



Forest Heath
District Council

DEV/FH/17/025

Development Control Committee

5 July 2017

Planning Application F/2013/0394/OUT - Land West of Eriswell Road, Lakenheath

Date Registered:	9 th August 2013	Expiry Date:	14 October 2016 (with agreed extension)
Case Officer:	Gareth Durrant	Recommendation:	Grant Outline Planning Permission
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended.		
Site:	Land west of Eriswell Road, Lakenheath		
Applicant:	Elveden Farms Ltd		
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

Telephone: 01284 757345

Background:

This application has been considered previously by this Committee culminating in a resolution to grant outline planning permission at its meeting on 3 September 2014.

The planning application is returned to this 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) Amendments to the nesting attempts 'buffer' outside the Special Protection Area and the inclusion of the application site within this buffer.

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

vi) 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.

vii) 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

viii) 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.

ix) The service of a Tree Preservation Order with respect to trees along the eastern (road frontage) boundary of the site.

The full Officer report to the Development Control Committee (3rd September 2014) is included with this update report as Working Paper 1. An extract from the minutes of the 3rd 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 and 2 of the report to the 3rd 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 3 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).

Site Details:

3. The application site is described at paragraphs 4-7 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. There is no planning history (planning application determinations) relevant to this site.
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 B 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:

Project Ref.	Application Reference.	Address.	No. of dwellings.	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in the planning application for his own determination.
B	F/2013/0345 /OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in

				the planning application for his own determination.
C	F/2013/0394 /OUT	Land west of Eriswell Road, Lakenheath	Up to 140	The subject of this report.
D	DC/13/0660/ FUL	Land at Briscoe Way, Lakenheath	67	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in the planning application for his own determination.
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 by a Planning Inspector in due course, 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 on or before 5 th 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 Control Committee in August 2017.

Consultations:

6. Consultation responses received in advance of the report to the September 2014 Development Control Committee meeting are summarised at paragraphs 9-27 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. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations about the planning application, as follows:

- The proposed development will occupy statutory height, bird-strike, explosives and technical safeguarding zones surrounding RAF Lakenheath. However, I can confirm that in principle the MOD has **no safeguarding objections** to this proposal.
- The scheme outlined will occupy the 15.2m aerodrome height consultation zone. Whilst it is not expected that this will act as a constraint on the development outlined, the applicant should take this into account in finalising the design of the structures that will feature in this scheme.
- The development also partly occupies the outer explosive safeguarding consultation zone, known as the vulnerable building distance (VBD) that surrounds explosive storage facilities at RAF Lakenheath.
- All buildings occupying the VBD should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the MOD site, buildings nearby will not collapse or fail in a manner that could cause critical injury to the occupants. In this context, buildings that contain large areas of glazing, tall structures (in excess of the 3 storeys) and buildings of light weight construction are of particular concern to the MOD.
- A further consideration, relating to maintaining explosives safeguarding requirements, relates to the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve. The reserve abuts RAF Lakenheath occupying the inner explosives safeguarding zone in which the MOD monitors the level of occupation to maintain explosives licensing standards. If the development indirectly increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.
- It is noted that the application includes provision of open space. The submission also makes reference to designing in access links to the existing public open space and playing fields to the north of the application site. However, the applicant should take the above issue into consideration when designing this development scheme.
- The development site occupies a technical safeguarding zone that protects the operation of a transmitter/receiver air traffic navigational aid located at the aerodrome. Within this zone it is necessary to regulate the use of external metallic cladding on the elevations and roofs of buildings. The applicant will need to take this into account in designing the buildings that will occupy the site.

- The application site also occupies the statutory bird-strike safeguarding zone that surrounds the aerodrome. In this context the provision of open space and landscaping cited in the application may be relevant. Landscape features will need to be designed to minimise habitat opportunities, such as water bodies or other forms of wetland, that would attract and support populations of large and, or, flocking birds hazardous to air traffic.
- Due to the proximity of the application site to the aerodrome the proposed development may be affected by aircraft noise and the applicant may wish to take this into account.

12. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations in October 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 located approximately 950 metres (0.59 miles) at its closest point, north-west of the 06/24 Runway at RAF Lakenheath. It is expected that the application site will be subject to noise associated with instrument departure and recovery profiles. Furthermore, the intention to harden the over-runs at both ends of the runway to support the additional aircraft mission (that will not be restricted to the current 'Quiet-Hours' regime) will see larger aircraft powering up closer to the application site and existing properties than is currently the case.
- 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 the DIO confirms it is 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 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. NHS Property Services (May 2016) – upon reviewing the planning application considered the proposals would place additional pressures upon local NHS services beyond their capacity and requested a development contribution of £46,080 to be used towards increasing the capacity of the local GP surgery.
14. In June 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 18 of the September 2014 Committee report (Working Paper 1) that Appropriate Assessment of the project is not required remains unchanged. A copy of the 'screening' of the proposals against the provisions of the 'Habitats Regulations. Is attached to this report as Working Paper 3. The following comments, separate to the 'screening' information, were received:
- These comments are made further to previous comments made in October 2015. They are to highlight changes that have occurred since that time and to confirm the current position.

Tree protection

- The trees which form the pine line along Eriswell Road are protected by tree preservation order TPO006/2016. The TPO was made because these tree belts and pine lines are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value particularly in the immediate vicinity forming a gateway to the village when approaching from the south along Eriswell Road. This tree preservation order has been made to protect these landscape features which are potentially threatened by proposed development. The tree preservation order was confirmed on 21 October 2016 following representations being reported to Development Control Committee.
- The proposal includes the removal of three trees which protected by the TPO. If planning consent is given this will include consent for the removal of these trees, however the remaining trees will be protected during the construction process and into the future. The tree preservation order is not considered to be inconsistent with

development of the site but is intended to ensure the retention of the pine line which is considered to be a locally important landscape asset.

Landscape and SUDs

- Comments of the impact of the proposals on landscape remain as made in October 2014 as do comments in relation to SUDs. Recommended conditions are the same:
 - Landscape strategy to be submitted alongside the reserved matters master plan showing how these principals have been addressed.
 - Detailed soft and hard landscaping to be submitted and implemented
 - A tree protection plan should be provided with the reserved matters.
- The provision of sustainable urban drainage is integral to the open space on the site. The applicant must show that there is no double counting and that whilst it is desirable for the SUDs provision to adjoin the open space it does not form part of the open space provision.

Ecology

Stone Curlew Buffers in the Brecks - July 2016

- In July 2016 the Council published up-dated Special Protection Area 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 are 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 nor 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 SA7 of the Site Allocations Document allocate sites for housing development at Lakenheath including Land west of Eriswell 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. This adds further weight to the need for the proposals, to provide onsite open space and a proportionate contribution towards strategic green infrastructure for Lakenheath which could be related to the Cut-Off Channel or other project.

Habitats Regulations Assessment (HRA)

- Natural England (in their letter of 13 August 2013) confirmed that they do not object to the proposals and that there would be no impact on statutory sites.
- The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of habitats and Species Regulations 2010 (as amended). The Landscape Partnership, on behalf of the applicant has submitted information to inform the HRA. This is in the Ecological Appraisal (June 2013). The local planning authorities HRA is below. In undertaking the HRA, officers have had regard to the advice of Natural England and other correspondence received in matters concerning the European sites.

Bats

- Natural England has commented on the impact of the proposals on bats and are satisfied that there would be no impact so long as no trees are to be removed.
- A representation was received from a neighbour objecting on the grounds that the bat survey undertaken fell short of the minimum required to assess the impact of the proposals on bats. Officers are happy that there is sufficient information within the Lakenheath site L/26, Ecology Appraisal July 2013 to assess the effects of the outline proposals on bats.
- The trees with potential for bat roosts have been checked against the access proposals. Trees T60, T61 and T40 are to be removed. These trees are all within bat roost category 2- trees with no obvious potential. Further bat survey will be required at the reserve matters

stage to clarify whether conditions have changed and to assess any further effects based on the detailed proposals.

