effectively commits the Council to a submission of the Regulation 19 consultation documents to the Planning Inspectorate for examination, barring any major changes required as a consequence of the current consultation. Any minor or other changes required would be addressed by means of modifications to the documents through the normal examination process. The present consultation about these documents runs from 10th January to 21st February 2017.
65. The following emerging Development Plan policies are relevant to these proposals:

Proposed Submission Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution

- Policy CS7: Overall housing provision and distribution

Proposed Submission Site Allocations Local Plan (2107)

- Policy SA1: Settlement boundaries
- Policy SA7: Housing and mixed use allocations in Lakenheath
- Policy SA8: Focus of growth – North Lakenheath

Policies Map Book

- Inset Map 12 (Policies Map Book)
66. 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.
67. The emerging Single Issue Review and Site Allocations documents have almost reached formal submission stage but are the subject of prior consultation (the results of which will be addressed as part of the examination procedures). It is not anticipated the Council will be seeking to make any further changes to the documents in advance of formal submission to the Planning Inspectorate. Accordingly, whilst these policies cannot yet be attributed full weight in the decision making process given they have not yet been the subject of formal examination, they are clearly well advanced. Officers consider the emerging policies can be attributed significant weight in reaching planning decisions.

National Policy and Guidance

68. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
69. 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.”

70. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-inforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which ‘indicate otherwise’. A key aspect of the judgment to be reached on this matter is whether the relevant Development Plan policies are ‘up to date’, ‘out of date’ or ‘silent’.
71. Relevant housing policies set out in the Core Strategy and Development Management Policies Document are consistent with the NPPF and, in your officers view, carry full weight in the decision making process. The Council is able to demonstrate an up-to-date 5 year supply of deliverable housing sites which means policies in the Core Strategy and Development Management Policies Document that relate to the supply of housing carry full weight in determining this planning application.
72. The importance of these issues has been heightened by recent Court cases. First, it is now clear from the Court of Appeal judgment in Daventry District Council v SSCLG (23 November 2016) that simply demonstrating that there is a 5 year housing land supply does not automatically mean that Development Plan policies relating to the supply of housing are ‘up-to-date’ and should carry full weight. The existence of a 5 year supply means that the guidance in paragraph 49 of the Framework (which deems policies to be ‘out-of-date’ where there is no 5 year supply) does not apply. However, policies can be out-of-date for other reasons, and this could be because of material inconsistency with the relevant policies in the Framework or because of some other change of circumstance since the policies were adopted.
73. The Daventry case also confirmed that the fact that a development

plan policy was chronologically old was irrelevant for the purpose of assessing its consistency with the policies in the Framework. In the Daventry case the only development plan policies that applied to the proposal were saved policies from a local plan prepared in the 1990s, adopted in 1997, and with a plan period that ended in 2006. Those policies had then been saved as part of the development plan by the Secretary of State in 2007. The appeal was decided in June 2015. The Court of Appeal said that the Inspector was obliged to test the relevant policies against the advice in para 215 of the Framework (concerning their degree of consistency with the Framework's policies) before he could properly conclude that the policies were not 'up-to-date'.

74. The Court of Appeal also said that where there was a demonstrated 5 year housing land supply, that would tend to show that there was no compelling pressure by reason of unmet housing need which would require the development plan's housing policies to be over-ridden. It also found that it was only the advice in the second bullet point of paragraph 47 of the NPPF (which requires the 5 year supply) that was relevant to decision taking and that all of the other bullet points were concerned with plan-making (including the advice on the provision of a supply for years 6 -10 and 11 – 15). The Court of Appeal said:

"But if the standard set out in the second bullet point of para 47 is being complied with, as it was in this case, then in my view para 47 has no implications for decision-taking by a planning authority."

