



Forest Heath
District Council

DEV/FH/18/027

Development Control Committee 7 November 2018

Planning Application DC/18/0614/FUL – Land East of Beeches Road, Beeches Road, West Row

Date Registered:	13.04.2018	Expiry Date:	13.07.2018 (EOT until 30.11.2018)
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Mildenhall	Ward:	Eriswell and the Rows
Proposal:	Planning Application - 46 no. Dwellings (including 14no. affordable dwellings) with the creation of new vehicular access onto Beeches Road		
Site:	Land East of Beeches Road, Beeches Road, West Row		
Applicant:	Mr Jonathan Waters		

Synopsis:

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

Recommendation:

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

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Background:

This application is referred to the Development Control Committee because the applicant is related to the Leader of the District Council and because the application is contrary to the Development Plan.

1.0 Proposal:

1.1 Full planning permission is sought for 46 dwellings (including 14no. affordable dwellings) and the creation of new vehicular access onto Beeches Road.

2.0 Application Supporting Material:

2.1 The planning application is accompanied by the following drawings and reports:

- Drawings (Location Plan, Block Plan, Dwelling & Garage Elevations & Floorplans and Street scene Drawings)
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Phase I Contamination Report
- Phase I Habitat Survey
- Breeding Bird survey
- Reptile Survey
- Development brief

3.0 Site Details:

3.1 The site is situated south of Mildenhall Road, east of Beeches Road and north of Chapel Road. Mason Gardens is also directly south of the proposed site. The local primary School, village shop, hairdressers and a fast food take away are to the west and various community facilities (tennis courts, recreation ground, sports pavilion, village hall, allotments) are located to the south west.

3.2 Mildenhall Air Base is located to the north east. A footpath is on the eastern side of the site and links Mildenhall Road and Chapel Road. This footpath then links into another footpath which links Chapel Road and Church Road.

3.3 The site is located outside the existing Housing Settlement Boundary for West Row, but the site is a preferred site for development in the forthcoming local plan site allocations.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/14/2047/HYB	Hybrid Planning Application comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline	Pending Decision	

application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

DC/17/0964/FUL	Planning Application - 6 no. dwellings (adjoining development proposed under application DC/14/2047/HYB).	Application Withdrawn	02.05.2018
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5.0 Consultations:

- 5.1 Mildenhall Parish Council – Object. Concerned with the access and egress and the proximity of the school crossing. Parking in term times will totally block the view of anyone exiting onto Beeches Road. Also concerned with the capacity of the drainage systems especially the sewerage. Over-development of the site regarding the layout and density of the houses in regard to large vehicles like a refuse truck.
- 5.2 SCC Planning Obligations – require contributions towards enhanced primary and secondary education provision, along with contributions towards enhanced library facilities.
- 5.3 SCC Flood and Water – Although the overall drainage strategy is acceptable for the site, several concerns have been raised with the detailed technical information submitted with the application. At the time of writing this report the applicant has still to address these matters and a further update will be given to members at the committee meeting.
- 5.4 MOD (Noise) - Consider the available supporting information insufficient in order to determine the suitability of the development for its proposed use, or in order to clearly demonstrate that the occupants of that development will have acceptable protection from noise. However, they also comment that if the LPA were minded to grant planning consent for the proposed development, appropriate planning conditions should be considered to ensure that acceptable internal noise levels are achieved during daytime and night-time periods (in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', and in line with those agreed between the MOD and FHDC).
- 5.5 Public Health and Housing – No objection, subject to conditions dealing with construction hours and the protection of residential amenity during construction.

- 5.6 Conservation Officer – (Original plans) the provision of housing immediately adjacent to the listed building (namely units 21 and 22) would detract from the significance of the heritage asset due to its impact on the setting appearing as an intrusion to its rural setting and the loss of domestic curtilage, causing harm to the significance of the heritage asset. Such harm could be addressed with the removal of the two most northerly units. (Amended plans) – no comments received.
- 5.7 Ecology and Landscape Officer - For Appropriate Assessment to conclude no adverse effect on integrity of Breckland SPA from cumulative recreational pressure, measures should be provided that would influence recreation in the surrounding area. These measures could include provision of on-site open space/ green infrastructure, promotion and facilitation of recreational connectivity including connection to the PRoW network and potentially a contribution (financial for a defined project or SANG) to mitigate cumulative effects. The current proposals do not include such measures. Comments on amended proposals awaited.
- 5.8 SCC Highways – Formal comments on amended plans awaited. No objection in principle, subject to appropriate conditions dealing with off-site improvement works (provision of zebra crossing) and access, parking and highway drainage details.
- 5.9 Strategic Housing – Support. The developer is proposing to provide 14 affordable homes and an appropriate mix has been agreed. Tenure will be 70% affordable rent and 30% shared ownership.
- 5.10 Suffolk Wildlife Trust – no objection, subject to the implementation of the mitigation outlined in the ecological report and surveys.

6.0 Representations:

- 6.1 A total of 16 letters of objection received from local residents raising the following issues of concern:
- Danger from construction traffic opposite the school
 - Loss of agricultural land
 - Cramped development with a lack of green space
 - Affordable housing should be made available to local people
 - Additional pressure on infrastructure including the school
 - Development not in accordance with the local plan
 - Danger from increased traffic opposite the school
 - Development too large with poor access
 - No provision of enhanced green infrastructure
 - Lack of public transport to serve the development
 - Development not in keeping with the nature and character of the village.

