



**Forest Heath**  
District Council

# DEV/FH/18/021

## Development Control Committee 5 September 2018

**Planning Application F/13/0394/OUT –  
Land West of Eriswell Road, Lakenheath**

**Date** 9<sup>th</sup> August 2013 **Expiry Date:** 28<sup>th</sup> February 2018  
**Registered:**

**Case Officer:** Gareth Durrant **Recommendation:** Grant planning permission

**Parish:** Lakenheath **Ward:** Lakenheath

**Proposal:** Erection of up to 140 dwellings

**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.

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**Background:**

**This application is referred to the Development Control Committee as it is a proposal for 'major' development. Furthermore the recommendation to grant planning permission is contrary to the provisions of the extant Development Plan. The proposal also raises complex planning issues.**

**This application has been considered previously by the Development Control Committee on two occasions culminating in a resolution to grant planning permission at the meeting on 5 July 2017.**

**The planning application is returned to Committee to enable it to consider it afresh in the light of material changes in circumstances which have occurred since it reached its decision in 2017. In particular, a ruling earlier this year of the Court of Justice of the European Union has changed the way in which decision makers must interpret and apply the specific provisions of the 'Habitats Regulations' (reference Case C323/17 - People over Wind, Peter Sweetman v Coillte Teoranta). The Court ruling also has knock-on implications for the way in which national planning policies are applied to this case and, ultimately, the way in which the Development Control Committee must approach and balance the issues raised by the proposals. This is discussed further in the report.**

**This is a comprehensive and stand-alone Committee report prepared in the light of the decision of the European Court of Justice. No regard should be given to previous reports provided to the Development Control Committee with respect to this planning application. Furthermore, the Committee must consider the planning application again and reach a fresh resolution. No weight is to be given to the Committee's resolution to grant planning permission for the planning application proposals reached at its meeting on 5<sup>th</sup> July 2017.**

**The application is recommended for **CONDITIONAL APPROVAL** following completion of a S106 Agreement.**

**Proposal:**

1. The application seeks outline planning permission for the erection of up to 140 dwellings. All matters with the exception of the general location of two new vehicular accesses are reserved. The application also proposes public open space provision, new landscaping and infrastructure works (including roads, footpaths etc.) albeit in 'illustrative' terms at this outline stage.
2. During the latter parts of 2013 and early 2014 the applicants submitted further information in response to formal representations received from i) SCC Highways and ii) SCC Archaeology. These two bodies were re-

consulted upon receipt of the further information, the results of which are set out below in the 'consultations' section of the report.

### **Application Supporting Material:**

3. The following documents were submitted to support this application:
  - Forms and drawings including site location, illustrative masterplan, illustrative layout and relationship of vehicular access and visibility splays to existing trees.
  - Combined Planning and Design & Access Statement
  - Noise Assessment (including supplemental statements).
  - Ecological Appraisal
  - Flood Risk Assessment
  - Transport Assessment
  - Geo-Environmental Risk Assessment (contamination)
  - Archaeological Desk Based Assessment
  - Arboricultural Implications Assessment
  - Landscape and Visual Impact Assessment
  - Statement of Community Involvement (including copies of the display material used at public exhibition)
4. In June 2016, Suffolk County Council provided the District Council with a copy of the 'Lakenheath Cumulative Traffic Study' it had independently commissioned via its transport consultants. The study is not an 'application document' in the sense that it was not prepared and supplied by the applicants. The Study assists the District Council in its consideration of potential cumulative highway impacts arising from a number of potential development scenarios investigated. The document has been the subject of separate public consultation.

### **Site Details:**

5. The site is situated to the south of Lakenheath. It is approximately 5.43 hectares in size, is presently in agricultural use (Grade 3) and has a 470-metre tree lined frontage onto the highway of Eriswell Road.
6. The application site is situated outside the settlement boundary of Lakenheath which follows the existing development on the opposite side (east) of Eriswell Road. The site is thus situated in the countryside for the purposes of applying relevant Development Plan policies.
7. The site fronts eastward onto Eriswell Road towards a row of existing semi-detached residential properties on the opposite side of the road. An attractive row of mature pine trees marks the site frontage. These are protected by a Tree Preservation Order. Some low density housing abuts the south boundary, intersected by a public footpath. The western (rear) boundary is marked by steep banking with a watercourse behind. The site of the sports pavilion is situated to the north of the site (set in

large areas of public open space/sports pitches) with the bulk of the settlement and key village amenities located further north.

8. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated approximately 500 metres to the north (at its closest point). The Environment Agency flood risk maps indicate that the majority of the site is situated within Flood Zone 1 (with little or no risk of flooding) with a small element at the rear north west corner within flood zones 2 and 3.

### **Planning History:**

9. None relevant to the application site.
10. There are a number of other proposals for large scale residential development around the village (and at Eriswell). These proposals are considered relevant to the further consideration this planning application particularly insofar as the combined (or cumulative) impacts require consideration. The proposals are set out in the table below:

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	To be re-considered by the Development Control Committee.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	To be re-considered by the Development Control Committee.
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	To be re-considered by the Development Control Committee.
E	DC/18/0944/FUL	Land off Earls Field, Lords Walk (adjacent RAF Lakenheath)	52	Planning application deemed refused following failure of the applicants to follow required EIA processes.
F	DC/16/1360/OUT	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Applicant has asked for the planning application to be held in abeyance until the Local Plan Inspectors' report/s into the Single Issue Review and Site Allocations Local Plan documents are issued. The planning application will be reported to Development Control Committee in due course, unless it is withdrawn in advance.

## Consultations:

11. **Environment Agency (September 2013) – no objections** – subject to the imposition of a condition requiring an appropriate scheme of surface water disposal.
12. **Natural England (August 2013) – no objection** - and comments there would be no adverse impacts on nearby SSSI's is unlikely to impact upon bats and opportunities to secure biodiversity/nature/landscape enhancements (bat/bird boxes) should be pursued.
13. **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 table beneath paragraph 10 were before the Council]*.
14. Further comments were received in June 2015 after **Natural England** had given further consideration to potential 'in-combination' impacts of developments (a number of planning applications were 'on hand' at the time). 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 Maids Cross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
15. 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 about potential cumulative impacts 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.

16. **Suffolk Wildlife Trust (September 2013) – no objection** – we are happy with the findings of the ecological survey report and request the recommendations made within the report are implemented in full, via a condition of a planning consent (should permission be granted). Appropriate ecological enhancements should be incorporated into any reserved matters submitted (in accordance with para 118 of the NPPF). Consideration should be given to the potential impacts of recreational disturbance on the Breckland Special Protection Area – further advice should be sought from Natural England in this respect.
17. **Defence Infrastructure Organisation** – (July 2016) submitted 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.

18. **Defence Infrastructure Organisation** – 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.
19. In February 2018, the **Defence Infrastructure Organisation** wrote to confirm that its position on the planning application had changed and this is now as set out in the Statement of Common Ground dated August 2017 for the Forest Heath Single Issue Review of Policy CS7 and the Site Allocations Plan. A copy of the Statement of Common Ground is attached to this report as Working Paper 2. The DIO requests that an advisory note is attached to the planning permission to inform the developer and future occupiers that they will from time to time see and hear military aircraft operating from RAF Lakenheath and RAF Mildenhall when constructing and occupying their properties. The DIO also requests that planning conditions relevant to aircraft noise agreed and set out in the Statement of Common Ground are included on any planning permission granted.
  20. **Anglian Water (September 2013) – no objections** – The sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development. It is requested that the agreed surface water disposal strategy is secured via condition.
  21. **NHS Property Services** – (amended comments February 2014) - **no objections**. No health contributions are required from the development proposals.
  22. **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.

23. **FHDC (Environmental Services) (September 2013) – no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, ii) to mitigate the impact of noise to the development from Lakenheath airbase and from the development to existing local residents (design and layout, construction management and hours of working). With regard to aircraft noise, the service provide the following comments:

- The main environmental issue under consideration when assessing this application is the impact of aircraft noise from Lakenheath airfield upon residential amenity at the proposed properties.
- The noise report submitted with the application confirms that, generally, the external noise levels will be above the criteria for community annoyance published by the World Health Organisation, and internal noise levels will be above the “good” standard in British Standard BS 8223: 1999 - Sound Insulation and Noise Reduction for Buildings – Code of Practice. The report confirms that measures can be taken to ensure that internal noise measurements meet the “reasonable” standard in BS8223.
- The application also has to be considered in the light of existing residential development, and in particular that on the eastern side of Eriswell Road, directly opposite the application site. That development, and others in the vicinity, are currently subject to a similar noise field. Hence it would seem unreasonable to recommend refusal of this application on noise grounds, but measures need to be implemented within the construction proposals to mitigate against the impact of internal noise.

24. 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.
25. In July 2017 **Public Health and Housing** officers reviewed comments submitted by the applicant in response to criticisms that had been made of their noise assessment. The following comment was received:
- I would concur with the applicants that the WSP report is fit for purpose and that good acoustic design proposed by condition will protect the amenity inside the building's and comply with WHO guidance.
26. **FHDC (Conservation) (October 2013) – no objections** – The application site is not adjacent to any listed buildings and is some distance south of the boundary of the Lakenheath Conservation Area.
27. **FHDC (Strategic Housing) (October 2013) – no objections** – request on site provision of affordable housing and provide the following comments;
- Local Plan policy CS9 states that developments of more than 10 dwellings would trigger 30% affordable units.
  - 42 dwellings (30% of 140) are requested to be secured as affordable (6 no. 1-bed flats, 4 no. 1-bed bungalows, 23 no. 2-bed houses, 8 no. 3-bed houses and 2 no. 4-bed houses).
  - The mix of affordable housing has been formulated using data from the current housing register figures (September 2013) whilst also having regard to data from the Strategic Housing Market Assessment.
28. **FHDC – (Leisure, Culture and Communities) – no objections** and draws attention to the public open space requirements of the adopted Supplementary Planning Document (on-site and off-site provision) which will need to be addressed at detailed design stage (reserved matters).
29. **FHDC - (Ecology, Tree and Landscape Officer) – no objections** and comments as follows;

### **Landscape**

- A landscape and visual assessment (LVIA) has been submitted to support the application. The landscape assessment shows that the

development of the site will result in the loss of agricultural land, the introduction of additional built form and the redundancy of the current urban edge formed by the pine line. The impact is assessed initially to be of moderate magnitude reducing in the long term. Visually, the greatest impacts will be experienced from Eriswell Road and from the properties that overlook the site as a result of the change from agricultural land to the built form. The wider visual impacts are assessed to be less significant.

- The main landscape principals (and mitigation for the identified impacts) are given in the LVIA on page 3, and are set out as:
  - To retain existing high quality landscape features,
  - To retain and reinforce planting along the boundaries of the site
  - To provide a cohesive open space framework that extends the existing open space provision
  - To provide legible and permeable movement connections
  - To provide a high quality landscape setting for the proposed built development
  - To contribute to a multifunctional green infrastructure network
  - To provide ecological and amenity enhancement
- Mitigation of impacts and application of the landscape principals has been addressed in the illustrative master plan and layout. The applicant will need to further demonstrate at reserve matters stage the practical application of these principals along with the full provision of open space and the implementation of a SUDs scheme.
- Recommend that a landscape strategy is conditioned 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 (planning condition)
- The proposals include for the retention of the existing trees in particular the pine line feature adjacent to Eriswell Road. These trees will need to be protected through sensitive design of the site and during the construction period. A tree protection plan should be provided with the reserved matters.

## **SUDs**

- 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**

- Natural England has confirmed that they do not object to the

proposals and that there would be no impact on statutory sites. They have further 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. 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.

- The ecology report also identifies the potential for impacts on bats from lighting spillage. An Illumination plan should be submitted as part of the reserved matters application to demonstrate that the street lighting and external lighting will not spill to the Cut-off Channel.
- Impacts on reptiles have been assessed against Natural England standing advice. Mitigation for other species including bats and birds is included in the ecological appraisal and hence a condition requiring the recommendations in the ecology report be implemented in full and an implementation plan for those measures should be submitted as part of the reserved matters.

30. 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 stated conclusions that Appropriate Assessment of the project is not required are superseded so those elements of the Ecology and Landscape Officers' advice are not summarised here. The following comments, separate to the Habitats Regulation Assessment '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 Maids Cross 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 reserved 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.
31. In June 2018, the Forest Heath District Council's **Ecology and Landscape Officer** prepared an 'Appropriate Assessment' of the planning application in accordance with the specific requirements of Regulation 63 of The Conservation of Habitats and Species Regulations 2017. A full copy is attached to the Committee Papers at Working Paper 1.
32. **Suffolk County Council (Highways – Development Management) (September 2013) – seek further information** – as follows;
- The main road at the point of the two new proposed accesses has increased traffic speeds. Therefore it would be beneficial for village entry treatments and traffic calming to be installed to reduce vehicle speeds on the main road adjacent to the new accesses.
  - I require more detailed information in the transport assessment on traffic destination preferably linked to the census data.
  - I require more information in particular to the junction on the A1065.
  - With regard to the internal layout, it is not desirable to locate internal

access roads so close to the main access road junction with the main road. These should be placed further away from the main junctions and/or block these roads off from exiting near to the junction.

- The internal roads are very linear and may lead to higher than desired vehicle speeds. The introduction of curves and off-set junctions may be beneficial here.
- I also require a sensitivity test with all growth from the local plan.

33. **Suffolk County Council (Highways – Development Management) (June 2014)** following receipt of additional information to address matters set out in the above paragraph – **no objections** –subject to conditions regarding;

- Provision of the access,
- Details of bin/refuse storage areas,
- Details of internal roads and footpaths, necessary works within the highway and provision of a footway link on the west side of Eriswell Road (details to include layout, levels, gradients, surfacing and drainage),
- Construction of the carriageways and footpaths
- Travel plan
- Deliveries Management Plan for HGV deliveries during construction of the development.
- Details of parking and manoeuvring of vehicles, including adequate car turning space
- Visibility splays (2.4m x 43m in each direction)

34. In January 2018, **Suffolk County Council Highway Authority** took the opportunity to review its advice about the application proposals. **No objections** were raised, subject to the imposition of a number of planning conditions (laying out of the access and provision of visibility splays, bin storage details, highway drainage, road, turning, parking & footpath details and timing of their provision, travel planning, deliveries management plan (during construction) and improvements to the Sparkes Farm junction (prior to occupations) and other highway improvements in the vicinity of the site (traffic calming, crossings and footway links). Finally, a S106 developer contribution of £44,248.87 (or £316.07 per dwelling) was requested to be used towards the provision of sustainable transport routes to local amenities. The overall cost of the project is £209,550 which is to be shared on a proportionate basis between the four current planning applications for large scale development at Lakenheath.



35. **Suffolk County Council (Highways - Rights of Way) (August 2013) – No objections** – and comment as follows;

- Restricted Byway No.22 is adjacent to the development site but does not appear to be directly affected by the proposals. As a result of anticipated increased use of public rights of way a contribution towards improvements to the network will be sought (and will be submitted via the Highways Development Management Team). Further advice is provided for the benefit of the applicant/developer.

36. **Suffolk County Council (Archaeology) (August 2013) – Objects** – and comments as follows;

- The Authority comments that this large proposed lies in an area of archaeological potential as recorded in the County Historic Environment Record (HER). A desk based assessment with this application presents a summary of known archaeological remains within the vicinity of the site, which includes a Prehistoric cremation and burnt flint scatter within 250m, and finds from the Roman, Saxon and Medieval periods within 150m. This is therefore an area of high archaeological potential, in a fen-edge location that was topographically favourable for early settlement.
- For these reasons, it is our opinion that the summary and conclusions reached by this desk based assessment are unsatisfactory. Although there are no known remains within the site itself, this large plot has not been the subject of previous systematic investigation and recording, but offers potential for the discovery of hitherto unknown important features and deposits. This proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits and below ground heritage assets that exist.
- The applicant should be required to provide for an archaeological evaluation of the site before the determination of the application, to allow for preservation in situ of any sites of national importance that might be defined. This large area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource.