Ecology report update

- Section 5.3 of the ecological report is clear that the recommendations of that report are limited in the timescale in which they are valid. For this reason it will be necessary for the applicant to submit an updated ecology report to support the reserved matters application. This must include
 - Proposed mitigation for toads and reptiles
 - Proposed mitigation for breeding birds
 - Proposed mitigation for bats including an illumination plan that clearly shows the sensitive habitats and appropriate lighting contours.
 - The recommendations in the updated ecology report must be implemented in full and an implementation plan for those measures should be submitted as part of the reserved matters.
15. 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.
16. **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 - £543,620 towards the build costs of a new primary school in the village and £45,290 towards the cost of securing the land.
- Secondary Education – surplus capacity is presently available, no contribution is requested.
- Pre-school provision – proportionate contribution of £151,662 towards a new 60 place early years setting at Lakenheath, which may be co-located with the new primary school.
- Libraries - £30,240 towards the relocation and enhancement of the local library facility.

Representations:

17. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 28-34 of the committee report attached as Working Paper 1.
18. The following additional representations have been received post September 2014.
19. **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.

20. **Lakenheath Parish Council** – (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.

21. **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".

22. A further **3 letters of objection** were received to the proposals. Many of the issues and objections had been raised previously and are reported at paragraph 34 of the attached Working Paper 1. The following additional points were made:

- The bat surveys undertaken were insufficient and did not confirm to standards applied by Natural England.
- There is very little local employment.

Policy:

23. Relevant Development Plan policies were listed at paragraphs 35 and 36 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
24. 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
25. 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) currently remains part of the Development Plan.

Other Planning Policy:

26. Other relevant planning policies were discussed at paragraphs 37-51 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
27. 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.

28. 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 SA7 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.

Officer Comment:

29. The Development Control Committee resolved to grant planning permission for this development at its meeting on 3rd September 2014. The resolution to approve was subject to conditions and prior 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.
30. A full and detailed officer assessment of the planning application was included at paragraphs 52-221 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
31. 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. Officers consider the Committee is required to consider the planning application further in the light of material changes in circumstances since the resolution to grant planning permission was reached in September 2014.

32. 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.

33. 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.
34. 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.
35. 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.
36. 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 potential appeal.

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

37. 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.

38. 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/overleaf:

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 in any case the relevance of the policy criteria is limited given the outline nature of the planning application (with matters pertaining to the design and layout of the development reserved from the application. All relevant 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 include a general presumption against development in the countryside but make specific exceptions for certain development types and scales. The application proposals do not meet the specific criteria of these policies and, given the current 'countryside' location of the application site, they are 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 via 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 115-121 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 115-121 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 115-121 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 90-100 and 187 of Working Paper 1). Further discussion about the potential cumulative impact upon the landscape of a number of proposals for development around the village 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 143-151 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 58-60 and 122-128 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 122-128 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 155-160 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 140 dwellings (with public open space and other development infrastructure) could satisfactorily be accommodated at the site and consider the outline proposals accord with the requirements of policy DM22.
DM27	See comments made in this table 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 on site 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 can 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 105-114 and 184-185 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.

Amendments to the Special Protection Area 'nesting attempts' buffer.

39. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The site is, however, situated within the 1.5km Nest Attempts Constraint Zone (which serves to protect frequent Stone Curlew nesting attempts at locations outside the designated Special Protection Area Boundaries). This is a change in circumstance since the Committee response to grant planning permission in September 2017, because at that time the application site was situated outside the 'nesting attempts' buffer.
40. The potential impact of development upon the SPA, including stone curlew nesting attempts outside the Special Protection Area has been considered in great depth, not only with respect to the various planning applications proposing significant new housing development around the village (as set out in the table beneath paragraph 5 above), but also with respect to the emerging Development Plan.
41. Natural England has advised there are no likely significant effects upon the Special Protection Area arising from these development proposals, both in isolation and in combination with other plans or projects (paragraphs 9 and 10 above). Further assessment of the potential impact of the proposals upon the Special Protection Area has been carried out by the Council's Landscape and Ecology Officer whom has also 'screened' the proposals against the requirements and precautionary safeguards of the 'Habitats Regulations'. The screening concluded the proposals alone would not result in likely significant effects on Breckland Special Protection Area. A copy of the 'screening' is attached as Working Paper 3. Other comments received from the Landscape and Ecology Officer are set out at paragraph 14 above.
42. The potential impact of the development proposals, in combination with other plans and projects, is considered in the next sub-section, as part of the assessment of potential cumulative (or in-combination) impacts.

