



**Forest Heath**  
District Council

# DEV/FH/17/017

## Development Control Committee 7 June 2017

### Planning Application F/2013/0345/OUT Rabbit Hill Covert, Station Road, Lakenheath

**Date:** 22 November      **Expiry Date:** 21<sup>st</sup> February 2014  
**Registered:** 2013

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

**Proposal:** Residential development (up to 81 dwellings, as amended).

**Site:** Rabbit Hill Covert, Station Road, Lakenheath

**Applicant:** Mr James Waters

**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 determine the attached application and associated matters.

CONTACT CASE OFFICER:

Gareth Durrant  
Email: [gareth.durrant@westsuffolk.gov.uk](mailto: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 September 2014.**

**The planning application is returned to Committee to enable it to consider material changes in circumstances which have occurred since it reached its decision in 2014. These are (in no particular order):**

**i) The ability of the Council to demonstrate a 5-year supply of deliverable housing sites.**

**ii) The adoption by the Council of the Joint Development Management Policies document in February 2015.**

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

**iv) The submission of a number of additional planning applications proposing large scale housing development at and around the village. These applications and an assessment of potential cumulative impacts are included below.**

**v) The publication 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.**

**vi) Enactment of CIL Regulation 123 which has led to a requirement for the off-site public open space contributions tariff based contributions being omitted from the S106 Agreement, and**

**vii) 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 the village, including the application site.**

**The full officer report to the Development Control Committee (3<sup>rd</sup> September 2014) is included with this update report as Working Paper 1. An extract from the minutes of the 3<sup>rd</sup> September 2014 meeting, relevant to this site is also provided as Working Paper 2.**

## **Proposal:**

- 1. The development proposed by this application is described at paragraphs 1-3 of the report to the 3<sup>rd</sup> September 2014 meeting of Development**

Committee (attached as Working Paper 1).

### **Application Supporting Material:**

2. The material supporting the planning application is listed at paragraph 4 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).

### **Site Details:**

3. The application site is described at paragraphs 5-8 of the report to the September 2014 meeting of Development Committee (attached as Working Paper 1). The site area has not changed.

### **Planning History:**

4. The planning history relevant to this site is set out at paragraphs 9 and 10 of the report to the September 2014 meeting of the Development Control Committee (Working Paper 1).
5. There are six other proposals for large scale residential development around the village. The proposals are considered relevant to the further consideration this planning application particularly insofar as the combined (or cumulative) impacts require consideration. In September 2014, the Development Control Committee considered the cumulative impacts of the application proposals alongside applications C and D (which at the time were the only 'live' applications or the only applications with a prospect of being approved). The proposals are set out in the table below:

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application approved by the Committee in August 2016. Is to be referred back to Committee for further consideration owing to changed circumstances.
B	F/2013/0345 /OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	The subject of this report.
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. Is to be referred back to Committee for further consideration owing to changed

				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 July or August 2017.

### Consultations:

6. Consultation responses received in advance of the report to the September 2014 Development Control Committee meeting are summarised at paragraphs 11-32 of the committee report attached as Working Paper 1.
7. The following additional consultation responses have been received post September 2014.
8. **Natural England** – in September 2014 offered **no objections** to the planning application and confirmed there are no concerns with respect to the Breckland SPA / Breckland SAC. They also confirmed (at the time) there were no concerns for an 'in combination' effect of recreational

disturbance from the three Lakenheath applications taken together given the relative small scale of the proposals [*at the time, applications B, C and D from the above table were before the Council*].

9. Further comments were received in June 2015 after **Natural England** had given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 5 above. Natural England raised 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.
10. Following submission of a Habitats Regulations Assessment with planning application DC/14/2096/HYB, which considered the potential cumulative impacts to the SPA of a number of planning applications in the village, including that being considered by this Committee report, **Natural England** confirmed (in December 2015) the document had adequately addressed their concerns and confirmed it **no longer objects** to the proposals and reached the following conclusions:
  - Natural England is now satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. We therefore have no further issues to raise regarding this application and do not consider that an appropriate assessment is now required.
11. 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".
12. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations in September 2016 and **objected** to the application. Their comments are summarised as follows:
  - It is important to acknowledge that the MoD supports the basic principle of new residential development in the local area. However, in these circumstances, the MoD wishes to outline its concerns regarding this planning application.
  - 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 will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.