37. **Suffolk County Council (Archaeology) (January 2014)** – following receipt of a preliminary programme of Archaeological assessment – raises **no objections** subject to the imposition of conditions to secure implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation. The following comments were received;

- This large proposed development (c. 5.37 ha) lies in an area of archaeological potential as recorded in the County Historic Environment Record (HER). Field evaluation in November 2013 confirmed the presence of heritage assets of archaeological interest

at the site including pits, ditches, palaeochannels associated with Prehistoric worked flints and areas of buried soil.

- This preliminary programme of Archaeological assessment has adequately demonstrated that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and extent of these assets requires closer definition. Therefore, in accordance with the National Planning Policy Framework (2012) (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

38. **Suffolk County Council (Strategic Planning)** (amended comments January 2014) – provided the following comments:

- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.
- **Education (Primary).** We need to clearly understand the outcome of the Single Issue Review in terms of housing numbers allocated to Lakenheath for future growth. This is critical in terms of shaping our future primary school strategy for Lakenheath. With further planned housing growth in Lakenheath over the plan period to 2031 the only sensible outcome will be to provide a second new 315 place primary school (free site of 2 hectares and build costs funded by developers).
- The existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option. With latent population growth and further housing growth planned at Lakenheath the emerging education strategy is to deliver a new 315 place primary school.
- The cost of providing a new primary school is £17,778 for each school place. It is forecast that this development would generate 35 primary school places. The contribution to be secured from this development is therefore £622,230 (35 places x £17,778 per place).
- With regard to site acquisition costs we can assume £10,000 per acre (£24,710 per hectare) which gives a total cost of £49,420 for a 2 hectare site and equates to £157 per pupil place. This gives a land contribution of 14 places x £157 per place = £5,495.
- Paragraph 4.14 in the 'Planning, Access & Design Statement' is accurate in terms of reflecting the Infrastructure & Environmental

Capacity Assessment in 2009, but clearly this is now at least 4 years out of date. The local primary school in Lakenheath is now under significant pressure and there are no surplus places available and the school also sits on a constrained site so further classroom expansion is problematic. Lakenheath Primary School is physically unable to take on the additional pupils from the development. It is already below the minimum area guidelines for a 315 place school with a distinct lack of playing fields. Against planned housing growth we consider that the only practical option is to secure a new school site upon which to deliver a new primary school.

- In view of the above issues we consider that it is critical to fully consult with the Head teacher, School Governors and the local community before any decisions are made on this application. The existing village primary is a full capacity. Therefore a full contribution to provide additional facilities for the 35 pupils arising from the proposed development will be required at a total cost of £426,335
- We would welcome clarification regarding future housing growth for Lakenheath.
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 14 pre-school pupils are anticipated at a cost of £6,091 per place. In Lakenheath census data shows there is an existing shortfall of places in the area. A capital contribution of £85,274 is requested.
- Lakenheath has three early years providers but two of these are day nurseries so not all of the places can be used for early years Two for the providers have no spaces remaining and the other only limited spaces – no child can take their 15 hours. According to census data there are 87 (no) 3 and 4 year olds and 63 (no.) 2 year olds. There is an existing local deficit and further housing growth will place existing infrastructure under greater pressure (this warranting the developer contribution).
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £30,240 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning

disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.

- **Sustainable Drainage Systems.** In the interim, developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.
- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

39. **Suffolk County Council (Strategic Planning)** submitted a '**holding objection**' and further interim comments in May 2014. The following comments were received at that time;

- I previously provided a comprehensive response by way of letter dated 23 January 2014 which the Development Control Committee will need to consider in due course. However this letter provides further clarification of the county council's position.
- This letter raises further issues for Forest Heath to consider in terms of important matters relating to primary school provision for Lakenheath and should be reported to the Development Control Committee. The position at Lakenheath in terms of education is different from other settlements across the district in that, at this point in time, whilst there is a clear strategy, i.e. there is an agreed need for a new primary school, no site has been secured yet and temporary classroom provision is difficult due to the site constraints of the existing primary school. Furthermore, the county council is aware of previous draft development plan documents indicating the level of further growth for Lakenheath.
- The Forest Heath Core Strategy Development Plan Document was adopted in May 2010 and includes Policy CS13 Infrastructure and Developer Contributions. However we are very concerned that, ahead of the conclusion of the Single Issue Review and Site Allocations, which will address housing numbers and distribution across the district, there may well be no plan-led approach which could result in development not having the necessary supporting infrastructure provision. In particular it is widely accepted that Lakenheath needs a new primary school to support growth but at this point in time a suitable site for a new primary school has not been identified or secured. A minimum site size of 2 hectares will need to be identified,

reserved and secured within Lakenheath to serve the community's needs. However, it would only be reasonable to develop such a school if there were greater certainty of additional houses anticipated in Lakenheath in the plan period. The ideal process would be for the county council to work closely with the district council through the Site Allocations process to identify a suitable site for a new primary school provided that the overall housing growth justified that.

- Whilst we are encouraged that this development has agreed to make proportionate contributions towards land and build costs for the new primary school, the real problem that the county council faces is that without a school site being identified and secured, some of the children arising from this development or in Lakenheath generally may not be able to secure a place at their existing local primary school. In this scenario the county council may be forced into a position of sending local primary age children by bus or taxi to other schools in the area. The assumed current annual cost for taking one child to and from school is about £850. As you are aware the existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option.
- In the circumstances, we consider that the Development Control Committee needs to be taking into account the very real sustainability issues that may arise of some local children not being able to secure a place in the short term at the existing primary school if further housing growth at Lakenheath is approved before a new primary school site is secured. The county council would not object to this proposal if it were to be part of a planned series of developments at Lakenheath (including the allocation of a new school site), provided that adequate funding was secured to provide an appropriate contribution to school buildings and site and the necessary additional travel costs pending construction of a school. However there is no certainty about the scale or location of growth at the moment. Furthermore there is new information that there are a number of other planning applications which have been submitted in Lakenheath in the recent past and there is a need to be able to consider these matters as a whole. Accordingly the county council submits a holding objection in respect of this proposal pending further consideration of how the education matters can be resolved in the absence of a Site Allocations document. The county council is keen to continue discussions with the district council to examine this matter in order to agree a project plan for delivery of the new school.

40. **Suffolk County Council (Strategic Planning)** – further representations received 8th August 2014) **removing their holding objection** to the planning application. The following comments were received;

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does not allow this to be used as a long term solution for additional accommodation requirements.
- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. A number of uncertainties remain:
  - The size and configuration of the sites in relation to the school requirements;
  - Whether the sites are likely to be available in the next couple of years;
  - Their relationship to access and services;
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site.
  - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
  - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
  - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts

from village-wide development.

- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community.
- In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.
- It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context, it removes the holding objection previously registered and leaves it to the district council to draw the planning balance considering these and all other relevant matters.
- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school. This would be in addition to the costs of other infrastructure as identified in our earlier correspondence.
- On this basis we would request the following updated contributions in respect of education mitigation from this particular scheme of 67 dwellings, namely:
  1. Based on the methodology set out in the adopted Developers Guide we estimate that a minimum of 35 primary age children will arise from a scheme of 140 dwellings.
  2. The pro-rata contribution towards the full build cost of a new school is £622,230 (2014/15 costs).
  3. The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum residential value of £864,850 per hectare (£350,000 per acre) is £192,185. If the site is

purchased on the basis of a lower value than the county council will credit the difference back to the developer.

4. Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis.

5. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).

41. **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.

42. In December 2017 the **Development Contributions Manager** at **Suffolk County Council** further updated the contributions requested for primary and pre-school provision to reflect the need to insulate the building against aircraft noise. This increased the primary school contribution for build costs from this proposal to £655,970. Whilst the cost per place of providing a pre-school setting also increased because of the need for noise attenuation, the County Council acknowledged that each place would have capacity for two children (i.e. one during the morning and one during the afternoon). This effectively halved the developer contribution required. The pre-school contribution to be secured from the development was adjusted to £129,052 with a further contribution towards land acquisition for the pre-school setting (£6,689).

43. **Suffolk County Council (Suffolk Fire and Rescue Service) (August 2013) – no objections** – Requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).



## **Representations:**

### **44. Lakenheath Parish Council (September 2013) – no objections - in principle but express some concerns –**

- It was resolved that Lakenheath Parish Council agree in principle with the application subject to the following points to be clarified and conditions to be set. Further, the Parish Council will want sewerage capacity (a problem already acknowledged by Forest Heath District Council) increased before any such development is begun.
- Eriswell Road is one of the main roads into the village, any development should set a high standard of design and should incorporate as many ecological/carbon neutral footprints as possible. The Parish Council want this to be a development of which the village can be proud. It is not clear if there is provision for a pavement, and, very importantly I). It is not at all clear where (refuse) bins are to be stored/placed.
- The proposed density of housing is of great concern to the Parish Council. The number of dwellings should be limited to 90, thereby making it more sustainable and in keeping with a rural setting.
- It is considered that the development is likely to have an adverse impact on the highway (it had already been noted by the Parish Council that a traffic survey carried out on behalf of the developers had been put in place only after the American schools had closed for the summer holidays – any information obtained from this survey is, therefore, inaccurate) and in order to mitigate problems accessing Eriswell Road from the proposed site it is proposed by Lakenheath Parish Council that at least one of the access points should be traffic light controlled with a pelican crossing incorporated to facilitate access to the play areas.
- Flooding, on Eriswell Road, is a great concern in this area – during heavy rainfall residents along Eriswell Road experience serious flooding – SCC are aware of this – and the Parish Council have frequently asked that this problem be resolved – school children from this part of the village often arrive at school soaked through, having had cars plough through standing water. It is noted that the main water pipe is 150mm whereas in other parts of the village water pipes are 300mm. Anglian Water identify the site as of “flood risk” and have stated that flood water will pond at the bottom of the gardens (AW report 8.6.2). Although there are soakaways for each property what about other “open” areas and what will happen when the soakaways fill to the chalk level? Swales are shown on the plan – they are likely to be rather smelly in Autumn and cause the land around to be boggy. How will Undley Road be accessed?
- At least a sixth of village residents are over the age of 70 and Lakenheath, as far as new development goes, has been identified as a place in which to take up retirement, the Parish Council would,

therefore wish to see a good number of bungalows on this site. It is noted that the government, too, is voicing its wish to see more bungalows being built.

- It is desirable that there should be an element of social housing, which the Parish Council are keen to see being offered to local people in the first instance.
- There appears to be no provision for a boundary between the Playing Fields and housing (e.g. risk of stray cricket balls) – there should be some provision made.
- Finally, such a sizeable development will require additional school and health provision which must be addressed in the initial stages.

45. **Lakenheath Parish Council** (February 2014) - **additional comments** following their collective consideration of current planning applications for major housing development in the village;

- "...the PC would like independent professional advice/guidance on the way forward paid for by the proposed developers."

46. **Lakenheath Parish Council** (June 2014) – **objects** to the planning application. The following comments were provided;

- We confirm that Lakenheath Parish Council objects to this application for now.
- We do not at this stage wish to provide preference to any major application. This is because we believe that there are more in the pipeline as well as the ones that are being currently determined and we want them to be discussed cumulatively to shape the village for the long term future. This can be achieved using, for example, Environmental Impact Assessment screening on an area covering the whole parish of Lakenheath.
- We would still like to see independent professional advice and guidance, funded by the developers under the terms of a planning performance agreement, to assess all the infrastructure and environmental impacts across our parish.
- The village school, despite recent alterations and improvements, has no extra capacity. There is already a holding objection from Suffolk CC in relation to the Bennetts proposals at Briscoe Way till a new site can be identified (also to the satisfaction of the local community) to provide an additional school site. This should apply to this site too as well as any other major developments. The school will have to be in an appropriate place and a safe area for pupils to be able to walk or cycle to school.
- Finally, the District Council should commission an independent specialist noise and vibration survey. This should include a full

Environmental Impact Assessment screening as required by UK planning law, including an independent area wide study for Lakenheath on the impact of noise and vibration from ground and aerial flight path impacts. This was because each developer is using a different method and scale in their design and access reports, as well as ignoring the published flight and holding patterns connected to RAF Lakenheath.

- We reserve our rights to make further comments when these objections are all resolved and we are fully aware of the big picture relating to all current and future potential development applications.
- Finally we need to restate that our solicitors letter of 14th May attached to Briscoe Way (DC/13/0660/FUL) still stands and the approval of any application at this stage will result in the Parish seeking Judicial review.

47. **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 (2012) 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 (2012).
- 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.

48. **Lakenheath Parish Council** – (January 2016) 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 14 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 15 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.
49. **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".
50. In July 2017, **Lakenheath Parish Council** submitted further **objections** to the planning application. The representations were received very shortly before the Development Control Committee considered the planning application at its meeting in July 2017. The representations included criticisms of certain paragraphs/sections of the officer report to that Committee. Given that this fresh report fully replaces the report to the July 2017 Committee meeting, those particular points are not included here (to avoid confusing or misleading the Committee). The relevant points and matters arising from the letter are summarised as follows:
- Lakenheath Parish Council disagrees with the Council's Public Health and Housing Department's position in this case. Referring to the now superseded DIO objections, the Parish Council consider the technical evidence base is NOT "fit for purpose" as suggested by the Council's Public Health and Housing Department and is out of date in any case. The noise assessment does not clearly demonstrate that external aircraft noise can be mitigated against internally within the proposed dwellings.

- External noise within external areas of the proposed development (e.g. private amenity spaces/public open space) cannot be mitigated against, in which case would justify the refusal of planning permission.
  - The traffic information provided by AECOM in the cumulative assessment is flawed and needs to be reconsidered. Planning permission should not be granted until suitable and appropriate highways mitigation measures are identified, agreed upon and put in place.
  - The Parish Council gained advice from a Transport Consultant and appended advice to their letter. In this, the consultant references advice submitted on behalf of another developer in the village and concurs with the view of their consultant that the proposed improvement to the Sparkes Farm junction will not accommodate traffic associated with any significant new development at Lakenheath.
  - There has been no discussion as to how the Doctors surgery will cope with the influx of additional patients.
  - Some of the new residents we are sure will want to shop locally but have few options. This takes into account the poor transport links with only one bus service now which operates only 6 days a week and not on Bank Holidays. The bank only opens 3 days a week and the post office is forced to diversify in order to subsidise the service. This is hardly the description wanted for a key service centre as purported within the Single-Issue Review.
51. In February 2018, the **Lakenheath Parish Council** provided further comments about the four planning applications (F/2013/0345/OUT, DC/13/0660/FUL, DC/14/2096/HYB and the subject application proposals) via their Solicitor. The Parish Council commissioned Clarke Saunders Acoustics to review the noise information submitted against the four planning applications.
52. The Solicitors letter confirms the Parish Council remain deeply concerned that the full noise impacts for USAF operations at RAF Lakenheath have not previously been fully assessed or understood by the Committee. They assert that the Committee had previously resolved to grant planning permission on the basis that 'there is already housing in the village' and point out that 'attitude and justification' is at odds with government guidance aimed at achieving sustainable development.
53. The Solicitors letter concludes by insisting that the applicants be requested to provide further noise information and then reported back to Committee. They end by confirming (and without confirming the legal position) that basis relied on by the Council will give rise to Judicial Review grounds.