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 177 to 191 of the officer report). Since the meeting, further applications proposing large scale housing development have been received by the Council and remain underdetermined. 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 which considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement is 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 is adopted, 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 it has been withdrawn from the planning register. Furthermore, project H is not included given that it is accompanied by an Environmental Statement which will itself need to consider and mitigate its own and its 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 'hybrid' planning application (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.
49. At its meeting in August 2016, the Development Control Committee resolved to grant planning permission for those proposals (including the school site). The Committee repeated its resolution to grant planning permission at its meeting last month (June 2017) when it considered an update report assessing changes in circumstances since the August 2016 meeting.

50. The planning application is yet to be finally determined, however, as it is the subject of a formal Article 31 holding direction served upon the Council by the Secretary of State.
51. 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."

52. 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 this 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

53. 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.

54. 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)).
55. 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.
56. 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.
57. 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.
58. 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.

59. 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 915 dwellings without severe impacts arising. However, if between 915 and 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 915th dwelling.
60. The study does not clarify precisely (or roughly) where the tipping point is beyond the 915th 'new' dwelling. Accordingly it is not clear precisely how many dwellings could be built at Lakenheath beyond 915 with the 'smaller' scheme of improvements to the Eriswell Road junction, before additional measures to implement the larger mitigation scheme need to be implemented. 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 (including the two proposals currently at appeal) without severe impacts arising.
61. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction and is the applicant with respect to this planning application, provided evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies. The evidence was provided to the District Council prior to the Development Committee considering three planning applications totalling up to 523 dwellings and a primary school at three sites to the north of Lakenheath in June 2017.
62. The advice of the Local Highway remains clear that the local road network, including the 'Eriswell Road' junction (which is the junction that would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising. 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. As already stated, 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 presently outside highway boundaries. Having carefully considered all evidence available with respect to cumulative traffic matters, the Development Control Committee considered (at its June 2017 meeting) that the advice of the highway authority was the correct advice and resolved to grant planning permission for all three proposals to the north of the village.

63. At present, there are resolutions to approve up to 523 dwellings in the village (from the three schemes consented by the Development Control Committee in June 2017), albeit these proposals are all subject to Article 31 Holding Directions which means their final approval cannot yet be guaranteed. The application proposals would, if approved, increase the number of 'committed' dwellings in the village to up to 663. There are also two further development proposals in the village proposing substantial new development and these are both the subject of appeals. The appeal schemes proposed up to 230 further dwellings. If all of these developments were to be granted planning permission, including the application proposals which are the subject of this report, up to 893 dwellings would be consented in the village. This number of additional dwellings would be within the 915 dwellings that the Highway Authority confirms can be accommodated on the local road network without severe impacts arising.
64. 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 Maidscross Hill SSSI

65. The application site is outside the 1.5km buffers to the SPA but sits within the 'nesting attempts' 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 8-10 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. Further assessment carried out by the Council's Landscape and Ecology Officer has concluded the development proposals, in combination with other plans and projects would not give rise to significant effects upon the Special Protection Area (Working Paper 3).
66. 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.
67. 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 sufficient measures in this respect (i.e. large areas of public open space and attractive dog walking routes). The application proposals, if left unmitigated, would likely increase recreational pressure upon the Breckland Special Protection area and add to existing detrimental effects upon the species of interest (the woodland component of the Special Protection Area in particular).

68. Furthermore, the development, in combination with other plans and projects, (if left unmitigated) is likely to increase recreational pressure upon the Maidscross 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.
69. Emerging Policies SA7 and SA8 of the Site Allocations Development Plan Document allocate a number of sites at Lakenheath for residential development, including this 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 the Maidscross Hill SSSI and the Breckland SPA. The policies state such 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.
70. 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 Maidscross Hill SSSI.
71. The application proposals (alongside other proposals for large scale residential development) 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 (closest to the application site).
72. With these measures in place (which would also be part funded/part provided from other housing developments around the village), your officers have concluded the potential impact of the development upon the Breckland Special Protection Area and the Maidscross Hill SSSI, from increased recreational use would be satisfactorily addressed.