75. Two other recent cases have held that the presumption in favour of sustainable development, as expressed in the Framework, is only applicable in the circumstances set out in para 14 of the Framework. These cases are *East Staffordshire Borough Council v SSCLG* (decided on 22 November 2016) and *Trustees of the Barker Mill Estate v Test Valley Borough Council & SSCLG* (decided on 25 November 2016). Both High Court judgments disagreed with an earlier High Court decision, *Wychavon District Council v SSCLG* (decided on 16 March 2016), which had found there was a general presumption in favour of sustainable development even when the presumption in para 14 did not apply. It is understood that the East Staffordshire case is now to be considered by the Court of Appeal.

76. In relation to decision taking, para 14 of the Framework covers the following cases:

- Cases where a proposal accords with the development plan;
- Cases where the development plan is absent;
- Cases where the development plan is silent;
- Cases where relevant policies of the development plan are out-of-date.

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

78. 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:

79. This section of the report enters into discussion about whether the proposed 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 reaching conclusions.

Principle of Development

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

80. 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.
81. 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.
82. 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*".
83. The latest 5-year housing supply assessment (considered by Members of Full Council on the evening of 21 December 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. In light of the discussion about the recent High Court judgements set out above, general Development Plan policies relating to the supply of housing are considered up to date.

What is sustainable development?

84. 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;)
85. 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.
86. 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

87. 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:
88. 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.

89. 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.
90. In this case the application 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.
91. 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

92. 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).
93. 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.
94. 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.

95. 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.
96. 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.

Emerging Policies

97. Policy CS7 of the emerging Single Issue Review (Submission version) identifies an objectively assessed housing need of at least 6800 dwellings in the plan cycle 2011 to 2031. For Lakenheath, this includes provision of 828 new homes on top of the 95 dwellings completed or committed in the period 2011 to 2016 (923 dwellings overall).
98. Policy SA1 of the Site Allocations Local Plan (SALP) (Submission version) introduces new settlement boundaries. These have been reviewed from those last published in the 1995 Local Plan and which were reproduced on the Proposals Map accompanying the Joint Development Management Policies Document. The reviewed settlement boundaries are included throughout the SALP document, including for Lakenheath. The application site is not included within the new Lakenheath settlement boundaries.
99. Policies SA7 and SA8 of the SALP allocate sites to accommodate the 828 new homes allocated to it by policy CS7 of the SIR. The bulk of these are situated to the north of the village (policy SA8). The application site is not allocated for housing development and retains its status as a 'countryside' location. Policy SA8 requires provision for a new primary school on one of the allocated sites.

Impact of the announced closure of Mildenhall airbase

100. 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 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 or as part of a mid-plan review.

Officer comment on the principle of development

101. The principle of a housing development at this site is clearly contrary to relevant (and up to date) settlement policies of the Development Plan. It is also contrary to the strategy for allocating sites set out in

the emerging Site Allocations Local Plan (Submission version). The presumption is therefore against granting planning permission for the development. However before dismissing the proposals out of hand, the Committee must consider whether there are any material considerations, including policies set out in the NPPF, which should lead them to a different view. This prospect is discussed in detail below in a number of sub-sections.

Impact upon the landscape and trees

Impact upon landscape

102. 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.
103. 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.
104. 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.
105. 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.
106. 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.
107. 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.

108. 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.
109. 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.
110. 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, wooded land to a developed housing estate.
111. 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 abuts two of the four site boundaries, leaving the eastern and southern boundaries abutting the countryside. That said, the semi-mature woodland and a number of protected trees about the site are a key local landscape features. In the case of the woodland, it is considered to act as a physical and emotional barrier between this part of the village and the airfields of the RAF Lakenheath airbase beyond.
112. The arboricultural information submitted with the planning application indicates the site is to be cleared of all trees, except for specimens on site boundaries, in order to make way for development. This strategy has not been amended from the outset of the planning application despite many specimens having been protected by means of Tree Preservation Orders in the meantime. The loss of the majority of the unprotected plantation woodland and the likely or curtailment of the protected trees about the site would be harmful to the character of the area and the local landscape and would be contrary to the policies discussed above.

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

113. 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.

