



Forest Heath
District Council

DEV/FH/17/016

Development Control Committee 7 June 2017

Planning Application DC/14/2096/HYB Land off Station Road, Lakenheath

Date: 24 November **Expiry Date:** 15th February 2017
Registered: 2014

Case Officer: Gareth Durrant **Recommendation:** Minded to Grant Planning Permission
Parish: Lakenheath **Ward:** Lakenheath

Proposal: Hybrid planning application - 1) Full application for the creation of a new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

Site: Land north of Station Road, Lakenheath

Applicant: The Cobbold Family & Pigeon Investment Management

Synopsis:

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

Recommendation:

It is recommended that the Committee resolve an 'of-mind' decision with respect to the attached planning application and associated matters.

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

This application has been considered previously by this Committee culminating in a resolution to grant planning permission at its meeting on 3 August 2016.

The planning application is returned to Committee to enable it to consider material changes in circumstances that have occurred since it reached its decision last year. These are (in no particular order):

i) The submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents.

ii) The completion of a cumulative traffic assessment for the village, having regard to the cumulative impact of a number of development proposals upon the local road network and key junctions. Since the Committee considered this planning application in August 2016, further work has been carried out to examine the ability of the 'Eriswell Road' junction to physically accommodate improvement works.

iii) The recent publication of fresh noise contour information by the Defence Infrastructure Organisation on behalf of the Ministry of Defence and its linked advice about addressing development proposals at sites within the defined contours. The fresh noise contours do have implications for planning decisions in the village, including the application site.

The full officer report to the Development Control Committee (3 August 2016) is included with this update report as Working Paper 1, and should be read in conjunction with this report. An extract from the minutes of the 3rd August 2016 meeting, relevant to this site, is also provided as Working Paper 2.

Following the resolution of the Development Control Committee to grant planning permission for this development in August 2016, the Secretary of State issued an 'Article 31 Direction'. The notice has the effect of preventing the Local Planning Authority from granting planning permission for the proposed development in order to enable the Secretary of State to determine whether he wishes to 'call in' the planning application for his own determination. The Direction remains in place. The Committee is able to resolve an 'of mind' resolution at the meeting, but officers' would only be able to action it if the Article 31 Direction were subsequently to be withdrawn. The recommendation at the end of the report is worded in a manner to reflect the Article 31 Direction.

Proposal:

- 1. The development proposed by this application is described at paragraphs 1-9 of the report to the 3rd August 2016 meeting of Development**

Committee (attached as Working Paper 1).

Application Supporting Material:

2. The material supporting the planning application (and amendments received up to the date of the Committee) are listed at paragraphs 10 and 11 of the report to the 3rd August 2016 meeting of Development Control Committee (attached as Working Paper 1).

Site Details:

3. The application site is described at paragraphs 12-15 of the report to the August 2016 meeting of Development Control Committee (attached as Working Paper 1). The site area has not changed.

Planning History:

4. The planning history relevant to the application site and details of other planning applications proposing large scale residential development at Lakenheath and Eriswell are set out at paragraphs 16 and 17 of the report to the August 2016 meeting of the Development Control Committee (attached as Working Paper 1). The following table updates the current status of these planning applications:

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	The subject of this report.
B	F/2013/0345 /OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant in Sept 2014. The application is to be referred back to Committee for further consideration owing to changed circumstances.
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 owing to changes in circumstances.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision owing to changes in circumstances.
E	DC/13/0918/OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	The planning application was <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 110	Was refused planning permission following consideration by the Development Control Committee at its meeting in February 2017. An appeal has been submitted and will be determined following a public inquiry.
G	DC/14/2073/ FUL	Land adjacent 34 Broom Road, Lakenheath	120	An appeal was submitted against non-determination of the planning application within prescribed periods. The Development Control Committee resolved (July 2017) that it would have refused planning permission had it been able to make a formal determination. A public inquiry closed in March 2017. The Inspectors decision letter is awaited (anticipated in early July 2017).
H	DC/16/0670/ HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Amendments have been received and due to be consulted upon. Anticipated report to Development Committee in June or July 2017.

Consultations:

5. Consultation responses received in advance of the report to the August 2016 Development Control Committee meeting are summarised at paragraphs 18-60 of the committee report attached as Working Paper 1.
6. The following additional consultation responses have been received post August 2016 (including those received in the run up to the Committee meeting after the Committee report had been published):
7. **Defence Infrastructure Organisation (DIO)** on behalf of the **Ministry of Defence** – submitted further representations in August 2016 that were reported verbally to the Committee meeting at the time. The DIO **objected** to the application. Their comments are summarised as follows:
 - In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include:

the potential noise levels that the future occupants of the proposed dwellings and school children will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.

- Around civilian airports, there have been numerous reports prepared that demonstrate that aircraft noise can have a detrimental effect on a child's learning capacity.
- The application site is located directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. The operational flying activity undertaken at RAF Lakenheath will likely constitute a source of noise disturbance to the local area for a number of reasons. The issue of noise should constitute a material planning consideration in respect of the Local Planning Authority's assessment of the proposed development.
- The planning application is not accompanied by a Noise Impact Assessment, but instead relies upon an Assessment prepared in support of planning application DC/13/0660/FUL (Land at Briscoe Way, Lakenheath). The DIO sets out a number of criticisms in regard to the noise assessment. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath and fails to address the issue of noise in connection with the application site and proposals. The DIO suggests the planning application should be accompanied by a site-specific noise assessment.
- The DIO also criticises the 'Aviation Advice' report (7th June 2016) and its addendum, dated July 2016, and challenges the credibility of its author.
- The DIO do not believe the Local Planning Authority are currently in a position where it can fully consider the impact of noise associated with the operational aircraft flying activity associated with RAF Lakenheath on the proposed development. It is suggested that planning permission should be refused as a consequence, but the DIO are prepared to leave this consideration to the Local Planning Authority.
- With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO asks that the applicant is requested to undertake a vibration assessment and submit this with the planning application, before it is determined.
- The DIO also asserts that, if planning permission is granted, the occupants of the proposed dwellings and the school children would be at greater risk of 'incursion' in the event of an aircraft emergency, in comparison to the existing agricultural land use.

- It is the contention of the Ministry of Defence that any proposals which would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
8. In April 2017, the Forest Heath District Council's **Ecology and Landscape** Officer provided additional comments to reflect changes in circumstances on ecological matters that had occurred following the August 2016 meeting of the Development Committee. These are as follows:
- These comments are made further to previous comments made in July 2016. They are to highlight changes that have occurred since that time.