- The application site is directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. It is expected that the application site will be subjected to noise associated with instrument recovery profiles, potentially in addition to instrument departure profiles.
  - A number of criticisms are raised against the noise assessment relied upon by the planning application. 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. It is suggested that planning permission should be refused as a consequence, but 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 suggests that, if planning permission is granted, a condition should be imposed requiring vibration survey and assessment in accordance with the relevant British Standard.
  - The DIO also asserts the occupants of the proposed dwellings (if approved) 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 that would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
13. In May 2016, the **NHS Trust** confirmed they held no objections to this planning application and, on grounds of the combination of the relatively small size of the application proposals and the effect of the 'pooling restrictions' set out in the CIL Regulations, did not wish to request developer contributions from these proposals for health infrastructure provision.
14. In August 2016, the Council's **Ecology and Landscape Officer** updated her previous comments with respect to the planning application (paragraph 28 of Working Paper 1). The main amendments are summarised as follows:
- The landscape strategy (to be developed at Reserved Matters stage) may also need to consider the relationship with the adjacent development site.
  - A tree protection plan should be conditioned.

- Ecological surveys (and any mitigation requirements arising) should be updated at Reserved Matters stage.
- If tree removed is found to be required, the specimens should be surveyed for bats in advance.
- Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
- The Ecology and Landscape Officer also took the opportunity to re-consider the proposals against the requirements of the Habitats Regulations and concluded (again) that an Appropriate Assessment is not required in advance of a (potential) grant of planning permission for this development.

15. In April 2017, the Forest Heath District Council's **Ecology and Landscape Officer** updated her comments about the planning application and 'screened' the proposals under the provisions of the Habitats Regulations. The previous conclusions set out at paragraphs 55 and 56 of the September 2014 Committee report (Working Paper 1) that Appropriate Assessment of the project is not required remains unchanged. The following comments were received (summarised):

- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character particularly given the lack of space to provide visual screening on the boundary with the countryside. The Design & Access Statement includes notes on a landscape strategy for the site. The strategy will need to be developed further (via planning conditions) if the application is approved.
- The provision of sustainable urban drainage is shown to be within the public open space. This would significantly limit the ability of this space to function as an area for any type of formal or informal play. However there is a formal play space located to the south off Briscoe Way.
- An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/ implementation should be secured by condition. The ecological enhancements should be shown on the subsequent landscaping plan for the site.
- Comments included a very detailed 'screening' of the proposals against the requirements of the Habitats Regulations. The screening concluded that the proposals alone would not result in likely

significant effects on Breckland SPA. In-combination likely significant effects on Breckland SPA can be avoided if the applicant makes a proportionate contribution to influence recreation in the area and to avoid a damaging increase in visitors to Breckland SPA through either a condition or a section 106 contribution.

16. In December 2014, the Council's **Public Health and Housing** officers noted the noise impact assessment confirmed revised noise calculations would need to be undertaken once the scheme layout, floor plans and elevations have been finalised. The following conditions were recommended:

- Construction method statement (to address construction noise management, hours of working, use of generators (hours) necessity to agree out of hours working, burning of waste and dust management.

17. 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 Noise Impact Assessments (NIA) 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.

18. **Suffolk County Council (Local Highway Authority)** – In September 2014 provided comment and recommended conditions as follows:

- Due to Station Road being a 60mph up to the entrance of the site I would require a 30mph extension to the speed limit for the frontage



of the site. I would also require gateway improvements at the terminal signs. Features such as picket gates, road markings etc.

- I would require the 30mph limit to be place prior to planning approval.
- There appears to be insufficient parking to meet our maximum parking standards. As this site is on the edge of the town, maximum standards should be applied.
- Several dwellings appear to have no parking or in the case of plots 39 and 51, it is not clear as to where there garages are. I require a parking schedule showing the parking for all the plots. Parking should also be reasonably local to the dwelling to encourage usage and deter parking on the roads.
- I also require the achievable visibility splays to be shown on a drawing.
- The entry access road is very straight. This layout may encourage inappropriate speeds into the residential area.
- Once these issues are addressed my conditions would be; details of the access and visibility splays, estate roads and footpaths, bin storage to be provided; no dwelling occupations until carriageways and footways for the dwelling has been provided and; withdrawal of permitted development rights to protect access visibility splays.