54. The review of noise information submitted with the four planning applications carried out on behalf of the Parish Council makes the following points about the noise assessment submitted with the planning application (reproduced in full):

- This proposed residential development (F/2013/0394/OUT) was assessed by WSP (July 2013) with reference to the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE), BS 8233:1999: *Sound insulation and noise reduction for buildings – Code of practice*, and World Health Organisation (WHO) 1999: *Guidelines for Community Noise*. Forest Heath District Council approved this methodology.
- We agree with the principle of using this assessment methodology with reference to available standards and guidance at the date of assessment. If the site were to be reassessed, the suitable current methodology would be following *ProPG: Planning & Noise – New Residential Development* (Published May 2017).
- The noise survey was conducted over 8 days (16th – 24th April 2013), might in other contexts be of sufficient duration for an environmental survey to establish typical noise levels, assuming appropriate weather conditions, and typical aviation operations occurring. The measured average noise levels during weekdays daytime levels are reported in the range of LAeq, 16hr 64 – 68 dB, exceeding guideline values by a significant margin.
- The WSP report indicates consultation with RAF Lakenheath occurred, but does not explicitly state that RAF Lakenheath confirmed operations to have been typical in terms of areas overflown and the details and numbers of those aircraft movements.
- The DIO objects on the basis that the noise survey was not of sufficient duration, and is out of date due to increased operations at RAF Lakenheath.
- The DIO do not provide information on typical daytime operations or those at the time of the noise survey, nor by what quantum typical daytime operations may have increased of late. This information would be required for us to take a view on the validity of the data.
- The WSP report identifies that the measured noise levels are below the 1994 predicted noise contour levels, described by RAF Lakenheath as '*broadly representative of current air traffic noise levels*'.
- The noise levels measured on site during RAF Lakenheath operations are LAeq, 16hr 64 – 68 dB (2013). Those predicted in the RAF Lakenheath noise contours are a minimum of circa LAeq, 16hr 75 dB in both the 1994 and 2017 contour predictions. The DIO objection [DIO Eriswell] specifically identifies that there is a disparity between

the predictions and the measured noise levels, and disputes the noise measurements made. This issue is detailed further under '*RAF Lakenheath predicted noise contours*'.

- The proposed building façade mitigation detailed by WSP during the daytime assessment provides poor protection against the strong low frequency content of military jet noise. This is an important factor which does not appear to have been considered in WSP's calculations. In addition, the glazing units for living rooms and bedrooms are detailed as the same construction, but have different acoustic performance requirements, which cannot be the case if both requirements are to be met and the design optimised.
- The report notes that noise levels in external amenity spaces are above the LAeq, 16hr 55 dB target identified in WHO guidelines, where below this level 'few people are highly annoyed', and argues that the National Noise Incidence Survey indicates that 55% ( $\pm 3\%$ ) of the population are subject to noise levels above LAeq, 16hr 55 dB, and the WHO state this level as an onset value. It should be clarified that the WHO states 'During daytime, few people are highly annoyed at LAeq levels below 55 dB(A)'.
- The WSP assessment has not put the exceedances over the targeted noise levels in context, however, with measured noise levels (LAeq, 16hr 64 – 68 dB) which are significantly above the WHO target – at twice the level in subjective terms. Based on the measured noise levels, guidance indicates that the proportion of the population that would be highly annoyed by these levels of noise would actually be in the range 26-43%.
- The assessment has not accounted for the proposals DIO has indicated of RAF Lakenheath going to 24-7 flight operations. The noise impact at night, including the likelihood of sleep disturbance must be considered.
- External noise mitigation for amenity spaces directly beneath an airborne noise source are extremely limited, and are unlikely to provide significant reduction in levels.
- The assessment dismisses these significant impacts, with the rationale that the noise levels are comparable to those incident at existing residential dwellings, however there is no evidence provided that these levels are acceptable to the residents of those properties, or that this argument represents a sustainable approach to planning future communities. The DIO have referred to 51 complaints in 2015, and 84 complaints in 2016 (up to 26th October 2016) in relation to noise from the RAF base. The specific details of these complaints are not provided, but there are clear indications that the existing situation does not represent an acceptable status quo.

55. **Ramblers Association (August 2013) – no objections –**  
Recognises that new development can result in increased use of the

local footpath network and requests a developer contribution to enhance a footpath (Lakenheath Lode – FP3) which is presently in poor condition. Whilst the open views from 'Smeeth Drove' looking towards the Church and rooftops of Lakenheath will be transformed, we suggest this could be traded off against the provision of a park bench, possibly somewhere near to the site of the old Spring Hall.

56. **Lakenheath Internal Drainage Board (September 2013) – no objections.**

57. **Gerald Eve** (Planning Consultants) on behalf of **Bennett Plc (December 2013) – object** on the following grounds;

- Bennett have recently submitted an application on a more suitable and sustainable site in the north of Lakenheath off Briscoe Way.
- There are certain critical issues which have not been addressed.
- It would be improper to determine the planning application until the results of archaeological investigations are known.
- We question the validity of the noise assessment given it was apparently carried out when the air base was operating on a period of enforced sequestration (aircraft entering and leaving the base was far fewer than usual and not representative. A further assessment should be carried out during a period of normal base working conditions.
- The Council published the Single issue Review of Core Strategy Policy CS7 Issues and Options Stage (Reg 18) in July 2012. The accompanying, Initial Sustainability Appraisal for Question 11 concludes for Lakenheath that: "the most obvious way to mitigate aircraft noise is not to allocate land within a noise constraints zone... A large area to the South of the settlement does suffer from aircraft noise over 70dB."
- Examining the applicants' Noise Assessment Report, it states that based upon the measurement data presented within Table 3 and the noise contour presented within Appendix 4, it is evident that this noise level is exceeded across the site due to air traffic movements associated with RAF Lakenheath and Mildenhall.
- The data and rationale of the submitted noise assessment is questioned and recommended that further information/clarification should be sought from the applicant.
- It is noted that no mitigation strategies are suggested for external noise. Enjoyment of private garden areas and public open space would be constrained by aircraft noise. Internal noise mitigation measures would be ineffective when residents open windows and doors for ventilation.



- The British Standards guidance on noise would be considerably breached.
- It is clear that national policy says the planning system should prevent new development from being adversely affected by unacceptable levels of noise pollution. The fact that there is currently residential development within the vicinity suffering from noise pollution is no reason to create further suffering by subjecting future residents to the aircraft base noise, or put more simply poor planning decisions in the past are no grounds to justify poor decisions in the present day. The proposed mitigation measures will not work outside the homes and will subject potential residents to unnecessary persistent noise pollution.
- The Noise Assessment Report concludes that noise levels experienced in the proposed development "are expected to be comparable to those experienced at existing residential dwellings within the locality" and conclude therefore that noise is not expected to pose "a significant constraint" upon the proposed development. This illogical line of argument is taken a stage further in the comments of the Council's Environmental Health Services, in which the officer raises no objection, stating that the "development, and others in the vicinity, are currently subject to a similar noise field. Hence it would seem unreasonable to recommend refusal of this application on noise grounds..." It cannot be right to suggest that development should be allowed to take place in a location which is clearly unsuitable and unsustainable, merely because there is existing development in that location. There is no support for this in planning policy terms. By analogy, development in the Green Belt is not thought acceptable merely because there is existing development in that location. In general terms, existing development in the vicinity of the application site pre-dates the current level of noise and relevant policies and standards.
- Eriswell Road forms a successful and attractive urban edge to the settlement and allowing development on its western side will destroy the large scale vista across the fenland for not only the neighbouring residents but also all the pedestrians and other road users of Eriswell Road.
- The applicants' visual impact report states in 6.2.6 that for the local residents of properties on the B1112 "most longer-distance views of the fen landscape beyond the site would be lost and would be replaced by clear views of the proposed development, with only occasional glimpses available over and between the new development". Furthermore the report summarises in paragraph 8.1.6, the residual impacts that would remain after 15 years, and in addition to the close proximity views referred to above, it states that it would also impact on the "middle distance views, e.g. those from Undley Road, where the settlement edge of Lakenheath would appear to extend into what previously read as undeveloped countryside, a scenario that would be compounded in winter and at night through

the addition of lighting.” For these reasons, residential development on this highly visible and sensitive greenfield site representative of the local landscape should be resisted.

- We understand the traffic surveys were carried out only after the American schools had closed for the summer holidays, thus underestimating true background traffic levels. Pedestrian access along the pavements is problematic in wet weather conditions.
- Local opinion is not properly represented in the applicants Statement of Community Involvement.

58. **Nine letters/e-mails** have been received from **Local residents objecting** to the planning application. The issues and objections raised are summarised as follows;

- Adverse impact upon the landscape (as evidenced by the applicants own report) and loss of views across open fields.
- Adverse impact upon the character of the village.
- Adverse impact upon quality of life.
- Detrimental impact upon property values.
- Traffic speeds are high along Eriswell Road, further traffic on the road will cause further traffic danger, including for pedestrians (on narrow pavements).
- Traffic congestion with traffic tailing back in the village (an existing problem with USAF personnel travelling to and from the base). New development would only increase this problem.
- There are issues with surface water on roads in the area.
- Foul sewage drains are working to capacity (and have not been improved in years).
- Access into the site will necessitate the felling of some trees.
- The local infrastructure is inadequate and will not be able to absorb the new development (schooling, doctors, shops etc.).
- Increased likelihood of petty crime and anti-social behaviour in the village.
- The proposals will be of no benefit to local people.
- Adverse impacts from aircraft noise and implications of potential incidents at the base (to the proposed development and other development planned in this part of the village).

- Noise measurements were taken during a period of reduced flights.
- Village facilities are relatively distant from the site (e.g. residents will rely on their cars to access the site planned for a new Tesco store thus adding to village traffic congestion).
- Facilities in the village are limited (i.e. the doctor's surgery always seems to be full and shopping has its limitations).
- Potential adverse impact upon ecology.
- There is no need for the additional houses.
- There is so much natural beauty around the areas of the proposed development – it would be a tragedy for this to be built upon. Once it has happened it cannot be undone.
- The bat surveys undertaken were insufficient and did not confirm to standards applied by Natural England.
- There is very little local employment.

### **Policy:**

59. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) the policies of the Joint Development Management Development Plan Document (2015) and the saved policies of the Forest Heath Local Plan (adopted 1995). The following Development Plan policies are applicable to the proposal:

#### Core Strategy

60. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1 CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

### **Visions**

- **Vision 1** – Forest Heath
- **Vision 5** – Lakenheath

### **Spatial Objectives**

- **Spatial Objective H1** – Housing provision
- **Spatial Objective H2** – Housing mix and design standard
- **Spatial Objective H3** – Suitable housing and facilities (life time homes)
- **Spatial Objective C1** – Retention and enhancement of key

community facilities.

- **Spatial Objective C2** – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective C4** – Historic built environment.
- **Spatial Objective ENV1** – Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** – Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** – Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** – Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** – Designing out crime and anti-social behavior
- **Spatial Objective ENV6** – Reduction of waste to landfill.
- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

## **Policies**

- **Policy CS1** – Spatial Strategy
- **Policy CS2** – Natural Environment
- **Policy CS3** – Landscape Character and the Historic Environment
- **Policy CS4** – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- **Policy CS5** – Design Quality and Local Distinctiveness
- **Policy CS6** – Sustainable Economic Development and Tourism
- **Policy CS7** – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- **Policy CS9** – Affordable Housing Provision
- **Policy CS10** – Sustainable Rural Communities
- **Policy CS13** – Infrastructure and Developer Contributions

## Joint Development Management Policies Document

The Joint Development Management Policies Document was adopted by the Council (February 2015). 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

#### Local Plan

A list of extant saved policies is provided at Appendix A of the adopted Core Strategy (2010) and in the Joint Development Management Policies Document (1995). The following saved policies are relevant to these proposals:

- **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
- **Inset Map 12** (Lakenheath Development Boundary)

#### **Other Planning Policy:**

#### Supplementary Planning Documents

61. The following Supplementary Planning Documents are relevant to this planning application:
  - Joint Affordable Housing Supplementary Planning Document (September 2013)
  - Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
  - Suffolk Advisory Parking Standards (Second Edition 2015)

#### Emerging Development Plan Policy

62. The application site is formally allocated for a housing development within the emerging Site Allocations Development Plan Document. This document, and the related Single Issue Review document are presently the subject of examination by the Planning Inspectorate. The degree of weight that could be attributed to the emerging plans in the consideration of this planning application is discussed later in this report.

#### National Policy and Guidance

63. The Government has recently (July 2018) updated national planning

policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

*How does the NPPF define sustainable development?*

64. The Framework defines the objective of sustainable development as *meeting the needs of the present without compromising the ability of future generations to meet their own needs*. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:
- i) economic (to help build a strong, responsive and competitive economy),
  - ii) social (to support strong, vibrant and healthy communities) and,
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)
65. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
66. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

#### **Officer Comment:**

67. This section of the report begins with a summary of the main legal requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations and cumulative impacts) before concluding by balancing the proposals benefits against its harmful impacts.

#### **Legal Context**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

68. Given the scale of development proposed, the planning application has

been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.

69. The EIA Screening undertaken by the Council became out of date following the subsequent submission of a number of further planning applications for large scale development at Lakenheath. There are no provisions in the EIA Regulations which enable the Local Planning Authority to re-screen development proposals without receiving a request to do so. The Council therefore requested the Secretary of State adopt an over-arching Screening Direction. The Secretary of State carried out a Screening Direction and considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement was not required to accompany the planning application.

#### The Conservation of Habitats and Species Regulations 2017

70. Given the location of the various designated nature sites in the vicinity of the application site (including the Breckland Special Protection Area and Special Area of Conservation) consideration has been given to the application of these Regulations.
71. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation. Regulation 63 states the decision making authority before deciding to...give permission...for a plan or project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an 'appropriate assessment' of the implications of the plan or project for that site in view of that site's conservation objectives.
72. Officers first screened the project under the Regulations in 2014 and concluded that the requirements of Regulation 63 were not relevant to the proposal and thus appropriate assessment of the project (under Regulation 63) was not required in the event that planning permission was to be granted. In accordance with UK law, the assessor had regard to proposals to mitigate the impact of the development upon European designated sites in reaching that conclusion.
73. In April this year the Court of Justice of the European Union handed down a judgement which changes the way in which planning applications (and other projects) that trigger the provisions of Regulation 63 are to be considered ('People over Wind, Peter Sweetman v Coillte Teoranta' Case reference C-323/17). The judgement ruled that in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of that plan or application. This outcome differs from the previously relied upon domestic case law which

had established that when undertaking a Habitats Regulations Assessment (HRA), mitigation measures should be taken into account during the screening stage.

74. As a direct consequence of this ruling the Council has considered the proposals against the provisions of Regulation 63 afresh and have concluded that an appropriate assessment is required. A copy of the Council's 'Habitat Regulations Assessment' (which forms the appropriate assessment) is attached to this report as Working Paper 1. The assessment concludes the proposal alone, and in combination with other projects, would not result in likely significant effects on the Breckland Special Protection Area or the Breckland Special Area of Conservation.

#### Natural Environment and Rural Communities Act 2006

75. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed in preceding paragraphs above and later in this report.

#### Planning and Compulsory Purchase Act 2004 (as amended)

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Forest Heath Development Plan is comprised of the saved policies of the Local Plan and the adopted Core Strategy (as amended by the judgement handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

#### Planning (Listed Buildings and Conservation Areas) Act 1990

77. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

*In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

78. Section 72(1) of the same Act states;

*...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

79. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form would not affect



views into or out of the Lakenheath Conservation Area. There is likely to be an increase in traffic using the main road through the Conservation Area following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Lakenheath Conservation Area.