Stone Curlew Buffers in the Brecks - 21st July 2016

- In July 2016 the Council published up-dated Special Protection Area (SPA) constraints buffers taking into account Natural England's advice and new information that has come to light since the Core Strategy was published. In particular the frequent nesters buffer was re-visited.
- Policy CS2 of the Core Strategy defines constraint zones to Breckland SPA. These also protect land outside the SPA, considered to be supporting habitat, which is used by Stone Curlew considered to be part of the same Breckland population. The policy requires that all development within 1,500m of a 1km grid square which has supported 5 or more stone curlew nesting attempts since 1995 will require a project level HRA.
- The stone curlew population is currently increasing and the birds use areas outside the SPA boundary for both breeding and foraging. Forest Heath commissioned Footprint Ecology to review the constraint zones previously used. There is still strong evidence that the 1500m distance is appropriate, however it is important to ensure up to date data is used to reflect the areas of the SPA used by Stone Curlews and the areas outside the SPA that are also important. More recent stone curlew data (2011-2015 inclusive) were used to review the constraint zones relating to supporting habitat outside the SPA.
- In advising on direct impacts of this planning application upon the SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. Accordingly, the updated buffers (which have now caught up with the source nesting records) do not affect Natural England's advice or the Councils HRA screening.

Emerging Single Issue Review and Site Allocations Local Plan

- The Council has submitted the emerging 'Single Issue Review' and 'Site Allocations Local Plan' documents to the Planning Inspectorate for examination. The plans were submitted on Thursday 23rd March 2017. This means that increased weight can be attributed to the provisions of the policies contained in those documents given the next stage in the process of preparing the Plans has been reached.
 - Policy SA8 of the Site Allocations Document allocates sites for housing development at Lakenheath including Land north of Station Road. The policy requires: measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to both Maidscross Hill and the Breckland SPA; strategic landscaping and open space; a substantial buffer next to the Cut Off Channel providing semi-natural habitat next to the water course; and retention of the area of grassland to the east of the site. This adds further weight to the need for the proposals, if allowed, to provide the requested strategic green infrastructure.
9. In August 2016, the Council's **Public Health and Housing** officers prepared an advice note in the run up to the Development Control Committee meeting. The following advice was provided:
- PHH were consulted and in January 2015 raised no objections. The potential for noise complaints during development of the site was reduced by conditions for the hours of construction, construction management and restricted hours for use of generators.
 - Our comments were repeated in July 2016 following consultation with respect to the applicant's 'Aviation Advice'.
 - The approach that PHH has taken is to consider the (noise level information available in the survey available for RAF Lakenheath) Aviation advice available and a noise assessment report from a nearby development. The contours relating to RAF Lakenheath for more excessive noise from aircraft activity do not cover the area of land being proposed for development through this application. It was considered appropriate at this time to require compliance with the WHO guidance and the BS8233 standards on maximum noise levels, to be achieved through design and construction, and this would suffice in protecting the residents of the new development. Furthermore, there are estates in the nearby vicinity that are exposed to similar levels of aircraft noise and with possibly less attenuation through their construction.
 - Whilst Richard Buxton [*on behalf of the Parish Council*] is stating precedent in terms of a previous planning decision being quashed, because it was determined without all of the available information, we believed at the time of consultation that sufficient noise information was available to make our comments. It is my understanding the appeal decision [*discussed in Mr Buxton's letter on behalf of the Parish Council*] relates to the very large, busy,

commercial airport of Manchester International airport where numerous flights to and from the airport are undertaken throughout the day. Flights to and from RAF Lakenheath are significantly lower in number and a comparison of noise arising from the two may not be reasonable.

- Within our response to the DC/13/0660/FUL application we recommended 'the proposed properties on the development shall be protected internally from environmental noise and the times of construction shall be reasonable'. This is similar to the development under debate. Our recommendations to protect the internal areas of the developments shall be sufficient relating to the aircraft noise.
- From experience, subjectively, the noise levels from aircraft returning to the base are significantly lower than from those of aircraft taking off and the noise durations are relatively short, i.e. it could be measured in seconds to minutes rather than hours. I accept an extrapolation figure of 65.7dB relating to the 62.1dB figure. Even at 65.7dB the suggested conditions in the consultation response will provide the dB reduction to LAeq(16hrs) of 35dB for daytime and an LAeq(8hrs) 30dB for night time. There is also a possible restriction on how extremely accurate noise levels can be obtained because the acoustic consultants are restricted on how many noise measurements they can undertake. It is possible at the same location where the 62.1dB measurement was obtained a different lower level could possibly been read on a different day.
- The MOD is changing its initial position, which was deemed to be no objection. It is now requesting a Noise Impact Assessment and time to consider it. This would be something for the planner to consider. We are of the opinion the habitable areas of properties within the development can be protected against external environmental noise and do not see the need for any further assessments. We have tried to take a pragmatic and proportionate approach, as stated in the officer's report [*August 2016 report – Working Paper 1*].
- Point 13 of the Buxton letter discusses national planning policy and noise levels above 60dbA potentially contradicting this. As mentioned in the report, refusal on the grounds of aircraft noise may set a precedent that would make further development even more challenging.
- Some key points to the planning officers report:
 - The MOD noise contour map confirms the application site is less affected by noise than other parts of the village, particularly areas to the south of the village which are closer to the base runways and jets taking off (when there is more noise).

- In light of the above, it is considered the application site is suitable for a development of new housing and a primary school and it is the view of your officers it is not fettered by aircraft noise to the extent that a refusal of planning permission on these grounds should be considered.

- Indeed, if the application site is considered unacceptable for development because of the noise climate, it is also likely that all other parts of the village, Eriswell, and parts of Brandon and Mildenhall (and possibly elsewhere) would also be inappropriate for housing development. It is considered the pragmatic approach adopted by the Council's Public Health and Housing Team to apply planning conditions to limit the noise climate within the proposed buildings (through design and construction techniques) is an appropriate and proportionate response to the aircraft noise issues which are material to the proposals.

- Notwithstanding the overall conclusions about the impact of aircraft noise on the proposed development, the fact the external areas of the site cannot be fully mitigated from aircraft noise is a dis-benefit of the proposals to be taken into account in the overall planning balance.