114. 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.
115. 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.
116. 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 confirm 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.
117. 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.
118. 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)).
119. 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.

Information submitted with the planning application

120. The planning application was accompanied by a Transport Assessment (TA). The application was subsequently amended with the number of dwellings reduced to (up to) 110 with an accompanying change to the access strategy (deletion of the previously proposed vehicular access onto the unmade section of Broom Road).
121. The amended 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 also appraises relevant local and national planning policies for transport.
122. In assessing the traffic impact of the development proposals, the TA document predicts (for a scheme of 110 dwellings) an average of 73 additional motorised trips during the am peak (12 arrivals and 61 departures) growing to 80 additional movements by 2023. It also predicts 66 additional motorised trips during the pm peak (45 arrivals and 21 departures) growing to 72 additional movements by 2023. It then goes on to assess traffic flows and distribution, using 2014 baseline data. The TA considers this level of additional traffic movement is well within the capacity of the local road network and considers the development would comply with National and Local capacity.
123. 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 low numbers of bus passengers, car sharers, cyclists and walkers. 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 (828 dwellings from 2016 to 2031) 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.
124. 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. They have, however, not responded to the second consultation, although it is not anticipated that objections will be received given the reduced number of dwellings proposed (taking into account the reduction in access points into the site from 3 to 2). The Committee will be updated verbally of any further representations received from the Highway Authority at the meeting.

125. The TA does not propose highways mitigation above the normal site management and design led features (linked up footpaths within the site, construction management, and travel planning measures – although the latter are suggested, but are not formally offered).
126. Subject to final clarification being received from the Local Highway Authority in due course 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) would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

Impact upon natural heritage

127. 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.
128. 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.
129. 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.

130. 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

131. 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 significant impacts upon the SPA are anticipated as a consequence of the proposed development.
132. The site is within 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 (via the Amended Habitats Regulations Assessment), Natural England confirmed, in their view, the species would not be directly affected by the proposals.
133. 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.
134. The ecological information submitted with the planning application 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 improved on the illustrative layout drawing and the 'Ecological Masterplan' 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.
135. It is highly likely any occupants of this scheme would use the adjacent Maids Cross Hill SSSI for day to day recreation (dog walking in particular) as opposed to the application site and the more distant SPA

given i) the anticipated absence of alternative suitable provision within the development proposals, ii) the SSSI is a large and attractive 'open space' with public access and iii) the SSSI is in close proximity and conveniently 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.

136. 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 harm to 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 tolerable on their own in the context of this planning application, would still qualify as a harm arising from the proposed development'. This 'harm' will also need to be carefully considered alongside the potential impacts arising from other developments, particularly those at and close to Lakenheath, including those in the emerging Site Allocations Local Plan. The potential for cumulative or, 'in-combination' recreational impacts upon the SPA are considered later in the report.

Maidscross Hill SSSI

137. 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).
138. Natural England has advised the introduction of an increased population of domestic cats into the area as a direct consequence of these proposals is likely to harm the condition of the SSSI. They consider this factor, in isolation, would not lead to significant impacts arising, but is likely to contribute to loss of condition of the interest features of the Maidscross Hill SSSI.
139. 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 conveniently located elsewhere, away from the SSSI.
140. The development of the site would also serve to erode the buffer it presently provides in-between the village and the SSSI.