19. **Suffolk County Council (Strategic Development)** in January 2017 took opportunity to review and update their requests for developer contributions given the passage of time since they last reviewed and commented upon the proposals. The following contributions (to be secured via S106 Agreement) were requested:

- Primary Education - £328,580 towards build costs and £25,880 towards land costs.
- Secondary Education – capacity available, no contribution.
- Pre-school provision - £86,664.
- Libraries - £17,496.

### **Representations:**

20. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 33-37 of the committee report attached as Working Paper 1.

21. The following additional representations have been received post September 2014.

22. **Lakenheath Parish Council** – in August 2014, the Parish Council submitted “**strong objections**” to the proposals and prepared a single letter of objection with respect to four planning applications. The letter included a summary of the objections, which was as follows;
- The EIA screenings are inadequate and do not take account of cumulative impact.
  - Paragraph 14 of the NPPF does not automatically engage; in accordance with the William Davis case the Council must first determine whether these proposals are sustainable before turning their attention to the provisions of paragraph 14 of the NPPF.
  - Development Plan policies should be attributed significant weight in accordance with Section 38(6); settlement boundary policies should not be regarded as being concerned with the supply of housing and should not therefore diminish in their weighting.
  - In the planning balance, the weight to be attributed to the delivery of housing should be reduced given that little or no housing will come forward from any of these proposals in the next five years; set against this, there is significant and wide ranging harm to arise from all of the proposals, not least in relation to infrastructure and schooling impacts.
  - Objections are set out in relation to layout issues for the Briscoe Way site and, to some extent, on the other applications.
  - Land east of Eriswell Road is premature; in any event this proposal will impact upon the SSSI and has significant deliverability issues.
  - As with all of the proposals, the Rabbit Hill Covert site is the subject of significant noise exposure and it will not be possible to create satisfactory residential amenity for future occupiers of the site.
23. In September 2014 the **Lakenheath Parish Council** wrote to confirm it had no further comments to make.
24. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their lawyers. The following matters were raised:
- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
  - Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).

- The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].
- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.

25. **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".

26. A further **8 letters of objection** were received to the proposals. Many of the issues and objections had been raised previously and are reported at paragraph 37 of the attached Working Paper 1. The following additional points were made:

- The development is in the wrong place; it should be within the village envelope.
- The infrastructure is not there to support it:- i.e. school, doctor, retail outlets, public transport, etc.
- It is too far from the village centre to walk. Residents will therefore drive, increasing congestion.
- There is very little local employment.
- The housing is not needed.
- Are the services, such as sewerage adequate?
- Lakenheath does not need to expand on prime agricultural land.
- The development would destroy the character of this part of the village.
- Adverse impact upon wildlife in the area.
- Loss of trees and shrubs.
- Station Road will not cope with the extra traffic.
- Lack of footpaths and street lighting in the area.

- Noise pollution from the airbase.
- There are a number of unfinished developments/sites in the village. These should be finished first.
- Increased risk of flooding.
- The proposed growth is disproportionate and unsustainable.

**Policy:**

27. Relevant Development Plan policies were listed at paragraphs 38 and 39 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
28. The Joint Development Management Policies Document was adopted by the Council (February 2015) following the Committee resolution to grant conditional planning permission for the proposed development in September 2014. Relevant policies are listed below:
- DM1 – Presumption in Favour of Sustainable Development
  - DM2 – Development Principles and Local Distinctiveness
  - DM5 - Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
  - DM11 – Protected Species
  - DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
  - DM13 – Landscape Features
  - DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
  - DM17 – Conservation Areas
  - DM20 – Archaeology
  - DM22 – Residential Design.
  - DM27 – Housing in the Countryside.
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM44 – Rights of Way
  - DM45 – Transport Assessments and Travel Plans
  - DM46 – Parking Standards
29. The adoption of the Joint Development Management Policies Document led to a number of policies from the 1995 Local Plan being replaced. Of those policies listed at paragraph 39 of Working Paper 1, only policy 14.1 (Securing Infrastructure and Community Facilities from Major New Developments) remains part of the Development Plan.