10. In April 2017, the Council's **Public Health and Housing** officers confirmed they continued to retain **no objections** to the application proposals and provided the following comments:

- Public Health and Housing have carefully considered the NIA's that have accompanied the applications and feel they are fit for purpose. Whilst the MOD have highlighted some concerns in some of the reports, in that there is no night time noise assessment's (there are no routine night flights) and that the distances to the air bases are slightly out, these have not fundamentally changed our responses to each of the applications.
- In light of the concerns shown and in consideration of the protection of the future residents we will be taking the same approach to all applications recommending acoustic insulation levels be included as a condition (to applications that are under the noise contours), along with the applicant presenting a post completion acoustic test to demonstrate that the building has been constructed to a level required in the condition.
- The flights are mainly during daylight hours with some starting at 06:00hrs, however there are reduced number of sorties in the winter and in inclement weather, with none during night time hours or at weekends (except in exceptional circumstances). The MOD have recommended that each application carries out a vibration test, however we have to my knowledge, not received a single complaint of vibration from

any resident and would feel that this could be deemed as onerous.

11. **Suffolk County Council (Strategic Development)** in January 2017 took opportunity to review and update their requests for developer contributions. The following contributions (to be secured via S106 Agreement) were requested:
 - Primary Education - £1,560,755 towards build costs and £122,930 towards land acquisition costs.
 - Secondary Education – capacity available, no contribution.
 - Pre-school provision - £400,821.
 - Libraries - £81,000.

Representations:

12. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 61-77 of the committee report attached as Working Paper 1.
13. The following additional representations have been received post September 2014 including representations received after the August 2016 Committee report had been prepared but were reported to the Committee at that meeting.
14. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have **grave concerns** regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still “Not considered to be a severe impact” and “Approaching capacity, mitigation advised”.
15. In early August 2016 the **Lakenheath Parish Council** (via their Lawyers) submitted further **objections** against the planning application proposals. The letter was circulated to Members in advance of the Committee meeting and was reported verbally to the meeting on 5th August. The issues and objections raised by the Parish Council are summarised as follows:
 - Significant gaps in outstanding information which the appellant has refused to provide, despite the MoD’s requests in relation to noise impacts from operations at RAF Lakenheath.
 - The Suffolk County Council planning department, in concluding an Environmental Statement is required to accompany a stand-alone application for the school, has requested site specific noise survey information.

- The reasoning for the continuing concern about noise impact is referenced to return flight paths used by military jets returning in proximity to the proposed residential housing and the school site. The route would also be used by the F-35's from 2020.
 - The officer report [*August 2016 – Working Paper 1*] is misleading by stating the Ministry of Defence has no objections. The correct position of the MoD is that the submitted information is inadequate to assess noise impacts and requested a detailed noise assessment was undertaken to its standards. This work has not been done.
 - The noise assessment relied upon by this planning application was submitted by a separate developer (Briscoe Way – Planning application reference DC/13/0660/FUL), but this site is not in as close proximity to the returning military jet flight paths and therefore not capable of providing a basis to assess noise impacts for the operations at RAF Lakenheath, but do show a noise level of 62.1db (LAeq(16-hr)) on land that is further away from the overflight paths than would affect this application.
 - The Parish Council has used this data to extrapolate the noise output over the school and the residential development site, using the inverse square law for sound as an indicator, given the closer distance to the flight paths. This gives 67.7db.
 - It is not lawfully open to the Council to proceed to determine the application regardless of the position of the applicant when the MoD plainly disagrees with the applicant's advice from the Aviation Assessment and has asked for more information and an opportunity to review that further technical information.
 - If the application is determined on the basis of the misleading advice or incomplete information which is material to the application, the decision will be vulnerable to judicial review.
 - The Parish Council goes on to cite an appeal decision relevant to a site proposing a housing development in the vicinity of the flight paths of Manchester International Airport where noise output exceeded 60db(A). Extracts of the appeal decision were provided and the Parish Council pointed out in that case the Inspector held that noise impacts at that level affecting residential development would conflict with the NPPF.
 - The Parish Council requested deferral of determination [from the August 2016 Committee meeting].
16. A letter was received from the Head teacher of the **Lakenheath Community Primary School**. The school was particularly interested in the proposals given that it proposed a site for a new primary school. The letter requested **deferral** of the planning application pending the submission of further information (noise impact assessment). The letter was circulated to the Committee Members by the Parish Council in

advance of the meeting (August 2016). The concerns raised by the Head Teacher, submitted on behalf of the Governing Body, are summarised as follows:

- The 'aviation advice report' accompanying the planning application talks about noise at the existing primary school, implying that it is not a significant issue, and that there would be very little difference in the impact of noise at the new [proposed] school. This is attributed to speculation and opinion given that the school was not consulted and no noise data has been collected from the existing school site.
- The current school has no choice but to live with the disruption of jet noise because it was built before the airbase existed. In school, staff often have to pause when teaching or conducting assembly to wait for the noise to pass and consequently children's concentration is lost.
- There are a number of studies, in particular a World Health Organisation report (WHO 2011) which expresses concern on cognitive impairment in children and on learning and memory being negatively affected by noise. Over 20 studies have shown negative effects of noise on both reading and memory in children. The report states that exposure during critical periods of learning at school could potentially impair development and have a lifelong effect on educational attainment. Impacts could be particularly detrimental for children with some Special Educational Needs. Aircraft noise, because of its intensity and unpredictability is thought to have a greater impact than, say, traffic noise, with the effect continuing after noise has passed.
- This is not a case of an existing school having to 'make do'. We have a choice about where new schools are sited and it cannot be justified that we subject a future school community to the same, or potentially worse, environment. We understand that the proposed new school, unlike us, is directly below or close to one track of the twin flight paths as the jets return to RAF Lakenheath.
- We are also concerned for the future of the village and the school's environment with the news that two squadrons of F35 fighters will be deployed at RAF Lakenheath. A full and comprehensive study of the impacts of this aircraft should be undertaken. We understand the F35's are up to 10db louder than the F15's.
- Some commentary has suggested noise mitigation can be made to a new school building. We question the reality of the day to day operation of a school building to being sealed from external noise. Outdoor learning is an integral part of the Early Years curriculum, so the youngest children spend much of their day outdoors. Learning outside the classroom is actively promoted for older year groups too. This would be jeopardised by siting a school close to or under a flightpath. Furthermore, an important element of sustainable buildings is internal air quality and this is best achieved by naturally

ventilated buildings. Using a noise mitigation argument to justify building a school near to the flightpath is, therefore, simply not valid.

17. On 2nd August 2017, representations were received on behalf of Elveden Farms Ltd, a 'rival' developer in the village. The letter was received too late for inclusion into the Committee report for the August 2016 meeting (Working Paper 1) but was circulated to Members in advance. The issues raised are summarised as follows:

- Information with respect to traffic and noise is out of date.
- Elveden Farms has held discussions with County and District Council's about providing a primary school on the site known as L26 or L1(b) adjacent to the existing Lakenheath playing field.