#### Crime and Disorder Act 1998

80. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

#### Equality Act 2010

81. Officers have considered the provisions of the Act, including the potential impact of the development on people with 'protected characteristics' in the assessment of the planning application but the proposals do not raise any significant issues in this regard. The Building Regulations would ensure the dwellings are provided with nationally prescribed minimum accessibility standards as part of the construction.

#### Community Infrastructure Levy Regulations 2010

82. These set out general regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application. The Regulations in Part 11 will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).
83. Regulation 122 imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation is-
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development, and
  - (c) fairly and reasonably related in scale and kind to the development.
84. Regulation 123 imposes further limitations on use of planning obligations and effectively bars the collection of pooled contributions towards infrastructure projects or types where 5 or more obligations securing contributions towards that infrastructure project or type have already been entered into. These restrictions are commonly referred to as 'pooling restrictions'.
85. Planning obligations arising from the proposed development are

discussed later in this section of the report.

## **Principle of Development**

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

86. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-inforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
87. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
88. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five-years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (or a 10% buffer if demonstrated via an annual position statement, or a 20% buffer where there has been significant under-delivery of housing over the previous three years).
89. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
  - approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to habitats sites and or designated SSSIs, designated heritage assets and areas at risk of flooding); or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in this Framework taken as a whole.

90. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Paragraph 75 introduces the Housing Delivery Test, but (at paragraph 215) postpones its implementation until the first publication of national results (expected in November 2018).
91. Paragraph 177 of the NPPF states: "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. As explained at paragraphs 70-74 above, an Appropriate Assessment of the application proposals has been carried out and, accordingly, paragraph 11 of the NPPF, including the 'presumption in favour of sustainable development', is not relevant to the application proposals. Given the conclusions of the Appropriate Assessment (Working Paper 1, attached) the carrying out of the process itself does prevent planning permission from being granted for the proposals or add any weight against a potential granting of planning permission.
92. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. This housing need requirement was calculated prior to the first NPPF (2012) and the method adopted does not align with the requirements of current national policies. Accordingly the provisions of Core Strategy Policy CS7 are afforded little, if any, weight in considering whether the Council is able to demonstrate a 5-year supply of housing sites.
93. Core Strategy Policy CS7 is presently being updated to reflect the requirements of the NPPF. The emerging 'Single Issue Review of Core Strategy Policy CS7 Overall Housing Provision and Distribution' Development Plan Document having reached examination following submission to the Planning Inspectorate last year. The emerging Policy CS7 plans for housing need from 2011 to 2031 and draws on the evidence base set out in the current Strategic Housing Market Assessment and makes provision for 6800 new houses over the 20 year period equating to 340 dwellings per annum.
94. The Council's five year housing Supply statement (2017) adopts the higher housing requirement in the emerging Policy CS7, and adds historic under delivery of housing (2011-2017). The evidence set out in the document confirms the Council is presently able to demonstrate a five year supply of housing. Important contributions to the five year

supply are included from the application scheme and the other three planning applications for large scale development at Lakenheath (items A, B and D from the table set out beneath paragraph 10 above). The housing trajectory predicts that the application proposals would deliver 92 of the dwellings within the 5 year period and is thus considered an important site in terms of maintaining a 5 year housing supply in the District. Furthermore, the other three developments proposed at Lakenheath (planning applications A, B and D from the table) are forecast to deliver 243 further dwellings towards the housing supply over the five year period.

95. Given that the planning application proposals are included as part of the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan, it is inevitable that, unless the applications are approved, the Council would fall into a position where it is not able to demonstrate a 5-year housing supply.
96. Some commentators have referred to the ongoing release of circa 550 former USAFE personnel dwellings at Lords Walk on the edge of the RAF Lakenheath airbase to the south of Lakenheath (in the Parish of Eriswell) onto the housing market as either contributing to the five year housing supply or evidence that further new housing is not required at Lakenheath. This stock of dwellings is already counted as 'existing' housing stock and is therefore already counted in the housing supply such that its 'release' does not contribute additional housing numbers to the supply over the next 5 years.

Adopted Local Plan policy context

97. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
98. The relevant surviving elements of Core Strategy policy CS7 confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
99. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites would be allocated for at least 600 dwellings was quashed by the High Court decision and therefore carries no weight in determining this planning application.

100. Core Strategy policy CS6 states that economic and tourism growth at Lakenheath will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes/jobs balance.
101. Policy DM1 of the Joint Development Management Policies Document re-affirms the tests set out at paragraph 11 of the NPPF (which do not apply to these particular proposals). Policies DM5 and DM27 set out criteria against which general development (DM5) and housing specifically (DM27) will be considered in countryside locations (outside defined settlement boundaries).

*The Emerging Development Plan documents*

102. Lakenheath is designated as a Key Service Centre in the Forest Heath Core Strategy and, as such, the Single Issue Review of Policy CS7 (the SIR) initially proposed that it should accommodate an additional 828 dwellings over the plan period. The application site at Eriswell Road is allocated for housing development as part of the Council's emerging Site Allocations Development Plan (SALP) document.
103. The SIR and SALP have reached examination and were the subject of hearings held in September and October 2017. Subsequently, the Inspectors wrote to the Council in January 2018 to set out their concerns about the proposed distribution and soundness of the SIR and indicated possible ways forward. In particular, the Inspectors considered that the distribution of new homes did not sufficiently reflect the 'settlement hierarchy' at Core Strategy policy CS1. The Inspectors' noted the potential to plan for more housing development at Newmarket in order to tip the balance of new housing development towards the District's most sustainable locations (noting environmental constraints at Brandon for example). The Inspectors noted that the soundness concern raised is capable of remedy through main modifications, and offered three potential options to the Council, including a re-consideration of the balance of distribution between the towns and the Key Service Centres.
104. The Council considered its options at the Full Council meeting in February 2018 and resolved to propose main modifications and additional modifications to the SIR and SALP which would result in an additional 450 homes being provided at Newmarket together with 5ha of employment and new school and reduce the distribution in both Red Lodge by 50 homes and Lakenheath by 165 homes. At Lakenheath, it was resolved to remove site allocation SA8 (d) (land north of Burrow Drive and Briscoe Way) from the SALP. The modifications have been accepted by the Inspectors, have been the subject of further consultation and, in June 2018, were the subject of further focussed hearing sessions. At the time of writing, the Inspectors final report on the SIR and SALP documents were awaited.
105. 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 extent to which there are unresolved objections to relevant policies.

106. The emerging Local Plan (the SIR and SALP together) has reached an advanced stage which significantly increases the weight that can be attributed to it in determining planning applications. The Council has sought to resolve the Inspectors' soundness concerns by reducing housing numbers at Red Lodge and Lakenheath and increasing housing provision at Newmarket. These modifications have been accepted by the Inspectors. There remains unresolved objections to the inclusion of the application site at Eriswell Road as a housing allocation within the emerging Local Plan. This serves to reduce the degree of weight that should be attributed to it in considering the planning application.

#### Prematurity

107. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework (in this case the emerging 'SIR' and 'SALP' documents).
108. The NPPF addresses 'prematurity' and states:
- ...in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
    - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
    - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
109. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
110. In this case the development proposal for up to 140 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is at an advanced stage in the plan making process and the proposals are fully consistent

with the content of the latest and modified version of the emerging SALP.

111. Officers consider it would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that without the development, the Council is unlikely to be able to demonstrate a five year housing land supply.
112. On the basis of national guidance on the issue of prematurity officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the emerging and advanced elements of the Development Plan.

*Officer comment and conclusions on the principle of development*

113. It is clear that the application proposals, owing to the situation of the application site at a 'countryside' location (as currently defined) are contrary to the dominant operative policies of the adopted Development Plan. The proposals were formally advertised as a departure from the provisions of the Development Plan at the outset. Accordingly, and as a starting point, both Section 38(6) of the 2004 Planning Act and the NPPF set out a 'presumption against' the development and direct that planning permission should be refused unless material considerations indicate otherwise. Officers advise that, setting aside the provisions of the emerging SALP document, the clear breach of the development plan which these proposals represent must not be overlooked in the consideration of this planning application.
114. The NPPF is capable of amounting to a material consideration that may justify granting planning permission for development which is contrary to the provisions of the Development Plan. The Framework does not equate to a 'blanket approval' for residential development in locations that would otherwise conflict with Development Plan policies (even where a five year housing supply cannot be demonstrated). In this regard it is an important to keep in mind the fact that the 'presumption in favour of sustainable development' embedded in paragraph 11 of the Framework does not apply to these proposals. It remains the case that the planning application falls be determined in accordance with Section 38(6) of the 2004 Act (paragraph 76 above) with the NPPF being a key material consideration in the consideration.
115. This report will go on to consider whether or not it is appropriate to grant planning permission as a departure from the normal provisions of the Development Plan in the light of any 'material considerations that indicate otherwise'.
116. Before that assessment is made, it is first appropriate to consider whether the application proposals might be supported by or offend any other policies of the development plan. It is also appropriate to consider the influence of relevant national planning policies and guidance. This will establish whether there are other material considerations that will

influence the final decision (either positively or negatively).

### **Impact upon the countryside**

117. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising i) the intrinsic character and beauty of the countryside and ii) the benefits of the best and most versatile agricultural land and of trees and woodland, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
118. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
119. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
120. The applicants have submitted a Landscape and Visual Impact Assessment with the planning application. This reaches the following conclusions:
  - The proposed development would have no effect on the Lakenheath Conservation Area, and any effects on the Maids Cross LNR, listed buildings and public rights of way would be limited to minor changes in visual quality.
  - The Suffolk Landscape Character Assessment notes that the Settled Chalklands character type, in which the site is located, are a continuing focus for settlement, and that appropriate planting can be used to minimise the impact of settlement expansion on the surroundings. The proposed scheme would retain and reinforce the existing pine belt and opportunities explored to create a similar feature along the western edge. In addition, significant area of new native trees and shrubs would be planted so that where the development is visible from outside, it would appear set in a landscape framework, as currently occurs successfully elsewhere in Lakenheath.
  - The proposed development would extend the built edge of Lakenheath westwards, but it would not compromise its separation from other settlements. It is unlikely that that it would have any



effect on the sense of arrival into the village – the existing properties with their mature garden vegetation provide a break in the agricultural landscape and a gateway feature.

- The Landscape Assessment shows that providing the proposed mitigation measures are implemented and correctly maintained, development of the type proposed could be accommodated without significant harm (low significance or less at year 15) to the character of the landscape.
- The visual Impact Assessment demonstrates the influence that the proposed scheme would have on views from residential and public receptors in the surrounding landscape, and how such impacts would reduce in time as the proposed mitigation works (see Section 3) become effective. Residual impacts that are likely to remain after 15 years are, in the main, as a result of:
  - close proximity views, e.g. those from properties in Eriswell Road, that would encompass clear, open views of the new development (and associated lighting) in what was previously undeveloped agricultural landscape, albeit that views would be partly filtered by the pine belt
  - the loss of attractive, long distance views over undeveloped fen land
  - middle distance views, e.g. those from Undley Road, where the settlement edge of Lakenheath would appear to extend into what previously read as undeveloped countryside, a scenario that would be compounded in winter and at night through the addition of lighting
- In other views, e.g. those from the west, although clearly visible, the new development would be seen in the context of the mature vegetation framework that encompasses much of this portion of Lakenheath and which provides an attractive and distinctive break between the Brecks and the lower lying Fens.
- Visual changes with a rating of medium-high significance or greater are considered to constitute a 'significant' impact. After 15 years, such impacts would be limited to the close proximity views westwards from residential properties on Eriswell Road. The pine belt along the western side of Eriswell Road offers some buffer protection to the visual amenity of these properties. However, given the close proximity of the receptors to the scheme, there are limited options for mitigation. While these effects on residential properties are significant it is common for similar levels of effect to occur where any residential development is proposed next to existing development.
- From other viewpoints, when the proposed planting has become established and effective in providing screening and/or assimilating the new development into the surrounding landscape framework,

there would be no significant change in visual quality as compared to the existing situation.

121. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
122. The proposed development for residential development in the countryside is contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites.
123. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens.
124. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.
125. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
126. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals. The Landscape and Visual Impact Assessment confirms some residual visual landscape impacts from the development would remain in circa 15 years time after new landscaping has become established and matures. Whilst this impact would be limited in its extent, it compounds the landscape harm that would occur and therefore increases the significance of the harm arising.
127. Whilst counting as a dis-benefit of development, the countryside/landscape impacts are not, in isolation, considered so significant or harmful that a refusal of planning permission is warranted on this ground alone. Instead, the harm identified will need to be considered in the planning balance.

### **Impact upon trees**

128. The application site is fronted by a line of pine trees which is a characteristic feature of the Brecks area. The trees are an attractive feature at the entrance into the village and are an important asset in the locality, softening the impact of the existing village on the countryside and marking a transition between the countryside and the

urban form of the village. Officers consider it is vital that all viable trees along the frontage are retained as part of these development proposals.

129. The planning application is accompanied by arboricultural information which includes a tree survey, an arboricultural implications assessment and an arboricultural method statement. The documents recommend removal of nine trees because of their declining or unsafe conditions with a further five trees removed to provide vehicular access into the development (none of the trees to be removed to make way for vehicular access have been assessed as important 'Category A High Quality' specimens).
130. The report recognises there is a high likelihood that the remainder of trees would be retained following development given their location close to the highway frontage (but behind visibility splays required for the accesses) with opportunities to strengthen the line with new planting. Existing trees to be retained post-development would be protected during the construction phase/s by means of appropriately located fencing. These measures could be secured by condition.
131. A formal tree preservation area was served after the planning application was submitted in order to formally protect the line of pine trees which run along the eastern boundary of the application site adjacent to the highway (Eriswell Road) frontage.
132. 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 the proposed access locations would be fixed for any subsequent reserved matters submission/s.
133. The impact of the development upon existing trees, including protected trees, is considered acceptable with opportunities available to enhance the stock by removing declining specimens and providing new tree planting to the front boundary as part of the landscaping proposals for the site. The most important trees along the site frontage would be retained and protected during construction. Precise details of the landscaping of the site would be considered as part of any reserved matters submission.
134. 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 have served the Order much earlier than it did had that been its intent. The Order has been served to safeguard trees which would remain during and following completion of the development.

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

135. The Framework states transport issues should be considered from the earliest stages of ... development proposals, so that:

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

136. The NPPF goes on to confirm the planning system should actively manage patterns of growth in support of these objectives. Furthermore, it advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (which can help to reduce congestion and emissions, and improve air quality and public health). However it also recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and concedes this should be taken into account in both plan-making and decision-taking.

137. With regard to considering development proposals, the Framework states that, in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

138. It is national policy that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

139. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
140. Policy DM44 of the Joint Development Management Policies document states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
141. Policy DM45 requires the submission of a Transport Assessment to accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport.
142. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
143. Emerging policy SA7 of the Site Allocations Local Plan, which proposes to allocate around 153 houses on two sites at Lakenheath (including the application site) confirms that [planning] permission will only be granted where applicants can demonstrate that satisfactory measures to mitigate the cumulative and individual highway impacts of development on the sites can be formally secured and are deliverable.
144. The Core Strategy, through its policy CS1, categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. Populations living in Lakenheath, whom are not employed at the base, are likely to need to travel to their place of work. There is a range of community facilities in the village, including a number of shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), and whilst planning permission is extant (and implemented) for a new grocery shop off the High Street, close to the village centre, there is an element of doubt that this facility will be delivered.