**Other Planning Policy:**

30. Other relevant planning policies were discussed at paragraphs 41-54 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
31. 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.
32. 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:**

33. Members resolved to grant planning permission for this development at their meeting on 3<sup>rd</sup> September 2014, subject to conditions and completion of an Agreement under S106 of the Town and Country Planning Act. The Committee also required an independent assessment of the potential cumulative impacts of development upon the local highway network. The cumulative traffic assessment has taken longer than envisaged to complete partly owing to the submission of further planning applications for development in the village. Other issues, including the need for the Secretary of State to carry out a fresh EIA screening of the proposals, a request for the Secretary of State to 'call in' the planning application for his own consideration and, latterly, late objections to the planning application from the Defence Infrastructure Organisation on behalf of the Ministry of Defence have all contributed to significant delays in implementing the September 2014 resolution of the Committee.
34. A full and detailed officer assessment of the planning application was included at paragraphs 53-228 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
35. 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. Furthermore, a change in planning law in April

2015 means a S106 Agreement cannot be lawfully completed fully in accordance with the Committee resolution.

36. In this case a number of separate material changes in circumstances are relevant requiring further consideration by the Committee. This section of the report considers the implications.

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

37. The Council was not able to demonstrate a 5 year supply of deliverable housing sites at the time the Committee considered this planning application in September 2014. Accordingly, the 'tilted balance' set out at paragraph 14 of the NPPF (presumption in favour of sustainable development) applied in the consideration of the proposals with considerable weight applied to the housing shortfall identified at the time.
38. The application proposals have been counted in the current 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.
39. 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 in March 2017. Given that unresolved objections persist over relevant policies in the plan, moderate weight can be attributed to the emerging policy in determining planning applications.
40. 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 the fact the application site is allocated in an emerging Local Plan, significant 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.

*The adoption by the Council of the Joint Development Management Policies document in February 2015*

41. The adoption of this document introduced a suite of new planning policies to be taken into account in reaching decisions on all planning applications. When Members last considered the planning application (and resolved to grant planning permission) in September 2014, the Joint Development Management Policies Document (JDMPD) carried little weight. Committee Members did not rely upon the emerging policies in reaching their decision at that time given there were widespread and fundamental objections to the policies (and numerous modifications were proposed) ahead of formal examination.

42. Officers have assessed the application proposals against all relevant policies contained in the now adopted JDMPD and conclude that none of these significantly affect the officer assessment or recommendation. A summary of that assessment is included in the table below

Policy	Officer Comment
DM1	This largely repeats the provisions of paragraph 14 of the NPPF.
DM2	A general design policy covering numerous criteria. The proposals do not offend this policy and all matters are addressed in the September 2014 committee report (Working Paper 1 - officer comment section)
DM5	This policy confirms that areas designated as 'countryside' will be protected from unsustainable development. Policy DM27 is a related policy and addresses proposals specifically for residential development in 'countryside' locations. These policies imply a general presumption against development in the countryside but make specific exceptions to certain development types and scales. The application proposals do not meet the specific criteria of these policies and are therefore contrary to them.
DM6	The planning application proposes 'SUDS' drainage, the detail of which has been agreed in principle. The proposals are consistent with policy DM6.
DM7	This policy is reflective of contemporary national planning policies and in that context is considered to be more up to date than Core Strategy Policy CS2. National planning policy states that sustainable construction measures should accord with the Building Regulations unless local evidence suggests further measures are required. Local evidence confirms that additional measures (over Building Regulations requirements) for water efficiency is justified and as a consequence has been made a specific requirement of the Development Plan through this policy. A condition requiring compliance with the stricter 'optional' water efficiency requirements of the Building Regulations can be imposed.
DM10	The requirements of this policy are addressed in the September 2014 committee report (paragraphs 115 -123 of Working Paper 1). The requirements of Policy DM10 have been met. The situation remains unchanged insofar as the development proposals would not have significant impacts upon the nearby SPA and SSSI designated sites, both individually and in combination with other plans and project. Accordingly, an appropriate assessment under the provisions of the Habitats Regulations is not required in this case.
DM11	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 115-123 of Working Paper 1). The requirements of Policy DM11 have been met.
DM12	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 115-123 of Working Paper 1), with further discussion included in the 'officer comment' section of this report, below. Appropriate biodiversity mitigation, enhancement and further survey work would be secured via the S106 Agreement and planning conditions. The requirements of Policy DM12 have been met.