Traffic

- The Committee report (August 2016) is factually incorrect on matters fundamental to whether a decision to grant planning permission is taken.
- Improvements to the B1112/Eriswell Road junction will require the addition of third party land (to accommodate the physical works and to provide sufficient visibility). This should be clarified.
- Furthermore, the report suggests that there is a possibility of a further option that does not require third party land but no such scheme has been identified. It is unlikely that a signalisation only scheme that meets highway standards could be accommodated within the highway boundary.
- It should be noted that in the Cumulative Impact Studies the assessment of B1112/ Eriswell Road junction is based on traffic data counted in 2013. Even including the recent dualling works to the A11, the Cumulative Impact Studies still shows that the degree of saturation, with the Phase One development (663 dwellings) exceeding 100% and operating beyond capacity.
- Traffic assessment undertaken by our consultants in 2015 after the A11 dualling works had been opened, found that based on post A11 dualling traffic data, the degree of saturation is now more likely to be approximately 108% for 663 dwellings, which would be significantly over capacity and the volume of additional housing that could be accommodated is substantially less than 663 and quite likely nearer to zero houses.

Noise

- We note that the MOD objects to the proposed Station Road development on the grounds that the provided aviation advice was "inadequate to assess noise impacts" and the MOD requested "a detailed noise impact assessment to be done to its standards".

- The available evidence indicates that all parts of Lakenheath experience relatively high noise-levels, in comparison with the criteria in the relevant British standards. Thus wherever an application site is located in or adjoining the village, a comprehensive noise-assessment should be required that is based on the measured noise-levels in that specific location and forecast changes in the flight-patterns at the military bases, and which should demonstrate how the scheme would comply with the objectives of national planning policy insofar as achievable in the specific context of Lakenheath.

Primary Education

- Discussions between Elveden Farms Ltd. and Suffolk County Council have been ongoing about the potential to provide a 2 hectare site for a primary school adjacent to the existing Lakenheath playing field in the site known as L26 or L1(b). Elveden have proposed that in the event of approval for the 550 dwelling scheme with a primary school at Little Eriswell, reference DC/16/1360/OUT, they would agree to release a 2 hectare area adjacent to the existing playing field at L26 / L1(b) for a second primary school.

Infrastructure Delivery

- Elveden Farms Ltd. propose in the absence of an adopted Site Allocations Development Plan Document, that FHDC work with the parish councils and the applicants in the Lakenheath area to develop a plan to deliver infrastructure improvements that will enable major housing development to come forward in a co-ordinated and sustainable programme.
- In this regard, Elveden Farms Ltd. are proposing two primary schools, all identified highways improvements, pedestrian and cycle links, a local shop, green and public space and over 550 dwellings across the two applications F/2013/0394/OUT and DC/16/1360/OUT.

18. A further **2 letters of objection** were received to the proposals from local residents. Many of the issues and objections had been raised previously and are reported at paragraphs 72-76 of the attached Working Paper 1. The following additional points were made:

- Putting a new school so far out of the village would by itself create a huge traffic problem; children are unlikely to walk to a school at this site.
- There are already more people than the facilities can comfortably cope with.
- Lakenheath is not an appropriate location for the levels of growth proposed by all the planning applications.

Policy:

19. Relevant Development Plan policies were listed at paragraphs 78 to 80 of the report to the August 2014 meeting of Development Committee (attached as Working Paper 1).

Other Planning Policy:

20. Other relevant planning policies were discussed at paragraphs 81-89 of the report to the August 2014 meeting of Development Committee (attached as Working Paper 1).
21. In the period since the September 2014 Development Control Committee meeting, the emerging Site Allocation and Single Issue Review Development Plan documents have both been consulted upon and submitted to the Planning Inspectorate. The formal examination of these documents is anticipated to occur later this year.
22. The policies set out in the emerging plans can be attributed weight in reaching decisions on planning applications. The NPPF advises the degree of weight will depend upon the stage the plan has reached in the process, their degree of consistency with the NPPF and the nature of any unresolved objections to individual policies. In this case, the plan has been submitted to the Planning Inspectorate for examination and is thus at an advanced stage. However, the policy which allocates the application site for development in the emerging Site Allocations Development Plan document does have unresolved objections against it. Accordingly, and whilst it is a matter for the decision maker to ultimately determine, it is your officers' view that moderate weight can be attributed to the provisions of emerging policy SA8 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.

Officer Comment:

23. The Development Control Committee resolved to grant planning permission for this development at its meeting on 3rd August 2016, subject to conditions and completion of an Agreement under S106 of the Town and Country Planning Act. A request for the Secretary of State to 'call in' the planning application for his own consideration including delays caused by the Defence Infrastructure Organisation on behalf of the Ministry of Defence as part of that process have contributed to delaying the implementation of the August 2016 resolution of the Committee.
24. A full and detailed officer assessment of the planning application was included at paragraphs 90-318 of the report to the 3rd August 2016 meeting of Development Committee (attached as Working Paper 1).

25. Case law has established that planning officers are obligated to return planning applications to Committee for further consideration in cases where there have been material changes in circumstances since a resolution was reached.
26. In this case a small number of separate material changes in circumstances are relevant requiring further consideration by the Committee. This section of the report considers the implications of these.

5-year supply of deliverable housing sites and the emerging plan.

27. The Council was able to demonstrate a 5 year supply of deliverable housing sites at the time the Committee considered this planning application in August 2016. That continues to be the situation and the Council is presently able to demonstrate a five year housing supply. The application proposals were and continue to be counted in the five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan. Should these applications not be approved, it is inevitable the Council would fall back into a position where it is not able to demonstrate a 5-year housing supply.
28. An important factor to take into account when considering the principle of this development is the fact the site is allocated for development in the emerging Site Allocations Local Plan. The Plan is now at an advanced stage given it was submitted to the Planning Inspectorate for examination at the end of March 2017. In your officers' view moderate weight can now be attributed to the emerging policy in determining planning applications, because of the presence of unresolved objections to emerging policy SA8, which allocates the application site (alongside other sites) for housing development.
29. It is your officers' view that the combination of the desirability of being able to maintain a 5 year supply of deliverable housing sites and (albeit to a lesser extent) the fact the application site is allocated in an emerging Local Plan, considerable weight can be afforded in support of the principle of the development. An 'in-principle' objection to the scheme would be difficult to defend at a subsequent appeal. Indeed, if the application proposals were to be refused planning permission, resulting in a reduction in planned housing supply, it is highly likely that the 'presumption in favour of sustainable development' and the 'tilted balance' in favour of a grant of planning permission which are set out at paragraph 14 of the NPPF would be engaged at any subsequent appeal.