141. The planning application material acknowledges the likely adverse recreational impacts of the development upon the Maidsross Hill SSSI, but does not assess the potential impact of development upon the SSSI in detail. The applicant has, however, agreed to fund wardening of the SSSI for 6 hours per week over a 10-year period.
142. Officers' understand the applicant is willing to provide a contribution towards wardening of the SSSI and considers the intention to positively manage the SSSI and avoid the adverse impacts of inappropriate use, or over-use of, the SSSI site would go some way to mitigate the harmful impacts of the development to the designation.
143. Despite the offer of a contribution, officers' remain of the view that, the SSSI would still face increased pressure from additional recreational demands as a direct consequence of the development. With the warden in place, the harm would not be avoided altogether, but it is conceded that the wardening contribution would allow for improved management of the SSSI overall over a defined (and relatively short) period of time.
144. It is of particular relevance that the responsibility for mitigation of the impact of the proposed development would pass on to the public purse once the 10 year period has passed and the funds provided by the development for wardening of the Maidsross Hill SSSI have been fully expended. The Appellant's strategy to mitigate the recreational impacts of their proposals upon the SSSI has a defined shelf life and will not fully mitigate the impacts arising over the lifetime of the development. There will remain a significant risk that, in 10 or so years time, the degradation of the SSSI could (without public subsidy) accelerate even in comparison to current deterioration rates if a warden is not able to carry on managing the site.
145. Recreational impacts upon the SSSI arising as a direct consequence of the development cannot be ruled out at this time and is likely to lead to significant impacts arising. With respect to the appeal case at land adjacent 34 Broom Road (Register Reference DC/14/2073/FUL) Natural England has been clear in its advice that it is vital that those development proposals provide wardening in perpetuity. That appears not to be the case with this proposed development.

Other ecological issues.

146. The application material includes a range of survey information to scope and assess the site for important biodiversity species. Whilst there would be limited or no impact upon some species identified, the impacts upon others are far less certain. Of principal concern is the destruction in the extent of habitat the illustrative proposals are showing. The proposals would be harmful to species if they were to be undertaken in the manner illustrated.
147. The principal concern is the lack of public open space illustrated in the application matters both in quantity and a coherent strategy to provide

linked green corridors which many species would favour. Furthermore, there is wholesale proposed clearance of trees and shrub from the site (other than, it seems, towards the site boundaries) and limited opportunity for new landscaping and other green infrastructure. Whilst it may not be the applicants intention to develop the site in this way, it does serve to illustrate that the impact of the proposed development upon its acknowledge ecological interests has not been properly considered. The proposals lack a clear and salient ecological strategy and, for this reason in particular, are considered contrary to relevant planning policies which seek to safeguard ecological interests.

Impact upon the RAF Lakenheath base.

148. The Ministry of Defence (MoD) has confirmed there are no safeguarding concerns relating to this development. However, with respect to the current non-determination appeal for a development of land north of 34 Broom Road, the MOD has advised that increases in use of the Maidscross Hill SSSI for recreation as a consequence of development is of concern to them. In particular the MoD has expressed the following concerns about the application those proposals which are located further away from the boundaries of and entrances into the SSSI than the application site;

- *...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.*

149. The provision of public open space at the application site as illustrated on the plans submitted with the planning application, would not by itself divert or fully mitigate the impact of the development upon the Maidscross Hill SSSI. Natural England is firmly of the view the development proposals would, if approved, lead to a direct increase in recreational activity within the SSSI, following occupation.

150. The mitigation proposed so far as part of the application materials seeks to manage the impact of increased recreational activity within the SSSI, rather that avoid that activity occurring within the SSSI.

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 from correspondence received from the MOD in connection with application DC/14/2073/FUL (at land north of 34 Broom Road) it would, it seems, potentially lead to harmful impacts arising to the operations of the airbase.

151. 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 the RAF Lakenheath airbase.

Impact upon built heritage

152. 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.
153. 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.
154. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
155. 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).
156. 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 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.
157. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and trench evaluation.
158. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their advice is set out in the

'Consultations' section of this report. The further archaeological investigations and recordings requested by the Archaeological Service could be secured by means of appropriately worded conditions in the event that planning permission is subsequently granted.

159. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

160. 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."

161. 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".

162. 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.

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

164. 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

165. 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 110 dwellings proposed by this planning application.

166. 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.
167. 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.
168. 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).
169. 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

170. 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.
171. 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.
172. Anglian Water Services has not objected to any of the currently live planning applications listed in the table at paragraph 13 above and for these developments 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.
173. 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.

Water supply

174. 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

175. 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

176. 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.
177. 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.