DM13	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 93-103 and 192 of Working Paper 1). Further discussion is included below within the 'officer comment' section of this report. The requirements of policy DM14 have been met.
DM14	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 147-155 of Working Paper 1). The requirements of policy DM14 have been met.
DM17	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 61-63 and 127-133 of Working Paper 1). The requirements of this policy have been met.
DM20	The requirements of this policy are addressed by the August 2014 committee report (paragraphs 127-133 of Working Paper 1). The requirements of this policy have been met.
DM22	The August 2014 committee report included a discussion about the design merits of the scheme (paragraphs 148-171 of Working Paper 1). The application is in outline form and with details reserved, the design of the scheme is not a determinative issue with this planning application. Officers are content that up to 81 dwellings (with public open space) could satisfactorily be accommodated at the site and consider the proposals accord with the requirements of policy DM22.
DM27	See comments against Policy DM5 above.
DM42	As the application is in outline form, it is not appropriate to secure specific quantum of land for public open space at this time. The amount of public open space required from the proposals will ultimately depend upon the number and mix of dwellings proposed at outline stage. The formula for calculating public open space contributions would be included into the S106 Agreement to ensure policy compliant levels of public open space provision would be secured.
DM44	The development would not affect any existing public footpaths. The scheme would enhance footpath provision in the village by contributing to the provision of new strategic footpath infrastructure as part of a wider green infrastructure strategy intended to avoid indirect impacts arising to the Breckland Special Protection Area and the Maids Cross Hill SSSI from new development proposals. The requirements of policy DM44 have been met.
DM45	The planning application was accompanied by a Transport Assessment. Transportation matters were discussed at paragraphs 104-114 and 189-190 of the September 2014 committee report (attached as Working Paper 1). Further discussion with respect to cumulative traffic impact is set out later in this report.
DM46	The latest adopted advisory parking standards would be considered at Reserved Matters stage when the layout of the proposed development (including housing mix and parking distribution) is considered and agreed.

Cumulative impacts, including updated EIA screening

43. The potential cumulative impacts of the application proposals, in combination with other proposed developments were considered by the



Development Control Committee in September 2014 (paragraphs 181 to 198 of the officer report). Since the meeting, further applications proposing large scale housing development have been received by the Council and remain undetermined. The officer assessment of potential cumulative impacts set out in the 2014 Committee report has become out of date and requires further consideration.

44. For the same reasons, the EIA Screening of the proposals undertaken by the Council became out of date following the subsequent submission of further planning applications. There are no provisions in the EIA Regulations that enable the Local Planning Authority to re-screen development proposals. The Council therefore requested the Secretary of State adopt an over-arching Screening Direction. The Secretary of State carried out a Screening Direction and considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement was not required to accompany the planning application.
45. Members will note from the table produced beneath paragraph 5 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 will be allocated for new residential development irrespective of the outcome of these planning applications.
46. The remainder of this sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 5 above. Project E from the table is disregarded given its recent withdrawal 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 itself need to consider and mitigate cumulative impacts.

#### Primary education

47. Any additional children of primary school age emerging from these proposals would need to be accommodated within a new village school given the existing school has reached capacity and cannot be extended. The County Council has confirmed the site allocated within the emerging Site Allocations plan and which is subject to a current application for outline planning permission (reference DC/14/2096/HYB) is their 'preferred site' for the erection of a new primary school.
48. If planning permission is granted for that particular scheme, the school site would be secured and would provide the County Council with an option to purchase/transfer the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme which also includes a large residential component. At its meeting in August 2016, the Development Control Committee resolved to grant

planning permission for those proposals (including the school site). The planning application is yet to be finally determined, however, as it is the subject of an Article 31 holding direction issued by the Secretary of State. The Committee will also need to reconsider that particular planning application in the light of the recent publication by the Ministry of Defence of new noise contours.