Cumulative highway matters

30. The potential 'cumulative' impact of the multiple proposals for development at Lakenheath has been considered in detail by Suffolk County Council. They have commissioned consultants (AECOM) to carry out a number of traffic studies, culminating in a number of reports and spin off assessments. These are discussed in detail at paragraphs 262 to 273 of the officer report to the August 2016 meeting of this Committee

(attached as Working Paper 1). Members will note, from paragraphs 272 and 273 of that report there was, at the time, an element of uncertainty about whether an appropriate scheme of improvements could be carried out within the boundaries of the existing highway without requiring third party land. Since the August Committee, further work has been undertaken, including a survey of the junction, and this has revealed it is possible to implement a scheme of improvements within the highway boundary without requiring third party land. This would allow at least 890 dwellings to be built and occupied without severe highway impacts arising.

31. Elveden Farms Ltd, which owns the third party land around the 'Eriswell Road' junction provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:

"It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.

The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and this should be understood before any planning consent is granted for new development."

32. The Highway Authority at Suffolk County Council has carefully considered the fresh evidence submitted by Elveden Farms Ltd and has provided the following comments in response:

"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.

While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.

The technical report does make a point about junction blocking impacting on overall performance, this is not considered to

fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.

Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.

The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."

33. Contrary to representations received on behalf of Elveden Farms Ltd, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the highway. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct.
34. The required improvements to the 'Eriswell Road' junction would need to be fully implemented in advance of the occupation of the first dwelling in the application scheme. This could be secured by means of an appropriately worded 'Grampian' planning condition.

Aircraft Noise

35. This matter is discussed in some detail in the officer report to the August 2016 meeting of the Development Control Committee (paragraphs 227 to 242 of Working Paper 1). The discussion includes a summary of relevant national and local planning policies.
36. The core planning principles set out in paragraph 17 of the NPPF direct decision makers to seek to ensure a 'good standard of amenity for all existing and future occupants of land and buildings'. Specifically with respect to noise, and having regard to the National Planning Policy Guidance (NPPG) and DEFRA's Noise Policy Statement for England (NPSE), paragraph 123 of the NPPF requires decisions to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'. Where a lower level 'adverse' noise impact is established, then impacts on health and quality of life should be mitigated and minimised.
37. Paragraph 2.18 of the NPSE reiterates the need to balance the economic and social benefit of the development/activity with the environmental impacts, including the impact of noise on health and quality of life. It is clear in stating that noise impacts should not be treated in isolation.
38. The current World Health Organisation (WHO) guidance recommends internal noise levels in dwellings are 35dB LAeq,16hr for daytime and 30dB LAeq,8hr at night. British Standard BS 8233 suggests similar design standards for internal noise levels.
39. The WHO guidance suggests that to protect the majority of people from being annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 50dB LAeq for a steady, continuous noise.
40. On 2nd August 2016, one day before the date of the Committee meeting, the Council received lengthy and detailed objections to the application proposals from the Defence Infrastructure Organisation on behalf of the Ministry of Defence. These were received after the report to the August 2016 meeting had been published and were thus not included in it, but the letter was circulated to all Members of the Committee on the day they were received, alongside representations also received 'late' from the Parish Council which also raised concerns about the impacts of aircraft noise. The DIO's representations are summarised at paragraph 7 above. The Parish Council's 'late' representations are summarised at paragraph 15 above.
41. The August 2016 Committee received further written advice from the Council's Public Health and Housing officers following receipt of the late representations. These are summarised at paragraph 9 above. Furthermore the Committee received a verbal presentation in response to the late objections from its planning officers and had regard to this in resolving to grant planning permission for the development. The following is a summary of the verbal presentation with respect to aircraft noise:

1. In response to the allegation that that the application site would be more greatly affected by aircraft noise than the site at Briscoe Way (which noise assessment is relied upon)

- It is factually incorrect to assert there is no noise information available with which to consider the planning application proposals.
- The Parish Council, in asserting the recovery flight path into RAF Lakenheath which passes over the application site would have greater impacts on the appeal site than recorded at the Briscoe Way site, has seemingly overlooked the presence of an 'exit' flight path which passes west of the village.
- It has been established that the exiting flightpath creates greater noise impacts on the application site and wider village generally than the recovery flightpath which passes over or close to the application site.
- Indeed, the Ministry of Defence has not suggested that the return flightpath would cause greater noise disturbance to the application site than the exiting flightpath to the west of the village. This is a logical conclusion to draw.
- Given that the Briscoe Way site is closer to the existing flightpath west of the village, it must be the case that the application site would not be affected by aircraft noise more greatly than the Briscoe Way development site which is closer to that principal noise source.
- Of course, as we stand there is no precise evidence to absolutely demonstrate this statement. However drawing upon the experience of the former military pilot whom prepared the submitted aviation advice, the absence of a contrary or contradicting view from the Ministry of Defence and the application of common sense, it is reasonable to conclude that the noise output of accelerating jets using engine thrust to gain speed, momentum and altitude cannot be compared to the noise output of a returning jet that is cruising with lower engine use at greater altitude preparing to land. It follows, therefore, that the greatest noise impact to the application site is from the flightpath to the west of the village and not the recovery flightpath which the MoD has stated currently operates over the application site.
- Members are advised there is sufficient information available with which to draw conclusions on aircraft noise impacts and determine the planning application. The Public Health and Housing Team has been able to use the available information and their own experience of the noise climate at and around Lakenheath to conclude that the internal spaces of the proposed buildings are capable of being fully mitigated against aircraft noise impacts. The impact of aircraft noise upon external spaces is more difficult to

mitigate, but given these impacts would amount to annoyance as opposed to health problems, it is a matter of exercising planning judgement, which was the case in the appeal cited by the Parish Council in their recent letter.

2) In response to the appeal scheme cited by the Parish Council to justify a refusal of planning permission (appeal reference APP/R0660/W/15/3027388).