178. 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.
179. 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.
180. 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 drainage strategy included as part of the Flood Risk Assessment prepared for the development proposes an infiltration drainage system using soakaways.
181. Suffolk County Council's Flooding Team has approved the drainage strategy in principle, but has requested further technical details. The officer has also expressed concerns about the density of the layout of the proposed development noting from the illustrative layout that insufficient roof has been left between buildings to allow for appropriate separation of soakaways from dwelling foundations.
182. The planning application is accompanied by a Phase I 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.
183. 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 contamination report has identified there is a Principal Aquifer beneath the site which is particularly vulnerable to potential contaminants. The Environment 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.
184. 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'.

185. The Environment Agency (risk of flooding, contamination and pollution control and drainage), the Council's Environment Team (contamination and pollution control) and the Floods Team at Suffolk County Council (SW drainage) have not objected to the proposals (subject to the Floods Team being satisfied of further technical detail, including the density of the development).
186. The proposals are considered acceptable with regard to pollution (contaminated land and potential contamination of water supply and air quality). Further work needs to be undertaken with respect to surface water drainage, but given the recommendation to refuse planning permission for this development for other reasons, this has not been pursued by the applicants.

Impact upon education

187. 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 pupils would need to be diverted to alternative primary schools outside of the village.
188. It is unlikely that the Local Education Authority would be able to cater for the educational needs of the 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 District 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.
189. 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.
190. If primary school pupils (as young as four years old) are forced to

leave the village in order to gain primary education as a consequence of these development proposals it would be an unfortunate consequence of the development proposals. 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.

191. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.
192. Further discussions regarding the cumulative impacts of development at Lakenheath upon education provision is set out later in this report.
193. It is likely that an early year's facility would be provided alongside the new school, funded (in part) by contributions secured from developments in the village that may be consented and built out.

Design and Layout

194. 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.
195. 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.
196. 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.
197. The planning application is submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not normally particularly relevant to the outcome of this planning application. Applicants proposing developments in outline form should be able to satisfactorily demonstrate their proposals are

suitable for the site in question. This is normally achieved through the submission of illustrative material, including a good quality design and access statement.

198. In this case the illustrative material (a single layout plan) does not demonstrate an acceptable layout. The design approach adopted is poor and illustrates a dull, regimented and car dominated layout. A good quality development would make efficient use of the site and be able to demonstrate good connections and how it could accommodate vital infrastructure. In this case, officers consider the application fails to demonstrate the site could be developed with the quantum of development proposed. Not only is the illustrative scheme aesthetically poor, but it also lacks good quality open space and ecological provision and cannot accommodate the type of SUDS infrastructure the applicants Flood Risk Assessment proposes. Accordingly, the scheme fails against the requirements of the aforementioned national and local policies which demand good quality design.

Impact upon residential amenity

199. 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.
200. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
201. The application is accompanied by a noise assessment, dated April 2016. 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 of the application site and background road noise. 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 south east.
 - 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.

202. 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 the effects of aircraft noise. The Council's Public Health and Housing Officers do not object to the planning application and a condition could be imposed if planning permission were to be granted in order 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, it would represent harm and, given the 'sealed box' requirement (with mechanical ventilation) for day time living areas, does add weight to any recommendation to refuse planning permission.
203. 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 specific 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, noise information etc.).
204. 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.
205. 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.
206. There is likely to be an increase in the local noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed in the vicinity of existing dwellings. The impacts, although potentially adverse, are capable of management and control such they would not be significant overall.

Such controls regularly take the form of a Construction Management Plan which would set out how the developers and their contractors would be required to manage and carry out construction activities. The Plan normally restricts hours permitted for construction, dust management, locations of compounds, lighting schemes and so on. Construction Management Plans are normally controlled by planning conditions (submission for approval and on-going adherence).

207. Adequate checks and balances would be carried out at any potential reserved matters stage, to ensure the amenities of occupiers of dwellings abutting the application site would not be adversely affected by development. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas if careful consideration is afforded to the layout and design of a potential housing scheme prepared for a reserved matters submission.