49. The cumulative impact of development was considered as part of the officer Committee report to the September 2014 Committee meeting. The following conclusions were drawn about the cumulative impact of the three developments (as it stood at the time) upon primary education provision;

*"The (potential) need for some pupils to travel to a school outside of Lakenheath would impact upon the sustainability credentials of the proposals and are regarded as a dis-benefit of development in advance of a new school site being found. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from these development proposals, even if they are all built early on and concerns have not been expressed by the Authority that educational attainment would be affected. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant development proposals) needs to be considered as part of the planning balance in reaching a decision on the planning applications."*

50. Despite the submission of further planning applications for development following the Committee's consideration of the proposals in September 2014, the prospect of a school being delivered in the short term has improved given the submission of a planning application for development including the safeguarding of land for a primary school and, to date, the favourable consideration of that planning application by the Council. However, it is acknowledged the delivery of a school site (and an opening date for a new school) remains uncertain. Accordingly, the harm identified in the preceding paragraphs arising from the short term absence of school places in the village continues to apply and the impacts of the development proposals upon primary education (both individually and cumulatively) remains to be considered in the planning balance.

#### Highways

51. The Local Highway Authority (Suffolk County Council) has progressively commissioned cumulative traffic studies to assess the potential impact of new development at Lakenheath upon the local road network, via its consultants, AECOM. The first independent study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications at its September 2014 meeting (Applications, B, C and D from the table

included above, beneath paragraph 5). A requirement for the cumulative study formed part of the resolution of the Development Control Committee for those planning applications. At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had 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.

52. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has been the subject of public consultation. The updated cumulative study considers four different levels of development:
  - 288 dwellings (specifically applications B, C and D from the table beneath paragraph 7 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 (750 additional dwellings) which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
53. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand') concluded all of these, with the exception of three, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The three junctions where issues would arise cumulatively were i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout") and, iii) the A1065/B1112 Staggered Crossroads.
54. The Highway Authority has advised the threshold for works being required to the Lords Walk and the A1065/B1112 junctions are above the levels of housing growth presently being considered. Accordingly, no mitigation measures (or developer contributions) are required for these particular junctions from these development proposals.
55. The Eriswell Road junction is more complicated given i) the need to carry out improvements to increase the efficiency of the junction before any of the large scale housing developments can be occupied and ii) the limited available land for improvements to be carried out to this junction within existing highway boundaries.
56. The cumulative study 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. A further update to the study examined the first option in more detail and found that a detailed scheme could be delivered within the boundaries of the highway without requiring the incorporation of land outside of existing highway boundaries.

57. 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 installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first circa 850 dwellings without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850<sup>th</sup> dwelling.
58. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does confirm that, with new signalisation being provided within the highway, the improved junction would be capable of accommodating the traffic flows emerging from all the development proposals presently proposed at Lakenheath (excluding the proposals which have been refused planning permission) without severe impacts arising.
59. In May 2017, 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."*

60. 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."*

61. 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.

62. 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.

#### Special Protection Area and SSSI

63. The application site is outside the 1.5km buffers to the SPA but sits partly within the nesting buffer (as recently amended). The potential for the application proposals to impact directly upon the Breckland Special Protection Area, including Stone Curlew nesting attempts at locations within 1.5km of the application site, outside the Special Protection Area, has been considered in depth. Further discussion from Natural England is set out at paragraphs 8-11 above. Natural England has advised there are no likely significant effects upon the Special Protection Area, both in isolation or in combination with other plans or projects. This remains unchanged from the agreed position in September 2014 when Members reached their initial decision on this planning application, despite further planning applications having been submitted subsequently.
64. 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 from the application proposals cannot automatically be ruled out and further consideration of potential indirect recreational impacts is required.
65. 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 could potentially contain only very limited measures within the site to mitigate, off-set or avoid potential recreational impacts upon the SPA. The site is too small to provide its own measures in this respect (i.e. large areas of public open space and attractive dog walking routes for example). The application proposals, left unmitigated, are likely to increase recreational pressure upon the Breckland Special Protection area and add to any detrimental effects arising to the species of interest (the woodland component in particular).
66. Furthermore, the development (if left unmitigated) is likely to increase recreational pressure upon the Maids Cross Hill SSSI to the east of the village. The SSSI is the only large area of recreational open space

available locally to Lakenheath residents and is well used for recreation (dog walking in particular) but is showing signs of damage as a consequence.