- The Parish Council raises the matter of a recent appeal decision in the North-West of England where planning permission was refused on the grounds of adverse impacts arising from aircraft noise. That case related to development proposed at 'Knutsford' around a mile away from the runways of Manchester International Airport. The Parish Council has provided extracts from the decision, but not the full decision. The decision not to provide a copy of the full appeal decision means some important points are missing from the Parish Council's correspondence.
- The following matters from the appeal decision were pointed out to the Committee:
 - Para 15 "Departing aircraft are noisier than aircraft landing". This is the common sense conclusions officers have reached with respect to the appeal proposals.
 - Paragraph 27 "Noise is only one of the factors to be weighed in balance alongside the other dimensions of development". This adds weight to officer views that the impacts of noise to the application scheme, particularly to its external spaces which are less capable of effective mitigation, is a matter of planning judgement. Members are advised to consider the adverse effects of noise to external spaces in the planning balance.
 - Para 34 "The evidence indicates that, with the use of measures such as high performance sealed windows and doors, enhanced roof construction and mechanical ventilation, an acceptable level of indoor noise could be achieved". This adds weight to the conclusions drawn by the Council's Public Health and Housing Team that modern construction techniques are capable of mitigating aircraft noise impacts within new buildings.
 - The Inspector went on to conclude it had not been demonstrated that proposals for external mitigation of garden spaces and other external spaces were capable of effective mitigation. He therefore exercised his planning judgement and in his conclusions considered the external noise environment would have a significantly adverse impact upon the quality of life of future residents and whilst noting that an acceptable internal acoustic environment would be achievable, the sealed box solution would further detract from future residents' quality of life and in the

Inspector's view was an additional factor weighing against permission.

- These factors do not apply to the Lakenheath application site in the same way. It was also pointed out that the Inspector considered a grant of planning permission elsewhere in Knutsford that did not have noise mitigation to external spaces and concluded at paragraph 45 "From what I saw and due to the distance from runways, aircraft are higher in the sky when flying by Parkgate compared to the appeal site." The Inspector also noted there were other sources of noise disturbance affecting the appeal site in addition to aircraft noise which he considered would add to the annoyance factor, particularly to external areas. This serves to demonstrate that aircraft flying at greater altitude (as in the return flight path at Lakenheath) have reduced noise impact than equivalent planes flying at lower altitude (as in the take-off flight path from RAF Lakenheath).
- Members were shown a powerpoint slide comparing the frequency of flights from RAF Lakenheath and Manchester International Airport. The information presented to the Committee is set out in the table below:

Take offs and landings per annum

RAF Lakenheath = 19,056 (source: MoD letter dated 2nd August)

Manchester International Airport (MIA) = 279,137 (passenger and freight) (source: MIA Website)

Take offs and landings per day

RAF Lakenheath = 52

MIA = 764

Take offs and landings per hour (averaged over assumed operational hours for MIA)

Lakenheath (16 hours) = 3.25

MIA (assumed 24 hours) = 31

Average frequency of flights

Lakenheath = 1 take off or landing event every circa 20 minutes or 1 pair every 40 minutes over a 16 hour period (nb jets tend to fly in pairs from Lakenheath)

MIA = 1 take off or landing every 2 minutes, but noting daytime frequencies will be higher than night time because of operational restrictions.

- Whilst it is not clear how many of these aircraft flights would have affected the appeal site directly, it does serve to demonstrate that the appeal site at Knutsford would have had a very different noise climate to that created by flights from RAF Lakenheath. The appeal site cited by the Parish Council would have been subject to approaching constant levels of significant aircraft noise whilst the average for Lakenheath is a pair moving every 40 or so minutes.
- Of course, this average does not reflect the fact that the base will not operate flights precisely to the average time gaps and there will be periods where take-offs and landings exceed the average of one every 40 minutes, but this will also give rise to other periods during the day where aircraft movement events would be less frequent than every 40 minutes.
- Whilst the appeal cited by the Parish Council does provide useful information to assist Members and supports conclusions drawn by your planning officers that the application site will be more affected by aircraft taking off from the base than by returning aircraft, the decision in that appeal where the Inspector exercised planning judgement about noise to refuse planning permission cannot immediately be applied to this planning application. The application site must be considered on its own merits, pertaining to the noise conditions of the site.

Changes in circumstances relating specifically to the consideration of aircraft noise, since August 2016

42. In February 2017, the Ministry of Defence published fresh noise contours for the village. These are modelled, noise contours and as far as officers are aware, are not based on actual noise recordings captured from locations around the village. The Ministry of Defence has only published the results of its modelling exercise. There is no demonstration of how the alignments of the noise contours were established, including the reliability of any assumptions made or any limitations of the modelling work. Evidence submitted with a number of planning applications around Lakenheath and Eriswell in the form of noise recordings captured as part of Noise Impact Assessments demonstrate that recorded noise levels tend to be lower than is being suggested by the Ministry of Defence noise contours. This evidence is suggesting that the noise contours have been prepared on a precautionary or, perhaps a 'worst case', scenario.
43. In the light of this, the decision maker, in this case the Council's Development Control Committee should have regard to the noise contour information as an indicator of the noise environment of a site. The noise contours will be particularly useful in the lower noise contour areas in

justifying planning conditions that secure precautionary sound insulation measures in new buildings, particularly where the planning application is not accompanied by a noise impact assessment. However, the decision maker should be cautious about relying solely upon the noise contour information as a basis to refuse planning permission on aircraft noise impact grounds and, in that regard, should place greater weight on available primary evidence.

44. In this respect the application proposals rely upon a Noise Impact Assessment (NIA) carried out with respect to a separate planning application for development at Briscoe Way to the west of the application site. The NIA was based on field surveys carried out on a single day in February 2014. Military aircraft were observed during the day and, following liaison with the base (whom confirmed there are typically 40-45 flights departing from the base per day), the noise consultant considered the number of aircraft readings captured was appropriate to reflect a typical noise environment at the application site. The field work recorded noise levels at the Briscoe Way site of 62.1db LAeq(16-hr). Given the closer proximity of the locations of the recordings to the exit flight path to the west of the site the noise levels at the application site are likely to be similar to, but not exceed the noise levels experienced at the Briscoe Way site.
45. In April 2017, following publication of the refreshed noise contours for Lakenheath the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to housing development proposals within the 66-72db LAeq (16-hr) noise contour, the MoD advises as follows:

"...acoustic insulation is required. Suggested measures include, but are not limited to;

- *Acoustic primary double glazing system of at least 6.4L₁(12)10 for all windows;*
- *Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*
- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*
- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this*

depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used.