Landscape

73. 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

74. 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.
75. 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 189 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).
76. 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.
77. 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

78. 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.
79. 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.
80. 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

81. 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, likely or potential cumulative impacts.

CIL Regulation 123

82. 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 provide it.
83. 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).
84. 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.
85. The loss of the off-site tariff based public open space contribution will trigger the need for policy compliant levels of public open space to be provided on site, such there would be no nett loss to the overall (lawful) provision. It is likely the public open space will be provided towards the outer site boundaries to provide pedestrian and dog walking routes. 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

86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. In September 2014, at the time the Development Control Committee resolved to grant planning permission for this development, the application site was shown to be situated within the 70bda noise contour (based on data published by the Ministry of Defence in 1994). Since 2014 the Ministry of Defence has published two updates to the RAF Lakenheath noise information. Firstly, in 2015, it updated the noise contour information by scrapping the 70db and 80db contours and, using the same source information from 1994, replacing these with new 62db, 66db and 72db contours. The application site was shown to be situated within the 72+db noise contour. Secondly, in February 2017, the Ministry of Defence submitted new noise contour information based on new modelling and more up to date data. The 62db, 66db and 72db noise contours were mapped again and the application site remained within the 72+db contour.

92. The planning application was accompanied by a noise impact assessment (NIA). The NIA was based on field surveys carried out over a 9 day period in April 2013. The noise consultant considered the survey period to be sufficiently long and extensive. The field work recorded average noise levels of up to 68db LAeq (16-hr), although some measurement locations, away from the roadside, were slightly more favourable with levels in the region of 61-64 db LAeq (16-hr). The NIA concluded mitigation measures could be installed into the dwellings to insulate internal rooms against aircraft noise. The noise mitigation strategy can be designed to achieve average internal noise levels within World Health Organisation (and British Standard) guidelines. The external areas of the site would remain unmitigated, although it is possible (at Reserved Matters stage) to design the layout of the site to improve defence of private gardens against road traffic noise.
93. The Council's Public Health and Housing Officers (and, initially, the Defence Infrastructure Organisation) have not objected to the proposals, subject to conditions. The planning application was recommended for approval to the September 2014 meeting of the Development Control Committee and, at the time, the effect of aircraft noise upon the proposals was not particularly controversial.
94. In October 2016, over two years after the Committee resolution and over 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 Public Health and Housing Team, having considered the information set out in the NIA, the fresh MoD noise contours and the objections received from the Defence Infrastructure Organisation on noise grounds, continue to advise that the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
95. In April 2017, following publication of the refreshed noise contours the Ministry of Defence provided general guidance to assist the Council with its consideration of planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 72+db LAeq(16-hr) noise contour, the MoD advises as follows:
96. "mitigation of the types mentioned above will be the minimum expected but further measures may be required by the MOD depending on the characteristics of the proposed development".
97. The measures referred to "mentioned above" (in relation to development in the 66-72db contour) were:
- *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.*

98. The receipt of the MoD's objections and the publication of the new noise contours after the Committee resolution to grant planning permission in September 2014 necessitates further consideration of the potential impact of noise from military aircraft to the proposed development.
99. 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 relate 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), subject to the inclusion of appropriate noise mitigation measures. In this regard the receipt of recent general advice from the Ministry of Defence 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 remain content to conclude the internal spaces of the dwellings could be adequately mitigated against aircraft noise.
100. It remains the case that external spaces, including domestic gardens, public paths and public open space can not be mitigated against the effects of aircraft noise in the same way as the internal spaces of the dwellings. 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 because it would potentially annoy users of those spaces during noise events and thus needs to be considered in the overall balance.
101. 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 and short term nature of the individual aircraft movements, 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. 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.

102. 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.