Information submitted with the planning application

145. The applicants have submitted a Transport Assessment with the planning application. The document begins by considering the baseline

conditions and reviews relevant planning policy before assessing the sustainability credentials of the development. It goes on to model and assess traffic growth, trip generation and distribution and carries out a 'future year' transport assessment. The following summary and conclusions are provided at the end of the document:

### Summary

- *This Transport Assessment has been prepared following consultation with Suffolk County Council as the highway authority and using the DfT Guidance on Transport Assessment.*
- *Traffic data was collected on Eriswell road using an Automatic Traffic Counter for a week in March 2013*
- *A review of the baseline traffic conditions and facilities in the local area indicates that the site is close to the Key Service Centre facilities in Lakenheath as well as bus stops providing services to other local destinations.*
- *Vehicle trip generation for the site has been established using a national trip database and distribution has been established from the traffic surveys undertaken.*
- *The proposed access junctions have been assessed in a robust scenario where 100% of the development traffic is assumed to use one access and growth has been added onto the local road network to 2018. The accesses operate well under these conditions with no capacity concerns.*

### Conclusion

- *In line with the NPPF, the development provides opportunities for sustainable modes of travel, has safe and suitable access for all people, and does not result in severe transport impacts.*
- *Consequently, no reason has been found to prevent the development on transport grounds.*

146. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. The Local Highway Authority has requested a travel plan is submitted for approval prior to the commencement of development and thereafter implemented. This could be secured by means of planning condition. Given the village scale of Lakenheath and its isolated situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and are sustainable in transport terms.

147. The development would take vehicular access from Eriswell Road at two points. Eriswell Road is the main road leading into the village (leading to the High Street) and is also the route used to gain access towards Mildenhall and the A12.
148. The applicants have provided the additional information/clarification requested by the County Highway Authority and are prepared to undertake/fund the off-site highway works the Authority considers are necessary to make the development acceptable in highway safety terms (traffic calming in advance of the site accesses –precise details to be secured by condition).
149. The Highway Authority has not expressed objections to the proposals (subject to these measures being secured and imposition of other conditions).
150. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the proposed development would not lead to congestion of the highway network, including during am and pm peak hours.
151. The cumulative traffic impact of the proposed development with other developments presently proposed in the village is considered later in this section of the Committee report.

### **Impact upon natural heritage**

152. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity. The following principles should apply when determining planning applications:
  - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
  - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

153. As is the case here, the presumption in favour of sustainable development set out at paragraph 11 of the Framework does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.
154. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance. Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
155. This particular requirement also forms part of the emerging policy SA7 of the Site Allocations Local Plan document which allocates the application site for a housing development. Emerging Policy SA7 refers to the Maids Cross Hill SSSI and the Breckland SPA designations in this regard and requires measures to be provided for influencing recreation in the surrounding area to avoid a damaging increase in visitors to these designated nature sites. It goes on to confirm that measures should include promotion of dog friendly access routes in the immediate vicinity of the development (and/or other agreed measures).
156. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
157. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation. The site is, however, situated within the 1.5km Nest Attempts Constraint Zone (which serves to protect frequent Stone Curlew nesting sites at locations outside the designated Special Protection Area Boundaries).
158. 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 10 above), but also with respect to the emerging Development Plan. The outcome of the Council's formal Appropriate Assessment of the proposals is attached to this report as Working Paper 1.

159. 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. As discussed above, the 'appropriate assessment' carried out by the Council concluded that the development proposals would not impact upon the integrity of any European designated nature conservation sites. The applicants report supports this conclusion.
160. An ecological appraisal has been submitted with the planning application.
161. The appraisal sets out a range of mitigation proposals for a number of species and concludes that no further ecological surveys are required at present. Further surveys in respect of bats are recommended at Reserved Matters stage. It also confirms that detailed mitigation design should be provided at Reserved Matters application stage, based on the principles described within the report. These matters could be secured by means of an appropriately worded planning condition.
162. 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.
163. Officers are satisfied that the development proposals, in isolation, would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). A carefully designed and constructed development is likely to result in net ecological gains. The delivery of the enhancement measures set out in the Phase I Habitat Survey could be secured by means of an appropriately worded planning condition.
164. The potential impact of the development proposals upon the Breckland SPA, in combination with other plans and projects, is considered further in this report as part of the assessment of potential cumulative (or in-combination) impacts.

### **Impact upon built heritage**

165. The Framework recognises that heritage assets are an irreplaceable

resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and assets identified by the local planning authority (including local listing).

166. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
167. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
168. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
169. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
170. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesignated heritage assets). This has been submitted with the planning application. The report explains the work that carried out to investigate the archaeological potential of the site. The report confirmed the presence of heritage assets of archaeological interest at the site including pits, ditches, palaeochannels associated with Prehistoric worked flints and areas of buried soil.
171. The Archaeological Service at Suffolk County Council has been consulted of the planning application and, in light of the findings to date concluded there are no grounds to consider refusal of planning permission on archaeological grounds but confirms that further survey work will be required (post decision).
172. With the conditions in place to safeguard archaeological interests potentially present at the site, the development proposals would have no significant impacts upon heritage assets.

### **Impact upon local infrastructure (utilities)**

173. The 'economic' objective of achieving sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate the provision of infrastructure.
174. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:
- "The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development".
175. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
176. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
177. Matters pertaining to highways, education, health and open space infrastructure are addressed later in this report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

#### Waste water treatment infrastructure

178. The Flood Risk Assessment submitted with the planning application confirms;
- *foul water drainage from the site can be achieved by pumping to an existing 300mm diameter public sewer located in Undley Road. Anglian Water has advised that there is spare capacity within this sewer subject to a discharge limit of 3.8 l/s.*
179. The Draft Infrastructure Delivery Plan (DIDP) which identifies infrastructure needs to support the emerging Single Issue Review and Site Allocations Local Plan confirms that some new or improved sewers and upgrades to pumping stations may be required to facilitate development in the District, depending on the location of developments. The document also confirms that no significant constraints to delivery have been identified. At Lakenheath, the DIDP identifies there are no constraints associated with Lakenheath WRC in terms of treatment capacity or discharge capacity.
180. The available evidence confirms the proposed development is

acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water Services, the statutory sewerage undertaker which has not objected to the application and has not requested the imposition of any conditions relating to the treatment of waste water arising from the development.

#### Water supply

181. The DIDP identifies there may be a future water supply deficit and confirms that a solution is planned. Water supply has not been identified as a constraint on the level of development for Lakenheath proposed in the emerging Development Plan. Anglian Water Services has not identified water supply as a constraint on this development as part of their comments about the planning application.

#### Energy supply

182. The DIDP does not identify any issues with capacity in the energy supply network and, as such, this is not a constraint on the development. The village is served by Lakenheath major substation.

#### **Flood risk, drainage and pollution**

183. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
184. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from, or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
185. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
186. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing

'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.

187. The majority of the application site is not in an area at a risk of flooding, but a small area towards the north-west corner is situated within Flood Zones 2 and 3 and is at risk of flooding during extreme events.
188. The Flood Risk Assessment submitted with the planning application addresses the risks of flooding to the development proposals from the adjacent channel and confirms:
  - The built development will be located in Flood Zone 1 i.e. outside the 0.1% annual probability floodplain for the Cut Off Channel on the western boundary of the site;
  - All proposed land use at the site is compatible for the flood risk classification of the site;
  - Safe access and egress can be maintained for the lifetime of the development;
189. With regard to surface water drainage the flood risk assessment confirms;
  - The proposed surface water drainage strategy will be implemented to mimic the existing scenario. SuDS drainage techniques will be used to provide capacity, source control, water quality treatment and biodiversity;
  - SuDS have been incorporated to attenuate development surface waters up to and including the 100 year plus climate change rainfall events while additionally providing water quality and bio diversity;
  - Overland flows associated with an exceedance event will be directed towards an infiltration swale located on the western boundary by a series of roadside shallow swales;
  - To ensure the effectiveness of the proposed drainage arrangement a robust maintenance regime will be implemented to ensure future performance of all SUDS and drainage components. This will include regular cleaning of new and existing wet infrastructure features within the site boundary.
190. The planning application is accompanied by a Preliminary Geo-Environmental Risk Assessment. This concludes the site has not been unduly impacted by former land uses (agricultural) and risk of contamination is low. The report identifies the site is not located within an Environment Agency groundwater Source Protection Zone. Furthermore, ground gases (radon) are considered to pose a low risk.

The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.

191. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
192. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

### **Impact upon education**

193. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create expand or alter schools through decisions on applications.
194. Core Strategy Policy CS13 (b) considers education as a key infrastructure requirement.
195. The County Council as Local Education Authority has confirmed the village school has reached its 315 place capacity. This means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility which is yet to be built in the village or pupils would need to be diverted to alternative primary schools outside of the village. Suffolk County Council is currently considering a detailed planning application for the construction of a new primary school at Station Road. Furthermore, planning application DC/14/2096/HYB includes proposals in outline for the construction of a primary school at the same site. Planning permission has already been granted for the construction of vehicular and pedestrian accesses into the school site. Emerging Policy SA8 (b) of the Site Allocations Local Plan includes the provision of a new primary school within the land allocation at Station Road to the north of the village. Given the planning history and the emerging policy position, it is likely that a new primary school will be provided in the village in a relatively short space of time to provide sufficient capacity for the pupils forecast to emerge from these development proposals.
196. The cumulative impact of pupil yields emerging from other planning

applications proposing significant new housing development in the village also needs to be considered. This is assessed later in this section of the report. Developer contributions to be used towards the early years (pre-school) education and for land and build costs of providing a new primary school in the village are also discussed later in this section of the report.

197. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.

### **Design and Layout**

198. The Framework states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

199. The NPPF advises that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

200. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

201. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
202. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 applies similar criteria, but is specific to proposals for residential development.
203. The application is submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of the planning application at this stage.
204. A design and access statement has been submitted with the planning application to explain 'potential' design strategies that could be implemented at the outline stage. Furthermore, an illustrative masterplan drawing has been submitted which suggests a 'linear' development is one of the potential design solutions.
205. The application proposes 'up to' 140 dwellings which means the reserved Matters could be submitted for a lower number. The final number of units could be affected by a number of factors including the desired density, the preferred design solution (layout), the mix and type of dwelling proposed (for example a 4-bed detached dwelling will accommodate a much larger plot size than a 2-bed mid terraced dwelling) and other requirements, including public open space and car parking. The maximum gross density of the proposed development (given the 140 dwelling cap) is just under 26 dwellings per hectare which is considered appropriate at this edge of village location.

### **Impact upon residential amenity**

206. *Impact upon the amenities of the residents of the proposed development – Military Aircraft*

#### *i). National Planning Policy*

207. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality



of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.

208. Paragraph 2.18 of the National Policy Statement of England (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.

*ii). Local Planning Policy*

209. 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 and not site sensitive development where its users would be significantly and adversely affected by (inter alia) noise, unless adequate and appropriate mitigation can be implemented.

*iii). Relevant standards and Guidelines for noise*

*World Health Organisation (WHO): 1999: Guidelines for Community Noise*

210. This is a wide ranging document describing the effects of community noise. It provides information about the effects of noise that may occur at certain levels of exposure. For dwellings, the critical effects of noise are taken to be sleep disturbance, annoyance and speech interference.
211. Indoor guideline values are provided for bedrooms with the aim of protecting against sleep disturbance, a guideline value of 30 dB LAeq for continuous noise and 45 dB LAm<sub>ax</sub> for single sound events (no more than 10-15 occasions per night) is recommended. To enable casual conversation during the daytime an internal guideline noise level of 35 dB LAeq is provided.

212. With respect to external noise levels it is stated that:

- "To protect the majority of people from being seriously annoyed during the daytime, it is recommended that the sound pressure level on balconies, terraces, and outdoor living areas should not exceed 55 dB LAeq for a steady continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor noise level should not exceed 50 dB LAeq."

*British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings)*

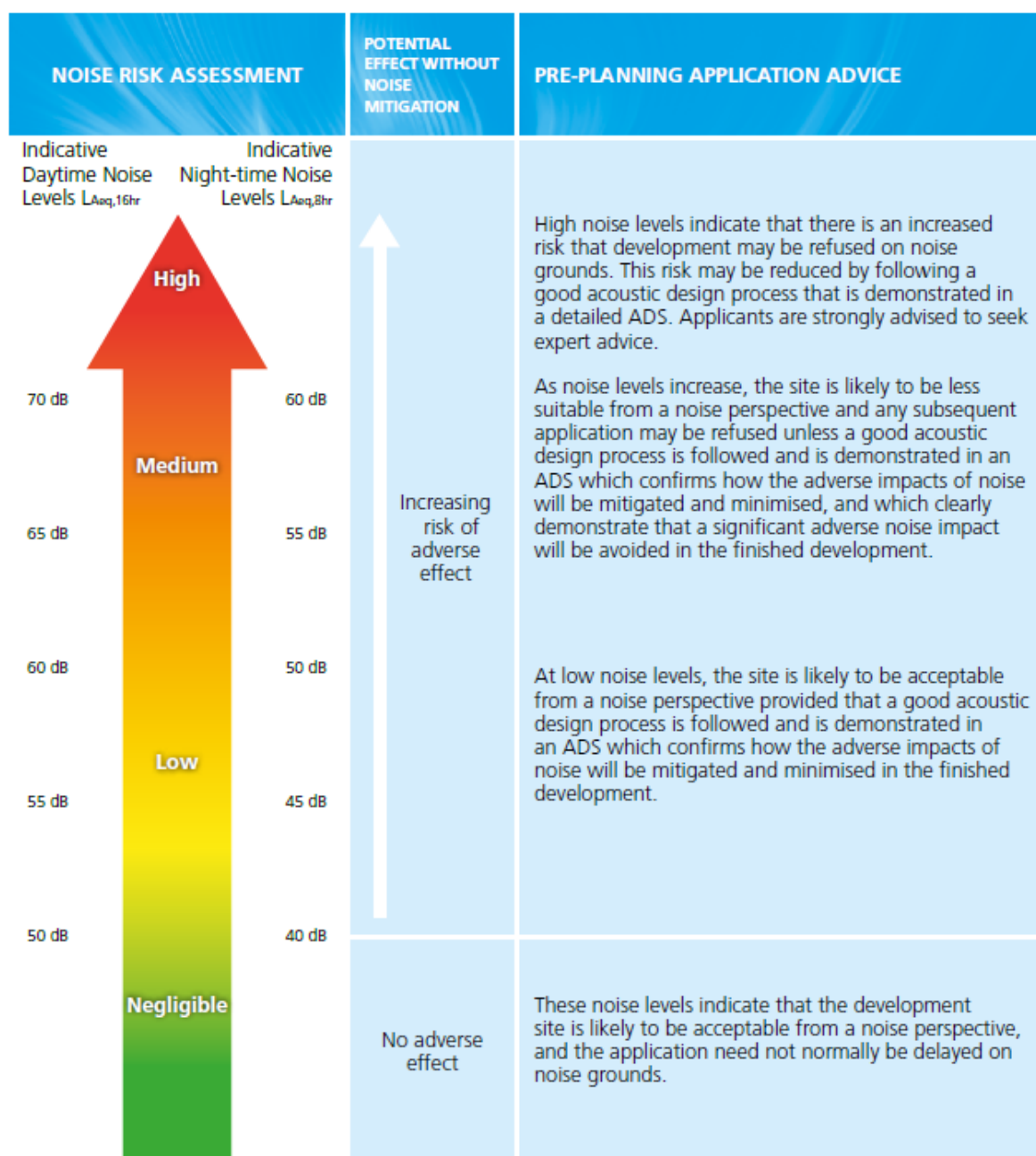
213. The applicants have carried out their noise assessment in accordance with this British Standard. British Standard 8233:2014 provides recommendations for the control of noise in and around buildings. It

suggests appropriate criteria and limits for different situations, which are primarily intended to guide the design of new buildings, or refurbished buildings undergoing a change of use, rather than to assess the effect of changes in the external noise climate.