46. Both the Noise Impact Assessment relied upon by the applicants and the Ministry of Defence's own advice about treatment of dwellings within the 66-72db noise contour confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. Whilst the Ministry of Defence initially disagreed and objected to the planning application, their objections related principally to what they perceived to be an inadequate assessment of noise impact. The MoD did not demonstrate as part of their objections that occupants of the development proposals would experience unacceptable impacts from aircraft noise. The publication of fresh noise contours and the related informal advice prepared by the Ministry of Defence now confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings and the school are capable of mitigation. In this regard the receipt of this recent advice serves to validate the earlier conclusions reached by both the applicant's noise consultant and the Council's Public Health and Housing Officers.
47. The planning application includes proposals for a new primary school. In its informal general advice, the Ministry of Defence regard schools as a 'sensitive use' to which special consideration should be given with respect to potential adverse effects of aircraft noise.
48. The general advice received from the Ministry of Defence does not rule out sensitive uses from being provided within the 66-72db noise contour areas, but does advise (as set out at paragraph 45 above) that specific noise mitigation measures will be required.
49. Government guidance with respect to the acoustic requirements of school buildings has been prepared and published by the Department for Education and the Education Funding Agency. The advice can be found in Building Bulletin 93 'Acoustic design of schools: performance standards' (February 2015). This advises that teaching classrooms should have minimum ambient levels equal to 35db LAeq, 30mins. The guidance goes on to advise about addressing 'regular' noise events, including aircraft noise:

"In order to protect students from regular discrete noise events, eg, aircraft or trains, indoor ambient noise levels should not exceed 60 dB LA1, 30mins."
50. The guidance does not advise with respect to playing fields and other external spaces.
51. The school building would need to be constructed with an appropriate scheme of sound attenuation, but there is nothing to suggest this cannot be achieved within the guidelines, except in exceptional circumstances.

52. It is conceded there may be occasions where pupils at the new (proposed) school experience noise disturbance in classrooms above nationally recommended levels as a consequence of particularly intensive operations at the airbase, or if doors/windows are left open. However, whilst this would count as a 'negative' aspect of the proposed development, in your officers' view this does not constitute sufficient reason on its own to justify withholding planning permission.
53. The Defence Infrastructure Organisation, on behalf of the Ministry of Defence, has been invited to make further comment on the application proposals and is aware of the Council's intention to consider the planning application further at this meeting. Despite this, and at the time of writing, no further comments have been received.
54. Whilst the internal spaces for the proposed dwellings and school can be adequately mitigated against aircraft noise, it remains the case that external spaces, including domestic gardens, public paths, school playing fields and public open space can not be mitigated in the same way. Whilst it is your officers' view that the impact of unmitigated aircraft noise upon external areas of the site is not fatal such that it renders the scheme unacceptable on this ground alone, it would represent harm and thus needs to be considered in the overall balance.
55. In this respect officers consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site are reduced by i) the sporadic nature of the aircraft movements meaning that noise disturbance persists for short periods, ii) the non operation of the base at weekends when the external areas of the site are likely to be most used for residential purposes and iii) the absence of objections or adverse comments from the Council's Public Health and Housing team.
56. Furthermore, and with respect to the proposed primary school, it is important to note that the existing village primary school is located in a noisier environment than the application site (within the 70db noise contour), the school buildings were not constructed to defend against aircraft noise and there are no plans, or indeed rational reasons, to close down the existing school as a consequence of the effects of aircraft noise. The school is a high achiever and currently has a 'good' OFSTED rating. There are a seven Inspection reports for the primary school available on the OFSTED website and these report consistent performance at the school over the past seventeen years, but none of the reports attributes any academic or operational 'problems' (where problems are identified) to aircraft noise or activity. Indeed, none of the OFSTED inspectors even mention military aircraft noise as an issue or potential source of distraction in their reports.
57. These factors contribute to your officers' continuing view that harm arising from aircraft noise is not significant in this case and should not lead to planning permission being refused. Conditions could be imposed if planning permission were to be granted in order to ensure ambient noise levels are achieved in relevant living and educational spaces, in accordance with relevant guidance.

58. The announced introduction of two squadrons of Lockheed Martin F-35 Lightning II aircraft into RAF Lakenheath may change the noise climate of the village again in the future, although it is understood the type of F-35's that will operate from the base will have similar noise outputs to the existing F-15's. Given that i) the Environmental Impacts of introducing the new F-35 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 F-35 squadrons into RAF Lakenheath can be attributed very limited weight in the determination of this planning application.

Other matters

59. The position taken by the Ministry of Defence with respect to the impact of aircraft noise upon the proposed development is discussed above. The Ministry of Defence also raised objections with respect to vibration (caused by military aircraft) and public safety.

Vibration

60. In September 2016, the Ministry of Defence requested that, in the event that planning permission is granted, a condition be imposed requiring a vibration assessment to be carried out and submitted to the Local Planning Authority. In April this year, however, the Ministry of Defence altered its position which is now as follows:

"I have reviewed, and taken advice on, the position we have adopted in the past.

Obviously, noise is, in itself, a vibration of the air. Sound waves enter the ear; affect various bones, membranes, and fluids; and, as a result, trigger a nerve response. Disturbance from noise is subjective, and some people can be more affected than others.

People may become more aware of the disturbance through the transfer of the noise to a building or structure; this is known as Noise-Induced Structural Vibration (NISV). The most sensitive parts of a structure to airborne noise are the windows. Though less frequent, plastered walls and ceilings can also be sensitive. NISV may annoy occupants because of secondary vibrations (e.g. rattling of objects such as crockery, ornaments, and hanging pictures) and can also be noticed when window panes vibrate when exposed to high levels of airborne noise. Therefore, noise surveys should take into consideration the effect of NISV on those who will occupy, use, and/or visit the proposed development if planning permission is granted.

In many cases it is difficult to separate aircraft NISV from that created by other sources, e.g. road traffic and commercial/industrial activity. Even if military aircraft are identified as the source of vibration it is unlikely that a single overpass will result in damage to property; the

degree of NISV is often exacerbated due to poor repairs and/or maintenance (e.g. loose roof tiles, poorly installed windows, lack of loft insulation etc.). While we remain concerned that people using and occupying some properties near RAF Lakenheath will experience some vibration, because of the factors I have summarised above, it is my intention that we focus on the effects of noise and do not, unless absolutely necessary, refer to vibration in the future."

61. No evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft has been provided by the Ministry of Defence to support its stance that a condition requiring the applicant to carry out an assessment should be imposed upon this scheme. Furthermore, officers are not aware of any issues from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
62. Without any evidence of harm or potential harm of vibration to these development proposals, it is considered unjustifiable to request further assessments from the applicant.
63. The effects of vibration from aircraft noise on future occupiers of the proposed dwellings is likely to be perceived as opposed to tangible. Experience of the effects of vibration has the potential to impact upon ones reasonable enjoyment of their property, but the impacts are unlikely to be significant, particularly at this site which is outside the loudest noise contour and a good distance away from the runways and exit flight paths (where aircraft noise is likely to be at its greatest) of RAF Lakenheath.
64. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that the weight to be attached to the potential harm is limited.

Public Safety

65. The Ministry of Defence is concerned the occupants of the proposed dwellings and school would (if approved) be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use. Whilst the precautionary position adopted by the Ministry of Defence is noted, it is not considered that the residents of this scheme or staff and pupils of the proposed primary school would be at any greater risk of incursion than any other site or existing development in the village.
66. The starting point is that the risk of accidents involving jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their planes away from built up areas in the event of an emergency.