67. Emerging Policy SA8 of the Site Allocations Development Plan Document allocates a number of sites to the north of Lakenheath for residential development, including the application site. The policy requires that any development proposals must provide measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Madsdross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.
68. The Council has prepared a greenspace strategy as part of the evidence underpinning the emerging Development Plan Documents. This includes a 'masterplan' for providing new green infrastructure and dog walking routes in and around Lakenheath to off-set (or avoid) potential increased recreational pressure being placed upon the Breckland SPA and Madsdross Hill SSSI.
69. The application proposals can contribute towards implementing the measures included in the greenspace strategy and, to this end, officers consider it would be appropriate for this particular development to provide capital funding towards enhancing existing and/or providing new public footpath provision in the village.
70. With these measures in place (which would also be part funded/part provided by other developments around the village), your officers have concluded the potential impact of the development upon the Breckland Special Protection Area and the Madsdross Hill SSSI, from increased recreational use would be satisfactorily addressed.

#### Landscape

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

#### Utilities

72. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study, which supports the Core Strategy document, 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.

73. Anglian Water Services has not objected to any of the planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained at paragraph 196 of the attached Working Paper 1, 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 5 above has been withdrawn).
74. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not lead to adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
75. 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

76. 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 5 above) and requested further information from the proposals.
77. 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.
78. 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.

#### Summary

79. On the basis of the above evaluation officers remain satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of ecology, utilities, landscape, healthcare, air quality, transport and schooling) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused planning permission on grounds of confirmed or potential cumulative impacts.



### CIL Regulation 123

80. Regulation 123 of the Community Infrastructure Regulations 2010 was enacted in 2015 after the Development Control Committee considered the planning application in September 2014. The enactment has had the effect of making it unlawful for Local Planning Authorities to have regard to planning obligations in reaching a decision on a planning application where five or more contributions have already been collected for the specific infrastructure type or project. Accordingly and as the Council has already previously collected 5 or more separate contributions to be used generically towards public open space provision, it would now be unlawful to collect a further non specific tariff type contribution from this planning application. This is irrespective of whether or not the applicant remains willing to continue offering it.
81. The resolution of the September 2014 meeting of the Development Control Committee included off-site provision of open space via a 'tariff' type developer (cash) contribution. The off-site 'tariff' based contribution can no longer be lawfully secured. All other contributions Members resolved to secure from the development could still lawfully form part of a S106 Agreement and would not currently fall foul of the pooling restrictions, albeit some of the contributions to be secured in the Agreement have been updated to reflect current circumstances (education and libraries contributions in particular).
82. At the Committee meeting in September 2014, the resolution included provisions that should the S106 heads of terms be reduced from those included in the resolution, the planning application would be returned to Development Control Committee for further consideration. The forced removal of the off-site public open space contribution from the S106 Agreement triggers this requirement.
83. The loss of the off-site tariff based public open space contribution will be replaced by a greater provision of public open space on site to meet current policy requirements, such there would be no nett loss to overall provision. It is likely the public open space will be provided towards the southern and western site boundaries to provide circular pedestrian and dog walking routes, in combination with the adjacent development (which continues beyond the north and east boundaries of the application site). At reserved matters stage, the S106 Agreement will provide for an acceptable package of public open space provision in the form of public open space on the site and (as previously discussed) contributions towards provision of new and specific publically accessible green infrastructure away from the site.

### Aircraft Noise

84. 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.

85. 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.
86. 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.
87. 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.
88. 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.
89. In September 2014, at the time the Development Control Committee first resolved to grant planning permission for this development, the application site was shown to be situated outside the noise contours relevant to the operation of RAF Lakenheath. Noise contour information is prepared and published by the Ministry of Defence.
90. Despite that, the applicants submitted a noise impact assessment (NIA). The NIA was based on field surveys carried out on a single day in February 2014 from an alternative adjacent housing development site at Briscoe Way (the subject of planning application DC/13/0660/FUL). 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 of 62.1db LAeq(16-hr) and concluded mitigation measures could be installed into the dwellings to insulate the internal against aircraft noise. The noise mitigation strategy can be designed to achieve average internal noise levels within World Health Organisation guidelines. The external areas of the site would remain unmitigated and would exceed the WHO guidelines for external areas for short periods when aircraft are passing.
91. It was apparent from the recommendations of the NIA that the internal spaces of the dwellings could be adequately mitigated through appropriate construction and insulation techniques. Indeed, the Council's

Public Health and Housing Officers (and, initially, the Defence Infrastructure Organisation) did not object to the proposals, subject to conditions. The planning application was recommended to the Committee for approval and, at the time, the effect of aircraft noise upon the proposals was not particularly controversial. The matter was discussed at paragraphs 166-171 of the September 2014 Committee report (Working Paper 1).