214. The standard suggests suitable internal noise levels within different types of buildings, including residential dwellings. It suggests that for steady external noise sources, during the day, an internal noise level of 35 dB LAeq,T is appropriate for resting conditions within living rooms and bedrooms and a level of 40 dB LAeq,T is applicable to dining rooms. During the night, an internal noise level of 30 dB LAeq,T is recommended within bedrooms.
215. The recommended levels are based on the existing guidelines issued by the World Health Organisation (WHO) and assume normal diurnal fluctuations in external noise. It is also stated that *'Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved.'*
216. For regular individual noise events with the potential to cause sleep disturbance it is stated that a guideline value may be set in terms of sound exposure level (SEL) or LAmax,F. No further guidance is provided with respect to an appropriate criterion which may be adopted for the assessment of such events.
217. Recommendations for design criteria for external noise are also provided, in this regard it is stated;  
  
*'For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited'*
218. The external and internal ambient noise levels LAeq criteria in BS 8233:2014 is concordant with those contained within the WHO guidelines.
219. *ProPG: Planning and Noise (New Residential Development)*
220. Professional Practice Guidance on Planning and Noise for new residential development (ProPG) was published June 2017 by the Chartered Institute of Environmental Health (CIEH), the Association of Noise

Consultants (ANC) and the Institute of Acoustics (IOA). The guidance has been produced to provide practitioners with guidance on the management of noise within the planning system in England.

221. The guidance focusses on proposed new residential development and existing transport noise sources and reflects the Government's overarching Noise Policy Statement for England (NPSE, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (including PPGN), as well as other authoritative sources of guidance.
222. The guidance provides advice for Local Planning Authorities (LPAs) and developers, and their respective professional advisers which complements Government planning and noise policy and guidance and, in particular, aims to:
  - Advocate full consideration of the acoustic environment from the earliest possible stage of the development control process;
  - Encourage the process of good acoustic design in and around new residential developments;
  - Outline what should be taken into account in deciding planning applications for new noise-sensitive developments;
  - Improve understanding of how to determine the extent of potential noise impact and effect; and
  - Assist the delivery of sustainable development.
223. ProPG provides guidance for producing an initial site noise risk assessment, pre-mitigation, based on the prevailing daytime and night time noise levels across the site, from which the site (or areas thereof) can be zoned. The chart below shows the Stage 1 noise risk assessment criteria taken from Figure 1 of ProPG.



**Figure 1 Notes:**

- Indicative noise levels should be assessed without inclusion of the acoustic effect of any scheme specific noise mitigation measures.
- Indicative noise levels are the combined free-field noise level from all sources of transport noise and may also include industrial/commercial noise where this is present but is "not dominant".
- $L_{Aeq,16hr}$  is for daytime 0700 – 2300,  $L_{Aeq,8hr}$  is for night-time 2300 – 0700.
- An indication that there may be more than 10 noise events at night (2300 – 0700) with  $L_{Amax,F} > 60$  dB means the site should not be regarded as negligible risk.

*ProPG Figure 1 Initial Site Risk Assessment (measured/predicted, empty site, pre mitigation)*

224. Stage 2 of the ProPG assessment requires consideration of four key elements to be undertaken in parallel. The Stage 2 assessment is intended to be proportionate to the risk, as determined by the initial site

risk assessment.

225. The four elements of the Stage 2 assessment and implications on acoustic design are discussed below.

#### Element 1 - Good Acoustic Design Process

- Following a good acoustic design process is a key part of achieving good design, as required by NPPF and NPSE. It is imperative that acoustic design is considered at an early stage of the development process.
- A good acoustic design process takes an overarching and integrated approach in order to achieve optimal acoustic conditions, both in terms of internal noise levels within habitable rooms and external amenity noise (e.g. in gardens, balconies etc.).
- Good acoustic design should avoid 'unreasonable' acoustic conditions and prevent 'unacceptable' acoustic conditions. ProPG notes that good acoustic design does not mean over-engineering or 'gold plating' all new developments but instead should aim to provide an optimum acoustic outcome for a particular site.

#### Element 2 - Internal Noise Level Guidelines

- The second element of Stage 2 is to seek to achieve recommended internal noise levels inside noise sensitive rooms in new residential development. The guideline values proposed are the same as those provided in BS 8233:2014 and WHO, including the recommendation that maximum noise levels should not exceed 45 dB LA<sub>max</sub> more than 10 times per night.
- Designers should principally aim, through good acoustic design, to achieve these noise levels in sensitive rooms with windows open. Where noise levels are assessed with windows closed, justification is to be provided.

#### Element 3 - External Amenity Area Noise Assessment

- ProPG recommends the guideline values of 50 – 55 dB LA<sub>eq</sub>, 16hr in gardens and external amenity areas, where such areas are an intrinsic part of the overall design. If these values cannot be achieved in all areas, the development should be designed to achieve the lowest practicable noise levels. The provision of relatively quiet alternative publically accessible external amenity space may help to offset the noise impact in high noise areas.

#### Element 4 - Assessment of Other Relevant Issues

- This guidance reflects advice already provided in NPSE and PPG-Noise and includes acoustic factors that determine whether noise could be a concern, e.g. the number, frequency and pattern of noise

events; the spectral content of the noise, the character of the noise (i.e. the presence of tones or other features such as impulsiveness), possible cumulative impacts from several sources as well as local topology and topography.

- Other relevant issues to be considered include: magnitude and extent of compliance with ProPG; likely occupants of the development; acoustic design vs. unintended adverse consequences; acoustic design vs. wider planning objectives.

*iv). The adequacy of Noise information submitted with the planning application*

226. In September 2014, at the time the Development Control Committee first considered this planning application, the application site was shown to be situated within the 72+ dB noise contour relevant to the operation of RAF Lakenheath. Noise contour information is prepared and published by the Ministry of Defence.

227. 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.

228. The noise assessment reached the following conclusions:

- This assessment has been undertaken as part of the planning application for the Site and considers the suitability of the proposals in terms of the existing noise environment and the potential noise impacts experienced by future occupants of the proposed noise sensitive development once completed.
- A detailed baseline noise survey has been used to inform the assessment, this has been supplemented with available aircraft noise contour plots prepared by RAF Lakenheath and Mildenhall. The results of the noise survey have been assessed in accordance with applicable standards and guidance, and in line with the assessment requirements of Forest Heath District Council (FHDC).
- Consideration has been given to appropriate noise mitigation measures, and it has been identified that with the incorporation of appropriately specified glazing and ventilation products, a

commensurate level of noise attenuation can be afforded to future residents. With the recommended noise mitigation measures in place, appropriate internal noise criteria can be achieved in the proposed internal habitable spaces.

- With appropriate attention to development layout, it is possible to minimise noise levels experienced within principal garden areas. Noise levels experienced within such areas are expected to be comparable to those experienced at existing residential dwellings within the locality and are therefore not expected to pose a significant constraint upon the Proposed Development.

229. It is apparent from the recommendations of the NIA that the internal spaces of the dwellings can be adequately mitigated through appropriate construction and insulation techniques. Indeed, the Council's Public Health and Housing Officers and, latterly, the Defence Infrastructure Organisation (DIO) do not object to the proposals, subject to conditions.

230. A third party objected to the planning application during its initial consultation exercise (paragraph 57 above) and included criticisms of the noise assessment. The applicant submitted a technical response which drew the following conclusions:

- This report has presented appropriate responses to the noise related points raised within the submitted objection, and identifies that the approach of Forest Heath District Council is consistent and is in accordance with current British Standards.
- In particular, the following has been identified with due regard to relevant British Standards and guidance:
  - It has been identified that it is neither appropriate nor necessary to consider daytime LAFmax noise levels as suggested within the objection.
  - The proposed glazing and ventilation strategy intended to reduce internal noise levels has been demonstrated to be in accordance with current British Standards. It has been demonstrated that the ventilation requirements for the development can be achieved either by passive ventilation and openable windows for purge ventilation or through the use of mechanical ventilation.
  - The decision by FHDC with regard to allowing development in areas where noise levels are higher than the BS 8233 external noise level criteria is consistent with other applications in the vicinity of the site, which also developed under such conditions and in accordance with the guidance contained within BS 8233:2014.
  - The objection raises comments regarding the Single Issue Review of Core Strategy Policy CS7 Issues and Options Stage, but it is

identified that this is not adopted planning policy and need not be considered.

- It is discussed in the NPPF and the updated BS 8233 how external noise levels alone should not prohibit development of a site and that the planning decision should consider many factors in the balance, including making efficient use of land resources to ensure that housing need can be met.
  - In conclusion, it remains that noise need not be considered as a determining factor in granting planning permission for the proposed development
231. The DIO did object to the planning application on aircraft noise grounds for a period of time but, following agreement regarding the wording of controlling conditions which are to be applied to any planning permissions granted, those objections were subsequently withdrawn.
232. In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The information confirmed the application site is situated deeper within the 72+ db LAeq (16-hr) noise contour than had previously been the case which suggests the application site could be exposed to greater noise levels than set out by the 2013 NIA accompanying the planning application.
233. In April 2017, following publication of the refreshed noise contours, the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 72+ db LAeq (16-hr) noise contour, the MoD advises as follows:
- Mitigation of the types required in the lower 66-72dB LAeq (16hr) contour will be the minimum expected (acoustic primary double glazing, acoustic louvered passive ventilation systems, mechanical acoustically louvered ventilation systems in kitchens, acoustic insulation of exterior doors, sealing up open chimneys in insulated rooms and Insulation of loft space using an acoustic mineral slab material) but further measures may be required by the MOD depending on the characteristics of the proposed development.
234. In July 2017, the Parish Council submitted further objections to the planning application following the publication of the fresh noise contour information a few months before by the DIO. The objections included renewed criticisms of the applicants noise assessment in the light of the refreshed noise contours. The applicants opted to provide a further technical response as follows:
- The application site has been included in the two above mentioned Royal Air Force (RAF) Reports in 2015 (RAF 2015) and 2017 (RAF 2017). Both of these reports provide plans of RAF Lakenheath and its surrounds, including Lakenheath itself, with Military Aviation



Noise Contours (MANCs) superimposed over the base map. Both reports provide three noise contours which are ascribed to values of 63, 66 and 72 dB LAeq,16h respectively. The latter of these two reports is heavily referenced in the LPC objection.

- The RAF Reports are both extremely concise and exclude much of the supporting technical information that would be expected and would be necessary to allow meaningful peer review.
- The shape and extent of the noise contours is significantly different in the RAF reports. The 2015 modelling was apparently underpinned with a monitoring exercise, although few associated details are provided, whilst no such verification study is reported for the 2017 modelling.
- The WSP Reports were underpinned by a week-long noise survey which was undertaken in April 2013. This survey covered a period of typical operations at RAF Lakenheath, which comprises flying from 06:00 to 23:00 Monday to Thursday and 06:00 to 18:00 on Fridays with typically no flying at the weekends. The noise survey data set showed extremely good consistency in terms of typical noise levels associated with and without operational flying. These measured noise levels were consistently and significantly lower than those noise portrayed by the RAF contours.
- The LPC objection (at paragraph 6) is critical of the WSP noise assessment suggesting that, contrary to the FHDC officer view, the WSP report is not 'fit for purpose'. In my view, the WSP report is fit for purpose and the monitoring data therein is considerably more robust than the RAF noise contours as a basis for a planning decision.
- Also at paragraph 6 of the LPC objection it is stated that 'the evidence base is out of date as it fails to take into consideration recent material changes, including the most up-to-date Noise Contour Plan'. As I understand it, based on the minimal information provided by the RAF, the new noise contours are simply a remodel of the same aircraft and flying patterns as were described in the RAF 2015 Report. The new contours do not, in my view, constitute a 'material change'. The noise climate at the development site has been adequately quantified by protracted monitoring and the associated data remain valid and sufficient for both the determination of the application and for the specification of mitigation measures.
- The noise monitoring has quantified the noise environment at the development site as between 64 and 66 dB LAeq16h Monday to Friday and 49 dB LAeq,16h on both Saturdays and Sundays. If a single seven day average is adopted (as at civilian airports) it is 64 dB LAeq,16h.
- The weekday noise levels would fall on the boundary of Noise

Exposure Categories (NECs) B and C and the seven day average in NEC B when applying the former (now superseded) Planning Policy Guidance Note 24 (PPG 24) 1994.

- Current Planning Practice Guidance does not specify noise levels but references the 'Lowest 'Observable Adverse Health Effect Level' (LOAEL) and the 'Significant Observed health Effect level' (LOAEL) above which are 'Unacceptable Adverse Effects' (UAE). Following the recent London City Airport decision the following values (seven day averages) have been aligned with these thresholds:
  - LOAEL 57 dB LAeq,16h
  - SOAEL 63 dB LAeq,16h
  - UAE >69 dB LAeq,16h
- Whilst these alignments are likely to be applied to commercial airports, the magnitude of the impact from flights at RAF Lakenheath is significantly reduced due to the absence of aircraft noise during the majority of the night time periods and at weekends. As the potential for sleep disturbance is recognised as one of the key determinants of impact in planning policy, the minimal night time activity has a significant bearing on any site suitability considerations in planning terms.
- Finally, the 'Professional Practice Guidance on Planning and Noise' was launched in June 2017 by the Chartered Institute of Environmental Health (CIEH), the Institute of Acoustics (IOA) and the Association of Noise Consultants (ANC). This long awaited publication would ascribe a 'medium noise risk' to the site and promote good acoustic design to mitigate and minimise noise impacts. I concur with this view; that subject to appropriate noise mitigation measures, the site is suitable for the proposed use.

235. The Lakenheath Parish Council continues to object to the planning application on the grounds of the impact of aircraft noise to the residents of the proposed development. They have commissioned a noise consultant (Clarke Saunders Acoustics – (CSA)) to advise them on matters pertaining to the planning application and comments made specifically in relation to this planning application are set out at paragraph 54 above.

236. The applicants' own noise consultant has responded to the Parish Council's criticisms of their assessment. Their response to the criticisms of the technical assessment is as follows:

- I have read through both the Clarke Saunders commentary and the covering email from Richard Buxton Solicitors, and I can see no substantive issues raised in connection with the WPS acoustic assessments which were submitted with the application.
- I believe the commentary in the email and report is intended to convey an inference to decision makers that '*errors and omissions*'

in the noise assessments could be relied upon in a subsequent Judicial Review of any associated planning decisions. I would like to make it very clear that I do not share that view.

- It seems to me that the LPC submissions are both selective and contradictory and contain nothing substantive in connection with the submitted assessments. In my opinion, the detailed assessments, considerations and discussions which led to the August 2017 Statement of Common Ground between FHDC and the DIO would provide a particularly robust basis for a balanced planning decision for this application.
- I do not wish to go over old ground in this letter and so have simply attached our rebuttal letter of the 04 July 2017 which summarises our views in connection with an earlier LPC objection to this application *[these comments are summarised in the preceding paragraph above]*.

*Officer comment on the adequacy of the noise assessment*

237. A number of noise assessments have been carried out in support of various planning applications considered in the village over the past few years. These are set out in the table below. The results vary in terms of their alignment to the noise contour information (as shown in the table) but there is nothing to suggest from the collective noise assessments or any other evidence that has been made available that the noise contours (or indeed the applicant's noise assessment), are inaccurate.