67. In the event that the pilot loses control of a plane as a consequence of an incident with the aircraft, the application site would be at no greater risk of 'incursion' than other sites inside and outside of Lakenheath, because an out of control plane will not respect a planned flight path.
68. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in your officer's view is not sufficient to justify a refusal of planning permission.

S106 Agreement

69. The heads of terms of the S106 Agreement remains predominantly mostly unchanged from that resolved by the Committee in September 2014.

Conclusions:

70. S38(6) of the 2004 Planning Act states that applications for planning permission shall be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The NPPF is a material consideration which 'may indicate otherwise', although the Courts have re-affirmed the primacy of the Development Plan in Development Control decisions and departures from the plan should only be made in exceptional circumstances. The absence of a 5 year housing supply, which serves to demonstrate housing delivery issues in a Local Authority Area is, in your officers view, one circumstance where a decision to grant planning permission that departs from the plan could be justified.
71. In this case, the Council is able to demonstrate a 5-year supply of housing such there is no general imperative to grant planning permission for housing schemes that are contrary to the Development Plan. However, the five year housing supply most recently published by the Council includes a number of dwellings from this site within it. The site has been included in the five year housing supply on the grounds that the Development Control Committee resolved to grant planning permission for it in August 2016. Accordingly, if planning permission were not to be granted for the development proposals, it is inevitable the Council would fall back into a housing supply deficit against the 5-year supply target. Accordingly, the provisions of paragraph 14 of the NPPF, including the 'presumption in favour of sustainable development and the 'tilted balance' in favour of a grant of planning permission (unless the identified harm would significantly and demonstrably outweigh the benefits) applies.
72. Noting that the emerging Site Allocations Local Plan (which allocates this site for housing development with a primary school) is not yet part of the Development Plan, despite its advanced stage, the application proposals represent a clear departure from the provisions of the Development Plan in its current form. The site is situated entirely within a countryside

location, outside the settlement boundaries of the village, where policies of restraint apply, particularly to development of the scale proposed here. The application was advertised as a departure from the Development Plan following registration. Therefore, in accordance with S38(6) of the 2004 Act, and given the significant breach of the Plan that would occur, the starting point in this case is a presumption against the grant of planning permission. The final decision will turn on whether the Committee considers there are 'material considerations that indicate otherwise'.

73. In this case, your officers consider there are a number of material considerations which indicate that planning permission should be granted for these development proposals despite them being contrary to the Development Plan. These are:
- The fact the Council would not be able to demonstrate a 5-year supply of deliverable housing sites if this site were to be refused planning permission. An approval of this planning application would ensure a five year housing supply could be demonstrated and would serve to 'significantly boost the supply of housing', as is required by the NPPF.
 - Your officers consider the benefits of the application proposals, particularly the delivery of housing, and the provision of a much required new primary school, (both considered highly significant benefits) outweigh the harm. The harm would include a significant breach of Development Plan policy (as discussed above), moderate harm to the character of the countryside resulting from the loss of undeveloped agricultural land to housing development and the fact the external areas of the site cannot be mitigated against the adverse effects (annoyance) of aircraft noise.
 - In light of the above, officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals accord with National planning policy.
 - The Development Plan will soon be expanded to include a Site Allocations Development Plan Document. The version of the plan submitted to the Planning Inspectorate for examination allocates the application site for a housing development and includes the delivery of a new primary school. Whilst the application proposals represent a significant breach of the present Development Plan, they fully comply with the emerging plan. In your officers view, this should be attributed moderate weight in the Committee decision given the advanced stage it has reached but noting the presence of unresolved objections against relevant policies.
74. Members are asked to note the material changes in circumstances and your officers conclusions about the merits of departing from the provisions of the Development Plan as discussed in the report. Officers' consider the previous committee resolution to grant planning permission

remains relevant.

Recommendation:

75. Subject to the Secretary of State confirming withdrawal the Article 31 Holding Direction and/or deciding not to call in the planning application for his own determination, that outline planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

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

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

(c) Pre-school contribution (up to £400,821).

(d) Libraries Contribution (up to £81,000).

(e) Public Open Space contributions:

i) Formula to be included in the Agreement to secure, at reserved matters stage, policy compliant provision on site within the parts of the site shown for housing on the submitted Concept Plan, including future delivery and management of those areas.

ii) Provision, laying out, timing of delivery and management / maintenance of the strategic open space and reptile mitigation areas (which are to be provided over and above SPD compliant levels).

(f) 'Local' highways mitigation contribution (including pedestrian crossing of Station Road, Footpaths and lighting works, temporary and permanent foot & cycle link from end of existing footpath connections to the school site, funding of works to extend the 30mph zone past the frontage of the site etc.), except as may be appropriately secured by means of a 'Grampian' planning condition.

(g) Travel Plan - payment of any appropriate and agreed financial contributions towards travel planning initiatives arising and agreed at the outline stage.

(h) SPA Recreational Impact Contributions, including i) monitoring of potential impacts upon the SPA from development (commuted sum to be calculated), ii) and iv) facilitating the construction of a pedestrian bridge across the drainage channel to the north of the site from within the application site.

(i) Health Contribution (up to £123,420)

(j) Any further clauses considered necessary by the Assistant Director

(Planning and Regulatory).

And

2) subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable construction and operation methods, including water efficiency measures (further details to be submitted with reserved matters and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details (including precise details of new hard and soft landscaping)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required)
- Construction and environmental management plan
- As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Noise mitigation measures (separate conditions for the school and dwellings – precise details to be submitted with any reserved matters submissions)
- Provision of fire hydrants
- Waste minimisation and re-cycling strategy
- Details of the foul and surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology (as requested by Suffolk County Council).
- Reserved Matters submissions to generally accord with the approved Concept Plan.
- Landscape and ecology management plan
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions, including linking the school site back into the village.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission/s.
- As recommended by the Ecology, Tree and Landscape Officer (Ecological mitigation and enhancement)
- Travel Plan measures (i.e. matters not addressed by the S106 Agreement)
- Provision of public information/interpretation boards and information

packs for residents with respect to avoiding impacts upon the Special Protection Area.

- Any additional conditions considered necessary by the Assistant Director (Planning and Regulatory).

76. That, in the event of;

i) the Assistant Director (Planning and Regulatory) recommending alternative (reduced) Heads of Terms on viability grounds from those set out at paragraph 75 above,

or,

ii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at paragraph 75 above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory);

the planning application be returned to Committee for further consideration.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/>