Loss of agricultural land

208. 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.
209. 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.
210. The Natural England database indicates the application site is Grade 3 and 4 agricultural land with an element. The NPPF favours development of poorer quality (grades 4 and 5) over higher quality (grades 1-3) land. In this case, the application site does not appear to be particularly usable for 'conventional' agricultural purposes. Not only is access constrained, but the ground conditions are not particularly conducive to crop growing. Whilst the loss of the Grade 3 elements of the application site to development are technically contrary to the relevant national policy, for the reasons set out above, it is not considered a significant factor in the outcome of the planning application.

Sustainable construction and operation

211. 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".
212. 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.

213. 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.*

214. 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.

215. 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).

216. 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 if planning permission is granted (by the Committee or later by appeal).

Cumulative Impacts

217. Members will note from the table produced at paragraph 13 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 are likely to 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.

218. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 13 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

219. 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.
220. 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 13 of this report). The Development Control Committee has resolved to grant planning permission for that particular development, but no decision can be issued until the Secretary of State has determined whether he wishes to call in that planning application for his own determination.
221. 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 completed which means the delivery of a new school to serve new development cannot be regarded as certain.

222. 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 a harmful impact of development occurring before a new school opens in the village. 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.
223. 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 in this particular case, the issue should be considered as part of the planning balance in determining whether there are material considerations which could justify a decision to depart from the strict provisions of the Development Plan.

Highways

224. All of the 'live' planning applications listed in the table at paragraph 13 of this report are accompanied by Transport Assessments. These assess 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.
225. In order to inform its advice to the Local Planning Authority, the Local Highway Authority has commissioned 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 13). 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.
226. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This updated 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)).
227. 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").
228. 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 implemented by housing developers. The junction would (without mitigation in place) experience 'severe impacts' by the time 1465 dwellings had been completed.
229. 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.
230. 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 did not clarify precisely (or roughly) where the tipping point is and it was not clear from the amended study how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional lanes need to be provided.

231. In response to this, the Highway Authority commissioned a third piece of work. This time to focus on the 'Sparkes Farm' highway junction. A technical highway note was received in November 2016. The technical note, also prepared by AECOM, examines the potential likely traffic capacity of the 'Sparkes Farm' junction (with mitigation works).
232. Members considered the cumulative highways information in December 2016 as part of their consideration of the 'non-determination' appeal at land adjacent 34 Broom Road. The Committee noted that with achievable mitigation (i.e. signalisation within the existing highway boundaries) the level of housing growth included in the emerging SALP is achievable. Indeed, the highway authority has subsequently confirmed 850 dwellings could be provided in the village without severe traffic impacts arising (subject to the prior signalisation of the 'Sparkes Farm' junction).
233. Beyond this level of growth it is possible that severe impacts would arise unless third party land is acquired to further improve the junction capacity (i.e. to provide additional entry lanes onto the arms of the junctions). Indeed, the technical note confirms that, even following works to signalise the junction, severe impacts would occur at an unspecified tipping point between 850 and 1500 new dwellings.
234. It is presently not clear whether the 850 dwellings considered acceptable to the Local Highway Authority represents a 'tipping point' for severe impacts arising at the Sparkes Farm junction. Indeed, the technical note is suggesting that traffic from 915 new homes is tolerable (in terms of waiting times and queue lengths). It is presently not clear whether all of the Local Plan growth, the appeal proposals and traffic from this planning application could be accommodated without severe impacts arising at the Sparkes Farm junction, or whether an approval of the appeal proposals and/or this planning application would lead to either one or more of the Local Plan allocated housing sites being displaced or rendered undeliverable on highway capacity grounds. The continued absence of this key information and the uncertainty created, not only for the appeal scheme, but the emerging Local Plan as a whole, is unacceptable and is presently a factor weighing heavily against the proposals.
235. The application site is not included as an allocation in the emerging Site Allocations Development Plan document and, if it were to be granted planning permission, it could (because of the highway capacity issues identified) lead to at least one of the sites currently allocated in the Submission version of the SALP being removed from the plan altogether. There is only one site currently allocated in the emerging plan that does not have either a planning permission in place or is awaiting determination (presently with committee