Reference	Address	Proposal	MOD Contour	Recorded/adjusted noise level (worst case reported) (16hr)	Noise range (if more than one location measured)
F/2013/0394/OUT	Land West of Eriswell Road, Lakenheath	Up to 140 dwellings	72+	68	64-68
F/2013/0918/OUT	Land East of Eriswell Road and south of Broom Road	Up to 750 dwellings and school	72+	81	69-81
DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67 dwellings	66-72	62.1	n/a
DC/14/2073/FUL	Land at Broom Road, Lakenheath	120 dwellings	72+	71.1	n/a
DC/14/2042/OUT	Land adj Covey Way, Maidscross Hill, Broom Road Lakenheath	Up to 110 dwellings	72+	70	n/a
DC/15/0545/OUT & DC/16/2265/ful	27 Eriswell Road	Up to 6 dwellings	72+	63.4	n/a
DC/16/1406/FUL	28 Earlsfield, RAF Lakenheath (Lords Walk)	1 dwelling	72+	72	n/a
DC/17/2454/FUL	41 Mill Road, Lakenheath	2 dwellings	72+	59	n/a
DC/17/2584/FUL	127-133 High Street, Lakenheath	3 dwellings	72+	65.8	n/a
DC/17/2349/FUL	Site at Wingfield Road, Lakenheath	3 dwellings	66-72	53.1	n/a
DC/17/2307/FUL	Goward House, 124 High Street	COU to 3 flats	72+	43.9	n/a
DC/18/0556/FUL	29 Wings Road, Lakenheath	1 dwelling	66-72	63	n/a
DC/18/0341/FUL	Land r/o 27 High Street, Lakenheath	COU to dwelling	66-72	51	n/a
F/2031/0345/OUT and DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 81 dwellings and up to 375 dwellings + primary school	66-72	63	62-63

*Table: Noise recordings captured at Lakenheath*

238. Aircraft noise is a complex matter to assess and it is difficult to determine with precision the noise climate around the village of Lakenheath. This is because of the variations in (in particular) daily operational activities at the base, the tracking of aircraft and the influence of weather conditions.
239. The Parish Council's noise consultant has criticised the methodology of the applicants assessment, but has not proposed a creditable alternative methodology or, indeed, demonstrated that the evidence accompanying the planning application cannot be relied upon by the Council. Furthermore, the Council's Public Health and Housing officers whom are independent noise experts, have advised the assessment is robust and, alongside the noise contour information, is sufficient to enable an adequate scheme of mitigation to be developed and secured. Accordingly, it is your officers' view that the noise information submitted by the applicants to accompany their planning application, when read alongside the noise contour information and other advice supplied by the Defence Infrastructure Organisation, forms a sufficiently robust position from which to form a planning assessment about the impact of noise to the development.

v). Appeal decisions

240. The Parish Council has drawn the District Council's attention to two appeal decisions where aircraft noise was a central and determining issue. The first appeal decision (reference APP/R0660/W/15/3027388) related to a site at Mobberley near Knutsford in Cheshire. Here the appeal scheme proposed a mixed use development, including dwellings. The second appeal decision (reference APP/Q3115/W/16/3163844) was briefly referred to by the Parish Council's noise consultant and related to a site at Benson in Oxfordshire.
241. At Mobberley the appeal site was close to Manchester International Airport and its two runways (which were around a mile away). The site was also affected by noise from industrial and traffic sources. The Inspector noted that some 80% of all flights leave the run ways towards the appeal site. The housing was proposed within the 60 dB(A) and 63 dB(A) noise contours drawn to reflect the peak activities of the airport. In summarising his assessment about noise impact, the Inspector commented that a suitable external noise environment (in the external private gardens) would not be achieved and would have a significantly adverse impact on the quality of life of future residents. He also weighed into the equation that the 'sealed box solution' to providing an acceptable internal acoustic environment would further detract from the residents' quality of life and was an additional factor weighing against permission.
242. In his overall conclusions the Inspector dismissed the appeal and considered that the adverse effects of the development (identified as noise and Green Belt impacts) would significantly and demonstrably outweigh the benefits he had identified.

243. At Benson, the appeal site was located close to RAF Benson, an operational airbase housing over 20 military and emergency service helicopters (including Puma's and Chinooks). The Puma helicopters are principally on standby for UK and overseas aid or emergency deployment whereas the Chinooks were primarily used for training during the night and day for around 21 weeks per year. The external sound (daytime) was measured at 54db Laeq (16 hours) and was used by the inspector to analyse impacts to external amenity spaces of the proposed dwellings. The night time noise measurements were not quoted by the Inspector, although he considered that with windows closed (sealed box) the internal spaces would not exceed WHO guidelines but with windows open (which he considered likely during the summer period) noise in bedrooms (during night time military training exercises) would exceed WHO levels. The Inspector found against the proposals on both the daytime (external) and the night time (internal) noise impacts and concluded that the proposed development would result in an unacceptable impact on the living conditions of occupiers that would give rise to significant adverse effects on health and quality of life.
244. It is also pertinent to consider the Inspectors comments on noise impacts in the recent appeal at Broom Road in Lakenheath (appeal reference APP/H3510/W/16/3149242; planning application reference DC/14/2073/FUL). In that case, 120 dwellings were proposed at the site in Broom Road which is around 1km from the airbase runway. The Inspector noted the site was situated within the 72db contour (LAeq 16hr) and considered the appeal on the basis of the appellants' estimate that the majority of the appeal site would be about 75dB LAeqT. The Inspector observed several military aircraft taking off and considered that concerns about the acoustic environment for future residents were well founded, but considered, after mitigation, the proposals would afford a reasonable level of amenity in relation to inside living space. In terms of the external spaces, the Inspector recognised there would be very limited scope to mitigate airborne noise and concluded therefore that the development would conflict with policy DM2 which expects that sensitive development should not be sited where users would be significantly affected by noise.
245. In this respect, and whilst recognising the conflict with Policy DM2, the Inspector went on to consider the fact that Lakenheath is identified in the adopted Core Strategy as a key service centre and in the emerging Single Issue Review as a location for a substantial amount of new housing with several sites allocated for development in the emerging Site Allocations Plan. The Inspector recognised that the appeal site is closer to the airbase than those in the SALP but considered it seems likely that the acoustic environment for residents will be comparable. Accordingly, she exercised her planning judgement with respect to the living conditions of future residents and attached only limited weight to the conflict with Policy DM2 in this regard. The appeal was dismissed for other reasons with only limited weight being added to the refusal owing to the identified adverse acoustic environment at the site.

vi). Assessment of impacts from military aircraft

246. The applicant's Noise Impact Assessment confirms the internal spaces of the proposed dwellings could (and will) be mitigated against noise impacts arising from military aircraft to WHO levels. This assumes that windows will be closed with mechanical ventilation provided. The publication of new noise contours for RAF Lakenheath airbase in 2017 and the related informal planning advice prepared by the Ministry of Defence confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings are capable of mitigation.
247. The Ministry of Defence has confirmed that night flights are rare occurrences and do not feature as part of a normal training regime at RAF Lakenheath. Accordingly it is unlikely that the night time sleep patterns of the occupants of these dwellings would be disturbed by aircraft noise to the extent that they would suffer adverse health issues as a consequence. This sets the application proposals apart from the 'Benson' appeal case raised by the Parish Council where night flights formed part of normal training routines and the Inspector considered there would be a considerable risk to the health of occupants of those proposals as a consequence. Furthermore, military helicopters were the subject of the Benson appeal whereas at Lakenheath, military jets are the principal noise source. Accordingly it appears to officers that circumstances differ between the Benson appeal and the Eriswell Road planning application such that the Inspectors conclusions in that case cannot automatically be applied to these proposals at Lakenheath.
248. Similarly, the circumstances were different at the Mobberley appeal scheme where the housing site was affected by constant, but varying noise from passing civilian aircraft at a busy airport. Furthermore, the dwellings in that case would also have been affected by noise from other sources (roads and industry). Again given the differing circumstances it is not appropriate to transfer the Inspectors conclusions to these proposals for development at Lakenheath.
249. That said, it remains the case that external spaces of the application site at Lakenheath, including the domestic gardens, public paths and public open spaces proposed, cannot be mitigated against the effects of aircraft noise. In this regard, and as the external areas cannot be defended to levels below WHO recommendations, it is likely that the residents of the proposed development would experience significant disturbance from peak noise events when aircraft pass their garden spaces and a proportion of these will be annoyed by the experience. As such, your officers consider the proposals conflict with Policy DM2, which states development proposals should (inter alia) not site sensitive development where its users would be significantly and adversely affected by noise unless adequate and appropriate mitigation can be implemented.
250. It might be assumed that, following a narrow assessment of the noise

impacts from military aircraft upon the development, that a refusal of planning permission could be justified. The external areas of the site cannot be mitigated to standards set out in the WHO guidance and, accordingly, breach planning policies that require residential amenity to be safeguarded. This is essentially the position the Parish Council has adopted with respect to the planning application.

251. Before the Committee considers reaching that same conclusion, however, it is important to exercise an element of planning judgement and, in this case, to consider the noise context of the site and, in particular, the context of the wider noise climate at Lakenheath. The Committee will also need to consider, notwithstanding the outcome of the noise assessment, whether there are any other mitigating factors which may serve to reduce the level of harm (or perceived harm) to residential amenity.
252. In this regard, officers' consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site would be reduced by i) the sporadic nature of the aircraft movements, meaning that noise events persist for short periods only (and for the majority of the time the background noise levels at Lakenheath village are no different to any other village), and ii) the non-operation of the base at weekends when the external areas of the site are likely to be most used. These factors contribute to your officers' view that harm arising from aircraft noise is not overriding in this case and should not, in isolation from other material planning issues, lead to planning permission being refused. Instead it is a matter for the Committee to consider in the 'planning balance'. Members will note the way in which the Inspector considered the impacts of aircraft noise in the balance in reaching her appeal decision in the appeal case at Broom Road, Lakenheath which is summarised above. Officer views with respect to the planning balance are set out in the concluding comments below.
253. If planning permission were to be granted in this case, conditions could be imposed in order to ensure maximum noise levels are achieved in relevant internal living spaces.
254. 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 (when both are used to their maximum capabilities). The Ministry of Defence has provided further information about the operations of RAF Lakenheath following the bedding down of the F35's as part of their request for a formal Screening Opinion of the project under the EIA Regulations (the documents are available on the Council website under register reference DC/18/0456/EIASCR).
255. The Screening Report states that the introduction of the F-35A aircraft is expected to result in a reduction in the overall number of military movements at RAF Lakenheath compared to the current baseline levels. This is owing to a reduction in the number of F15 jets stationed at the

base in combination with significant amounts of F35-A pilot training being carried out on the ground in computer simulators. The Screening Report includes modelled noise contours for the year 2023, following the bed-down of the F-35A squadrons, and illustrates a slight retraction of the 2017 (and current) noise contours. This signifies a minor improvement to the noise climate in the village. This improvement is unlikely to be perceivable by the civilian population of Lakenheath which means that, at 2023, the noise climate of the village (including the application site) will be comparable with the current situation. This means that, from the evidence made available, the future (imminent) expansion of RAF Lakenheath to receive the F-35A squadrons does not materially influence the determination of this planning application.

256. Whilst the predictive noise contours for 2023 illustrate a slight improvement in the noise climate of the village, including the application site, it remains appropriate to secure mitigation which responds to the current noise climate to ensure the 'worst case' scenario is addressed.

vii) Other noise and amenity related matters

*Vibration*

257. 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 2017, however, the Ministry of Defence altered its position which, at the time, was 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."*

- 258. Since those comments were received in 2017, the Defence Infrastructure Organisation has withdrawn all objections expressed previously to the planning application (including in relation to aircraft noise).
- 259. There is no evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft. Officers' are not aware of any issues in this regard from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
- 260. Without any evidence of harm or potential harm caused by vibration to the development proposals, it is considered unjustifiable to request vibration assessments from the applicant.
- 261. The effects of vibration from military aircraft activities on future occupiers of the proposed dwellings is likely to be perceived as opposed to having a tangible effect. 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.
- 262. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that only limited weight be attached to the potential harm.

#### *Public Safety*

- 263. At one time, the Defence Infrastructure Organisation was concerned that 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 at the time 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 or indeed elsewhere where pilots carry out training in the exercises.
- 264. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their aircraft away from built

up areas in the event of an emergency.

265. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in your officer's view is not sufficient to justify a refusal of planning permission or add any weight against the proposals.

*Impact of the proposed development upon existing residents*

266. It is not anticipated that the amenities of occupiers of dwellings abutting the south boundary of the site and to the west on the opposite side of Eriswell Road would be significantly adversely affected by development such that a decision on this planning application should be influenced. The layout of the development is a reserved matter such that matters relating to overlooking, overshadowing and loss of light (etc.) to these dwellings cannot be considered at this point in the planning process. Should outline planning permission be granted for this development and Reserved Matters are subsequently submitted, the impact of the development upon the amenities of the occupiers of the nearby dwellings would be a material consideration.

**Impact upon RAF Airbases**

267. The Framework states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by (inter alia) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.
268. The safeguarding division of the Defence Infrastructure Organisation has been consulted of the planning application proposals and has not raised any concerns in relation to potential safeguarding issues. There are no reasons to suggest that the proposed development (both in isolation and in-combination with other development proposals in the area) might adversely affect the safe and efficient operation of the RAF Lakenheath and RAF Mildenhall military airbases.

**Loss of agricultural land**

269. The Framework states that planning decisions should contribute to and enhance the natural environment by (inter alia) recognising the economic and other benefits of the best and most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
270. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed

land (brownfield land) at appropriate locations to accommodate new development in this period. Accordingly, the future development of greenfield sites is inevitable.

271. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently of use for agriculture is a dis-benefit of the scheme. Whilst not a matter that would justify a refusal of planning permission on its own, it is an issue to be taken into account in the planning balance.

### **Sustainable construction and operation**

272. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".

273. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.

274. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

275. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods.

276. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

277. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The 'standard' water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development if the Committee resolved to grant planning permission.

### **Cumulative Impacts**

278. Members will note from the table produced beneath paragraph 10 above there are a number of planning applications for major housing development currently under consideration at Lakenheath and Eriswell to the south. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites might be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, only limited assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
279. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the four planning applications for large scale housing development at Lakenheath which are ready to be determined. Project E from the table set out at paragraph 10 above is disregarded given its recent deemed refusal. Furthermore, project F (from the same table) is not included in the assessment given that it is accompanied by an Environmental Statement which will need to consider and mitigate individual and residual cumulative impacts.

### *Primary education*

280. 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 school site allocated within the emerging Site Allocations plan and which is subject to a two current (and separate) planning applications, is their 'preferred site' for the erection of a new primary school.
281. If planning permission is granted for that particular scheme, it would provide the County Council with opportunity 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 includes a large residential component. At its meeting in August 2016, the Development Control Committee resolved to grant planning permission for those proposals (include the school site). The planning application is yet to be finally determined, however, and will require a fresh decision from the Development Control Committee.

282. The delivery of a site for the construction of a new primary school (and therefore an opening date for a new school) remains relatively uncertain. In the worst case scenario, being that a school is significantly delayed or not delivered on the County Council's preferred site, the pupils emerging from the developments would need to travel to locations outside of Lakenheath in order to receive their education.
283. If primary school pupils (as young as four years old) are forced to leave the village in order to gain primary education as a consequence of the development proposals (individually and/or cumulatively) it would be an unfortunate consequence of development proceeding. That said, if the applicants' are willing to commit their 'pro-rata' share of the reasonable land and construction costs of the new primary school infrastructure that will be required to facilitate new development in the village, they will have done all they reasonably can to mitigate the impact of their development with respect to primary education provision.
284. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from the development proposals and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should development at Lakenheath proceed in advance of a new school opening.
285. Furthermore, it is also noteworthy that planning applications are presently being considered for the construction of a new primary school at the favoured site within the village. It is therefore considered unlikely (but not impossible) that the village would be left with planning permission for significant new housing without planning permission also being in place for the construction of a new primary school.
286. 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 and even if additional primary school places need to be provided outside of the village for a period of time, this would not lead to significant harmful impacts arising.