92. In September 2016, some two years after the Committee resolution and approaching three years following submission of the planning application, the Defence Infrastructure Organisation for the first time submitted objections against the planning application (paragraph 12 above). In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The information confirmed the application site is situated within a 66-72 db LAeq(16-hr) noise contour which suggests the application site could be exposed to greater noise levels than set out by the 2014 NIA accompanying the planning application. However the Public Health and Housing Team, whom having considered the information set out in the NIA, the MoD noise contours and the objections received from the Defence Infrastructure Organisation on noise grounds, continue to advise the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
93. In April 2017, following publication of the refreshed noise contours 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 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 6.4L[1](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.*

94. The receipt of the MoD's objections and the publication of the new noise contours necessitate further consideration of the potential impact of noise from military aircraft to the proposed development.
95. The applicant's Noise Impact Assessment 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 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. Your officers are content to conclude the internal spaces of the dwellings could be adequately mitigated against aircraft noise.
96. Whilst the internal spaces for the proposed dwellings can be adequately mitigated, it remains the case that external spaces, including domestic gardens, public paths and public open space can not be mitigated in the same way. Whilst 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.
97. 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 and iii) the absence of objections or adverse comments from the Council's Public Health and Housing team. Accordingly, these factors contribute to your officers' view that harm arising from aircraft noise is not significant in this case and should not lead to planning permission being refused. A condition could be imposed if planning permission were to be granted in order to ensure maximum noise levels are achieved in relevant internal living spaces.
98. 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

99. 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

100. 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."*

101. 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 issue from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
102. 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.
103. 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 of RAF Lakenheath where aircraft noise is likely to be at its greatest
104. 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 very limited.

#### Public Safety

105. The Ministry of Defence is concerned the occupants of the proposed dwellings (if approved) would 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 would be at any greater risk of incursion than any other site or existing development in the village.
106. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will 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 aircraft away from built up areas in the event of an emergency.
107. 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.
108. 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

109. The heads of terms of the S106 Agreement remain largely unchanged from that resolved by the Committee in September 2014. There are some changes to the amounts required for primary education provision (land and capital costs) and libraries contributions which reflect changes in circumstances. The principal change relates to the strategy for public open space provision and this is discussed above, under the 'CIL Regulation 123' sub-heading.

#### **Conclusions:**

110. 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. 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.
111. 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 all 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 September 2014. 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. In those circumstances, 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.
112. Noting that the emerging Site Allocations Local Plan (which allocates this site for housing development) 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'.

113. 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, (considered highly significant benefit if a five year supply is not demonstrated) 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. Whilst the application proposals represent a significant breach of the present Development Plan, they fully comply with the emerging plan. Officers consider the emerging plans should be attributed some weight in the Committee decision given i) the advanced stage it has reached, but ii) the fact there are currently unresolved objections to relevant policies, including SA8 which allocates the application site for housing development.

114. The Committee is 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 appropriate.



### **Recommendation:**

115. It is recommended that outline planning permission is **GRANTED** subject to:

A. The completion of a S106 agreement to secure:

- Affordable housing: 30% provision.
- Education contribution (towards land and build costs for a new primary school).
- Pre-school contribution (towards a new pre-school facility to be co-located with the new primary school).
- Open space maintenance commuted sum (in the event the Public Open Space on site is subsequently transferred to the Council for maintenance).
- Contribution towards strategic village green infrastructure provision (off site).
- Libraries contribution.

### **And**

B. subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (use of those proposed)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Public open space (strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Landscaping (precise details and implementation of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows during construction
- Ecology (securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling.
- 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)

- Means of enclosure (to be submitted for the dwellings and outer boundaries of the site).
- Noise mitigation (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme.
- Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
- Water efficiency measures

112. That, in the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out at paragraph 111 above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to Committee for further consideration.

113. That in the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out 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/>