resolutions to grant planning permission). This is site L2 (d) at Land north of Burrow Drive and Briscoe Way to the north of the village. The site is allocated for delivery of around 165 dwellings. This site is a likely candidate for removal from the SALP if a reduction in 'planned' housing in Lakenheath were to be required as a consequence of the appeal proposals being approved.

236. At face value, this perhaps does not seem to raise significant planning issues given the appeal scheme is not significantly different in the number of dwellings proposed (55 dwellings fewer than emerging site allocation L2 (d)) and it appears the emerging allocated site could simply be replaced with this speculative scheme in the SALP before adoption if required. The emerging allocated site L2 (d), however, delivers far greater benefits than simply the provision of housing, particularly with respect to greenspace provision (which would be above normal policy requirements).
237. Not only would the appeal scheme deliver less greenspace provision than emerging site L2(d), it would also be positioned in a less favourable location close to the Maidscross Hill SSSI (and as discussed elsewhere relying upon that site for the bulk of its recreational activities and thus causing harm to the SSSI).
238. The emerging SALP Plan site L2 (d) would also provide a higher quantity of greenspace infrastructure, with a strategic intention to facilitate recreational use (dog walking in particular). All of the housing allocations within the emerging SALP adhere to an over-arching greenspace strategy for the village to provide high quality greenspace for recreational use and dog walking from north to south straddling the west boundary of the village. Indeed, the emerging policy supporting the housing site allocations at Lakenheath in the emerging SALP requires the developments to contribute towards implementation of the green infrastructure strategy. These application proposals do not contribute towards the overall greenspace strategy but instead threaten to undermine it.
239. The greenspace strategy seeks to reduce recreational pressure upon the local SPA and SSSI designations (where recreational pressure is evident and leading to the degradation of those sites) by providing alternative natural greenspace in the village, particularly for dog walkers. The emerging allocation L2 (d), which would be placed under particular pressure if the appeal scheme were subsequently to be granted planning permission, provides a key component of the greenspace strategy via a green 'buffer' link through the site along the south bank of an existing drainage channel.
240. Officers consider, in the absence of sufficient information with respect to the cumulative traffic implications of the development proposals, an approval of this planning application is likely to significantly prejudice and undermine the greenspace strategy to the ultimate detriment of the Maidscross Hill SSSI and the Breckland SPA. Whilst the impact to the SPA is not likely to be significant (such that an appropriate

assessment would be required before the appeal proposals can be approved), it would represent harm arising as a consequence of the application proposals and therefore adds further weight against granting planning permission.

Special Protection Area and SSSI

241. 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 concluded this is unlikely to give rise to significant effects (paragraph 38 above).
242. Concerns do however 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 is already in unfavourable condition owing to recreational pressure.
243. AS discussed in the cumulative transportation section of this report, 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. The overarching strategy and logic behind the locations of the housing sites within the emerging SALP 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 to attract dog walkers (and other recreational walkers) away from the SSSI.
244. The application 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' or 'Submission' SALP documents. The appeal site was dropped at that early 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 additional 'alternative greenspace' provision the Council intends to secure. It was also considered likely that residents of a scheme at the application site would continue to favour the SSSI over the alternative new greenspace provision to be provided in the village, even if it was possible to secure it in its totality, because it would be distant from the application site (with the Maidscross Hill SSSI adjoining it) and would therefore not be particularly attractive or accessible to residents of the proposed development, as an alternative option to using the SSSI.
245. 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 have concluded, particularly given the favourable five year housing supply (no immediate need for the housing scheme to be provided), the proposals are premature to and are likely to prejudice the emerging SALP.