#### *Highways*

287. 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 now out of date 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 10). 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. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of other planning applications proposing significant new housing development in the village.

288. 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 10 of this report)
- 663 dwellings (specifically applications A, B, C and D from the table)
- 1465 dwellings (which addressed the housing included all planning applications current at the time; two planning applications have been refused planning permission/dismissed at appeal since that time) and
- 2215 dwellings (to enable sensitivity testing).

289. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications in hand at that time) concluded all of the junctions, 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 are 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.

290. 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.

291. 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.

292. 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 third party land outside of existing highway boundaries.
293. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first circa 850 dwellings (located on sites to the north of the junction) without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850th dwelling.
294. The study does not clarify precisely (or roughly) where the tipping point is and it is not precisely clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does however 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 without severe impacts arising.
295. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction (and are also applicants for the scheme being considered here) provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by Elveden Farms' traffic consultant:
- *"It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.*
  - *The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and this should be understood before any planning consent is granted for new development."*

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

- *"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.*
- *While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.*
- *The technical report does make a point about junction blocking impacting on overall performance, this is not considered to fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.*
- *Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.*
- *The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."*

297. Contrary to representations received on behalf of Elveden Farms Ltd, including that received latterly in June 2017, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts'



arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the existing highway.

- 298. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct and reliable.
- 299. 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 (or any of the planning applications proposing large scale development at locations to the north of the junction). This could be secured by means of an appropriately worded 'Grampian' planning condition.

*300. Breckland Special Protection Area and Maids Cross Hill SSSI*

- 301. The application site is outside the 1.5km buffers to the Breckland SPA but is located within the nesting buffer (as recently amended). The implications are considered as part of the Council's appropriate assessment of the planning application (Working Paper 1). In the light of the findings of the appropriate assessment, there are no concerns regarding potential direct impacts upon the Breckland SPA, both individually nor in-combination with other projects.
- 302. The SPA is also vulnerable to disturbance caused by 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 'in-combination' recreational impacts is required.
- 303. 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 design will contain measures to mitigate, off-set/avoid potential recreational impacts upon the SPA (i.e. areas of public open space and attractive dog walking routes for example). Notwithstanding this, the application proposals, left unmitigated, are likely to increase recreational pressure upon the Breckland Special Protection area and add to any detrimental effects arising to the species of interest (the woodland component in particular).
- 304. Furthermore, the development (if left unmitigated) is likely to increase recreational pressure upon the Maids Cross Hill SSSI to the east of the village. The SSSI is the only large area of recreational open space

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

305. Emerging Policy SA7 of the Site Allocations Development Plan Document allocates a number of sites to the north of Lakenheath for residential development, including the application site. The policy requires that any development proposals must provide measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Maidscross Hill SSSI and Breckland SPA. Measures should include enhancement and promotion of dog friendly access routes in the immediate vicinity of the development and/or other agreed measures.
306. 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.
307. The application proposals can contribute towards implementing the measures included in the greenspace strategy and, to this end, officers consider it would be appropriate for this particular development to provide sufficient capital funding to enable the provision of new and enhanced connecting pedestrian routes to the south of the village (in the vicinity of the site and to the south of Undley Road). This 'project' has been costed and the level of contribution agreed with the applicants.
308. With these measures in place, being the contribution of this particular development to a wider package of SPA mitigation measures and SPD levels of public open space provided at the site (including appropriate dog walking route/s), your officers conclude the potential impact of the development (both in isolation and in-combination with the other projects) upon the Breckland Special Protection Area and the Maidscross Hill SSSI, from increased recreational use would be satisfactorily addressed. Indeed, this is the conclusions of the 'Appropriate Assessment' already carried out by the Council under the provisions of the Habitats Regulations (paragraphs 70-74 above and attached Working Paper 1).
309. The Lakenheath Cumulative Traffic Study prepared independently to consider the potential cumulative impact of development upon the local transport network did not identify that any significant improvements or other alterations would be required to junctions close to the SPA designation (i.e. junctions to the north and south of Lakenheath onto the A1065 Brandon to Mildenhall Road). Accordingly, the highways mitigation arising from the proposed developments at Lakenheath would have no impacts upon the SPA.

#### *Landscape*

310. 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 around 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 (particularly to the north of the village), no significant cumulative landscape impacts would arise as a consequence.

#### *Utilities*

311. The potential cumulative impact of development upon the utilities network has been considered as part of the evidence base of the emerging 'SIR' and 'SALP' Local Plan documents. The Draft Infrastructure Delivery Plan (DIDP) does not raise any issues with respect to the ability of the utilities infrastructure to absorb the level of growth proposed in the emerging plan. Accordingly, there are no concerns with respect to the potential cumulative impacts of the four planning applications proposing new residential development at Lakenheath given that all of these schemes are in the emerging Plan and were therefore included within the scope of the DIPD assessment.

#### *Air Quality*

312. The Council's Environmental Health Officers initially expressed concerns about the potential combined impact of the developments proposed at Lakenheath upon air quality and requested further information from the proposals.
313. 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.
314. 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*

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

#### **Planning Obligations**

316. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. These (alongside the restrictions imposed by 123 of the Regulations) are set out at paragraphs 82-85 above. The Framework (and the National Planning Policy Guidance) also advises with respect to the approach to be taken in relation to development viability.
317. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.
318. The developer has confirmed a willingness to meet the required obligations and a formal Agreement under S106 of the 1990 Act is at an advanced stage. The planning obligations to be secured from the development, which includes a 'policy compliant' package of affordable housing provision, are 'viable' insofar as these would not deem the development 'undeliverable' in financial terms.
319. The following developer contributions are therefore required from these proposals.

#### Affordable Housing

320. The Framework states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing). Where a need for affordable housing is identified, the Framework advises that planning policies should specify the type of affordable housing required and expect it to be met on-site unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
321. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (which includes 'shared ownership' homes)
322. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (up to 40 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
323. More than 10% of the affordable housing to be secured from the scheme

will be 'affordable home ownership' as required by the NPPF. The affordable housing to be secured from this development are considered to be CIL Regulation 122 compliant (Regulation 123 restrictions are not relevant to affordable housing provision).

#### Education

324. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create expand or alter schools through decisions on applications.
325. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested a financial contribution from this development that is to be used towards the construction of a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. These contributions would be secured via the S106 Agreement.

#### Public Open Space

326. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users (e.g. by adding links to existing rights of way networks).
327. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
328. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development,

developers will be required to provide open space and other facilities or to provide land and financial contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106 Agreements).

329. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals (both for on-site 'in-kind' provision and off site 'cash' contributions). Accordingly, with planning applications for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure for later consideration the provision of public open space in accordance with the SPD requirements via the S106 Agreement. The precise areas of land and any financial contributions for future maintenance (if transferred to the Council) would be secured by the formulaic approach in the S106 Agreement.

#### Transportation

330. The Highway Authority has requested a contribution to be used towards delivery of a new and improved village-wide cycle and pedestrian scheme. The scheme comprises crossing provision in the form of pedestrian refuges, a new toucan crossing, new footways, conversion of footways to shared cycle/pedestrian facilities, new '20's plenty' signing, signing through the village for cycle routes, dropped kerbs and associated costs. The applicant has agreed to the contribution which officers consider meets the tests of CIL Regulation 122. Furthermore, this would be one of four obligations that contributions towards this particular project and would therefore also comply with the tests at CIL Regulation 123.

#### Libraries

331. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested financial contribution to off-set the impact identified. The County Council has confirmed the monies would be used towards providing a new library facility co-located with the primary school. Officers consider the planning obligation would comply with the requirements of Regulations 122 and 123 of the CIL Regulations.

#### Health

332. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, a health contribution of just over £46,000 (£329.14 per dwelling) has been requested to provide additional capacity at the local GP surgery. Again, the applicants have agreed to the contribution which

officers conclude meets the tests at CIL Regulations 122 and 123.

### Summary

333. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 122 tests set out at paragraph 83 above. Furthermore, none of the infrastructure projects included in the S106 Agreement will have 5 or more obligations contributing to them (including from the four 'Lakenheath' planning applications on this evenings agenda). Accordingly, the proposals also comply with the 'pooling restrictions' of CIL Regulation 123.

### **Conclusions and Planning Balance:**

334. This report finds the application proposals are contrary to the dominant operative policies of the Development Plan for the area. This is principally owing to the location of the development in the countryside outside the defined village settlement boundary where new housing development is strictly controlled. The consequence arising from the breach of the Development Plan is a 'presumption against' the proposed development.
335. Not only do the proposals offend the 'spatial' policies of the plan by proposing development on a 'greenfield' site in the countryside, they would also harm the local landscape by intensifying the use of the site, and provide new buildings in the countryside. Officers' consider this harm is capable of some mitigation but conclude overall minor adverse impacts would occur to the countryside, thus adding a degree of weight to the 'in-principle' Development Plan led objections to the scheme. It is also of note in this respect that the development of 'greenfield' sites in countryside locations on the edge of key service centres, which would necessitate the loss of agricultural land (including the 'Best and Most Versatile' land) is inevitable if the Council is to meet its current and future housing targets.
336. The location of the development in an area where the external spaces of the site would be adversely affected by aircraft noise, particularly so during peak noise events when aircraft are passing close by, also breaches Development Plan policy. In this case, and having considered the sporadic context of the noise events, the general absence of impact at weekends and the fact that the internal spaces can be adequately defended to relevant noise standards, Officers consider that a grant of planning permission could be justified in this case despite the proposal's identified conflict with WHO guidelines for external areas and (therefore) relevant local planning policy. Officers consider there would remain a degree of harm to the amenities of the occupiers of the development arising from the impacts of aircraft noise and attribute the

conflict moderate weight in the planning balance.

337. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development. The in-combination effects of this development with other planned housing developments at Lakenheath could have significant impacts upon local primary education provision and could force some pupils to leave the village to secure their primary school place. This harm is tempered, however, by temporary nature of the arrangement whilst a new school is built and in the absence of objections from the Local Education Authority. Furthermore, the Local Education Authority has not suggested that pupil attainment would be adversely affected by any temporary arrangements to transport pupils to other locations (should this indeed be necessary). This short term and low level harm identified is attributed only very limited weight against the proposals.
338. As previously confirmed, Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions. As already noted, this is not a case where the presumption in favour of sustainable development (in paragraph 11 of the NPPF) is applicable. Paragraph 12 of the NPPF does recognise that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. That policy reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;
- The absence of a five year supply of land (should the current planning applications at Lakenheath not be approved) lends significant weight in support to the principle of these development proposals, notwithstanding the fact there is no presumption in favour of the development under the provisions of the NPPF.
  - The proposals would provide up to 40 much needed affordable housing units. Officers consider this should be afforded significant weight in support of the proposals.
  - The application site is allocated for a housing development of the same scale as that proposed by this planning application in the emerging Site Allocations Local Plan document. Whilst the plan has reached an advanced stage, having been the subject of hearings before Inspectors, including sessions to examine the Inspectors modifications, the Inspectors final report is currently awaited. As there were unresolved objections to the inclusion of the application site within the document, officers consider the allocation of the application site for housing development within the emerging Plan should be afforded only moderate weight in support of the planning



application at the present time.

- The construction of the site would lead to economic gains realised through the financial investment and employment created during this phase. Further benefits would accrue from the increased population that would spend money in the local economy and the increased housing stock would provide accommodation for more workers. Such benefits would, however, also be realised equally if these dwellings were to be provided elsewhere in the District on alternate sites. This consideration serves to temper the weight to be attributed the economic benefits, which officers consider should be afforded only modest weight in support of the development proposals.
- The majority of developer (cash) contributions are secured from the proposals in order to mitigate impacts identified from the development (for example education provision and highway works) and are therefore considered neither benefits nor harm. The provision of public open space on the site and a financial contribution towards new and enhanced footpaths in the vicinity of the application site, would be available for use by more than the residents of the scheme and officers consider these new community assets should be afforded moderate weight in favour of the scheme.

339. It is your officers' view that the benefits of the development set out above are relevant 'material considerations' to assist with consideration of whether planning permission should be granted as a departure from the Development Plan in this case. The weight to be attributed to the identified 'benefits' and 'harm' identified is a matter for the decision maker to consider and balance in each case. The Committee will need to resolve whether the 'material considerations that may indicate otherwise' are of sufficient weight to over-ride the identified breaches of current Development Plan policies.

340. In this case, officers have carefully considered the 'other material considerations' raised by the application proposals and conclude the collective benefits that would arise from the application proposals are substantial and are of sufficient weight to warrant a planning decision contrary to the Development Plan. The identified benefits are also considered to outweigh the moderate harm identified to primary education, the landscape, loss of agricultural land and impacts upon the amenities of in-coming residents to the development whose gardens areas (and public open space) would be adversely affected by noise from military aircraft activities. Officers' conclude that a decision which departs as an exception to the normal provisions of the Development Plan is justified in this case.

341. Having carefully considered all of the issues raised by the planning application proposals, including the evidence and opinions submitted on behalf of the applicants, the contributions of key consultees and the views of the Lakenheath Parish Council and Members of the public whom have participated, your Officers have formed a view there is sufficient planning justification to recommend that planning permission is

granted, subject to prior completion of a S106 Agreement to secure necessary developer contributions and a number of controlling and safeguarding conditions.

**Recommendation:**

342. That, outline planning permission be granted subject to:

The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure::

- Affordable housing (30% - up to 42 dwellings)
- Education contribution (Primary School – up to £ £655,970 towards build costs and up to £45,290 towards land costs)
- Pre-school contribution (up to £129,052 for construction and up to £6,689 towards land acquisition costs)
- Libraries Contribution (up to £30,240)
- Public Open Space contribution (in accordance with the SPD and, if required, optional commuted sum for future management and maintenance of the space)
- Strategic Highway Contribution - £44,248.87
- (for sustainable links to village amenities – pro rata contribution)
- SPA/SSSI Recreational Impact Contribution – £19,043.50
- Health contribution to improve the capacity of the Lakenheath surgery and its branch at Hockwold

And subject to conditions, including:

- Time limit (3 years for submission of reserved matters and 2 further years for commencement following approval of the RM's)
- Materials (details to be submitted with the Reserved Matters)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space and SuDS (strategy for future management and maintenance of this infrastructure)
- Landscaping (precise details of new hard and soft landscaping and a landscaping strategy)
- Retention and protection of existing trees, shrubs and hedgerows to be retained (details to be provided with the landscaping scheme at Reserved Matter stage)
- Ecological measures (including appropriate 'refresher' surveys)
- Construction management plan (to include waste minimisation and recycling, tree/hedgerow protection measures/deliveries management plan, dust management, wheel washing, working hours (including deliveries and operation of generators, lighting scheme (if any), site compound/storage/staff parking areas)
- As recommended by LHA (including any Travel Planning measures)
- Contamination & remediation (further investigations and any remediation necessary)
- Compliance with Building Control Requirements for reduced water consumption

- Means of enclosure (to be submitted with Reserved Matters)
- Noise mitigation measures and validation.
- Provision of fire hydrant/s
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Archaeology

That, in the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 342 above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

**Documents:**

Attachments:

WORKING PAPER 1 – Habitats Regulations Assessment (Jaki Fisher – July 2018).

WORKING PAPER 2 – Statement of Common Ground between Forest Heath District Council and the Defence Infrastructure Organisation (August 2017).

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/simpleSearchResults.do?action=firstPage>