Tree Preservation Order

103. A formal tree preservation area has been made and served to protect a line of pine trees which runs along the eastern boundary of the application site along the highway (Eriswell Road) frontage.
104. The planning application includes the location of proposed vehicular access into the development for consideration and approval as part of the outline planning application. If outline planning permission is to be granted this means the proposed access locations would be fixed for any subsequent reserved matters submission/s.
105. The proposed vehicular access necessitates the removal of a small number of trees for the physical entrances and/or visibility splays. The impact of the loss of trees was considered as part of the report to the September 2014 meeting of the Development Committee (paragraphs 101-104 of Working Paper 1).
106. The service of the Tree Protection Order does not alter previous conclusions about the impact of the proposed development upon trees. It remains the case that 14 trees would be removed during development. Nine of these trees would be felled because of their poor or dangerous condition (and not as a consequence of the proposed development), with a further five low grade trees removed to make way for access/visibility. New trees would be planted along the eastern boundary to replace those specimens to be felled in order to retain and strengthen the pine line. New/replacement planting could be secured by means of a planning condition.

107. The Tree Preservation Order was not served by the Council to safeguard any of the pine trees earmarked for removal as part of this planning application. Indeed the Council would served the Order much earlier had that been its intent. The Order has been served to safeguard trees which would remain during and following completion of the development.

Other matters

108. 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

109. 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."

110. 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.
111. 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.
112. 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
113. 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

114. 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.
115. The starting point is that the risk of accident from jets in flight is low. It is understood that pilots are trained to divert aircraft away from built up areas in the event of an emergency.
116. 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 the village as a whole. In your officer's view the matter is not sufficient to justify a refusal of planning permission.

Bat survey

117. Concerns have been expressed by a local resident that the bat survey submitted to accompany the planning application may not have been carried out in accordance with standards recommended by Natural England. The Council's Landscape and Ecology Officer has considered the

allegation and confirmed the Bat Surveys undertaken did accord with Natural England advice and, whilst the surveys do require updating for any future submission of Reserved Matters, they are sufficient to enable the Committee to be able to conclude that bats (and other species at the site) are not a determinative factor with respect to the outcome of this application for outline planning permission.

S106 Agreement

118. 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:

119. 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.
120. 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 32 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 development proposals, it is more likely to 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) would apply.
121. 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'.

122. 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 Council may 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 going forward 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.
- Officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals are considered to 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 the advanced stage it has reached, but the level of weight to be attributed is tempered by the fact there are presently unresolved objections to relevant policies, including SA7 which allocates the application site for housing development.

123. 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:

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

A. The completion of a S106 agreement to secure:

- Affordable housing (30% - up to 42 dwellings)
- Education contribution (Primary School – up to £ £543,620 towards build costs and up to £45,290 towards land costs)
- Education contribution – contribution for temporary travel arrangements.
- Pre-school contribution (up to £151,662)
- Libraries Contribution (up to £30,240)
- Public Open Space provision on site (to comply with SPD requirements and future management and maintenance plan) unless the requirements can be appropriately imposed as a condition.
- SPA Recreational Impact Mitigation Contribution – partly in kind (on land in the control of the applicant) and partly financial contribution to be used towards provision of new and/or upgrade of existing public footpath network in the vicinity of the application site.

And

B. subject to conditions, including:

- Time limit (3 years for submission of reserved matters and 2 years for commencement following approval of reserved matters)
- Materials (details to accompany reserved matters submission/s)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage areas to be submitted with Reserved Matters
- Public open space (provision in accordance with the adopted SPD and strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Protection of retained trees during construction
- Ecology (further ecological surveys, including bat surveys and securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling, hours of construction etc.

- As 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)
- Noise mitigation measures (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Provision of public information/interpretation boards and information packs for the new residents with respect to avoiding impacts upon the Special Protection Area.
- Archaeological investigations and recording.

125. That, in the event of the Assistant Director for Planning and Regulatory recommending alternative (reduced) S106 Heads of Terms from those set out at paragraph 124 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.

126. 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 for Planning and Regulatory, the planning application be returned to Committee for further consideration.

Documents:

1. Working Paper 1 (Officer report for this planning application presented to the Development Control Committee meeting of 3rd September 2017)
2. Working Paper 2 (Extract from the minute of the Development Control Committee meeting of 3rd September 2017).
3. Working Paper 3 (The Council's 'screening' of the proposals against the provisions of the 'Habitats Regulations').

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZZV RHHXB413>