Landscape

246. 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

247. 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 proposals for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.
248. Anglian Water Services has not objected to any of the planning applications submitted for determination and confirmed 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 13 above has now been withdrawn).
249. 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.
250. 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

251. 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 13 above) and requested further information from the proposals.

252. 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.
253. 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

254. 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.
255. 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

256. 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).
257. 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.
258. 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'.
259. 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.
260. 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.
261. 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.
262. 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.
263. 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. The applicants have indicated they are expecting to enter into a S106 Agreement for various matters if planning permission is to be granted. It is therefore assumed the development can provide a fully policy compliant package of S106 measures.
264. At present a S106 Agreement has not been completed. This is not unusual in an appeal situation in advance of a planning application being considered by the Planning Committee. If the officer recommendation to refuse planning permission for these proposals is adopted by the Development Control Committee, one of the reasons for refusal will cite the absence of a S106 Agreement to secure the affordable housing and infrastructure that is required from the development. It is important the Council safeguards its position with respect to the S106 Agreement on the basis the applicant may decide

to appeal a potential refusal of planning permission. The specific reason for refusal would be withdrawn from the hypothetical appeal once (and if) a S106 Agreement had been satisfactorily completed.

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

Affordable Housing

266. 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.
267. 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 (33 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).

Education

268. 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.
269. 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).
270. The Local Education Authority (Suffolk County Council) has confirmed there is insufficient capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested 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.

Public Open Space

271. 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.
272. 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.
273. 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).
274. 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.
275. Accordingly, planning applications for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured on site as part of the development proposals. The precise quantities of land of the various relevant open space categories set out in the SPA could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into any S106 Agreement.
276. 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 also need to be secured as part of any S106 Agreement.

Libraries

277. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution to be used in Lakenheath.

Health

278. 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 £43,480 has been requested to provide additional capacity at the local GP surgery (although this sum has yet to be adjusted to reflect the application now proposes fewer dwellings than the time the NHS comments were received).

Wardening of the SSSI

279. As discussed in the report a sum of monies has been offered to provide 6 hours per week wardening of the Maidscross Hill SSSI. These monies would need to be secured by an obligation under S106 of the Planning Act.

Summary

280. 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 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.

Conclusions

281. Relevant housing policies set out in the Core Strategy are consistent with the NPPF and, given the Council is able to demonstrate a 5-year supply of deliverable housing sites, 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.
282. The Planning & Compulsory Purchase Act 2004 directs decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework does not displace this

statutory duty and in fact seeks to re-inforce it. In this case the proposed development does not accord with the Development Plan (adopted and emerging) and therefore there is a presumption against the grant of planning permission. Given the Council's positive 5-year housing supply position, those Development Plan policies which relate to the supply of housing are to be attributed full weight in determining this planning application. Having considered the application proposals against other (non housing settlement) policies of the Development Plan and the policies of the NPPF, officers consider there are no material considerations that indicate planning permission should be granted for the development proposals which, it is concluded, would represent an unsustainable form of development, as defined by the NPPF.

Recommendation:

283. That the **planning permission is REFUSED** for the following reasons (summarised):

i) The proposed development is unacceptable in principal and is contrary to the settlement policies set out in both adopted and emerging Development Plan documents.

ii) The proposals are also contrary to a number of other important Development Plan policies, including those relating to design, ecology (the SSSI), SW drainage, tree retention, education, highway safety (cumulative impacts) and the impact of aircraft noise.

iii) There are no material considerations which indicate the development should be determined other than in accordance with the Development Plan; the proposals represent an unsustainable form of development as defined by the NPPF.

iv) The proposals are premature to, and are likely to prejudice the full delivery of the emerging Site Allocations Development Plan document.

v) The absence of a completed Agreement or Unilateral Undertaking under S106 of the Town and County Planning Act to secure the following:

- Affordable housing
- Primary Education
- Pre-school education
- Health
- Public Open Space
- Libraries
- Wardening of the SSSI.

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=NE5J8APD02L00>