7.0 Policy:

- 7.1 The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM17 Conservation Areas
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM41 Community Facilities and Services
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

- Core Strategy Policy CS10 - Sustainable rural communities
- Core Strategy Policy CS13 - Infrastructure and developer contributions

8.0 Other Planning Policy:

8.1 National Planning Policy Framework 2018

8.2 Emerging Site Allocations Local Plan under Policy SA14(a). This Policy allocates a 7.8 hectare site to the east of Beeches Road for residential development (indicatively 152 dwellings) and the expansion of the school.

9.0 Officer Comment:

9.1 The issues to be considered in the determination of the application are:

- Principle of Development
- Highway Impact
- Open Space, Design and Layout
- Ecology
- Noise impact from RAF Mildenhall
- Planning obligations

Principle of Development

9.2 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 comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010). National planning policies set out in the revised National Planning Policy Framework 2018 are also a key material consideration.

9.3 The development site is subject to a current hybrid application, DC/14/2047/HYB. This includes a full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, and an outline application with all matters reserved for the erection of up to 90 dwellings and 7 self-build homes. The provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation is also proposed. It is understood that progress with this application has now stalled, and the application remains undetermined.

9.4 At the Forest Heath Development Control Committee on the 03.08.2016, members resolved to grant permission for the above development subject to conditions and the completion of a S106 legal agreement to secure the following:

- Proportionate Highway contribution to an altered Queensway Junction
- SCC Travel Plan evaluation and & support officer – £1,000 per year up to 5 years from final occupation
- Travel Plan Bond - £123,623

- Rights of Way (footpath improvements) - Between £82,320 and £88,920 depending on the order making process.
- Primary Education £401,973
- Pre School £73,092
- Public Transport £15,000
- Affordable Housing in perpetuity - 30%
- Library Provision - £2,208
- Health - £45,380.00
- Off-site skylark habitat compensation – Control of land and provisions

- 9.5 The site is also subject to an allocation in the emerging Site Allocations Local Plan under Policy SA14(a). This Policy allocates a 7.8 hectare site to the east of Beeches Road for residential development (indicatively 152 dwellings) and the expansion of the school. Any development of the site should provide for measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to the Breckland SPA. Strategic landscaping, archaeological investigation and sustainable travel provision including for pedestrians and cyclists should also be included.
- 9.6 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.
- 9.7 Paragraph 59 of the NPPF 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.
- 9.8 In addition, the NPPF 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).
- 9.9 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.
- 9.10 However, 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.
- 9.11 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. 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.
- 9.12 However, 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.
- 9.13 Although the proposals for residential development in the countryside are contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites, the harmful impact on the wider landscape character is considered to be minimal. This largely being due to the proximity of the site to other built areas of the village and the containing nature of the boundary trees and hedging to the north, south and west of the site.
- 9.14 The minimal harmful impact of the proposed development upon the landscape is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new boundary landscaping (the precise details of which could be secured by condition).
- 9.15 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. 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. However, it remains the case that the planning application falls to be determined in accordance with Section 38(6) of the 2004 Act with the NPPF and the emerging site allocation policy being key material considerations.

- 9.16 The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and the NPPF, taking into account relevant material planning considerations. The planning obligations set out above are reviewed and updated in paragraph 9.43 below.

Highway Impact

- 9.17 The application site proposes a single highway access to Beeches Road, with a new junction created just to the south of the school. The arrangement is as proposed under application DC/14/2047/HYB and has already been accepted in principle by SCC Highways. The estate road into the site would be to adoptable standard with appropriate footpath provision. A new zebra crossing to Beeches Road opposite the school is proposed to provide a safe and convenient access from the site to the school and other village amenities. The exact position of the crossing will be confirmed by SCC Highways and would be the subject of a traffic analysis and safety audit.
- 9.18 The proposed estate road has been arranged to allow for future potential access to the remainder of the wider SA14 site, so as not to prejudice the delivery of the remainder of the residential allocation. The proposed cycle path is to the south of the proposed access road, leaving it available to continue through to any proposed further future development to the south.
- 9.19 Following SCC Highway's initial comments, additional parking has been provided throughout the site in accordance with adopted standards. Cycle storage has been provided for all plots either in sheds in rear gardens or incorporated within garage space, and all plots have been provided with bin storage locations.
- 9.20 Subject to appropriate conditions requiring the submission of detailed designs for the access junction, off-site highway works and estate roads, the application has demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety. Safe and suitable access can be achieved for all users. The proposal accords with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

Design and layout (inc. open space)

- 9.21 The application proposes a mixture of 1, 2, 3, 4 & 5 bed dwellings, the majority of which would be two-storey in terms of scale. Two single-storey bungalows are also proposed. The housing layout is similar to that proposed in application DC/14/2047/HYB and this has already been found acceptable by members of the Forest Heath Development Control Committee. Due to the shape of the site, the development follows a linear

pattern to either side of the estate road, with the majority of dwellings having front and rear gardens with in-curtilage parking. The materials proposed would be in-keeping with the local vernacular including the use of pantiles, red brick and weatherboarding.

- 9.22 The comments of the Conservation Officer have been taken on board in respect of the adjacent listed building at the north of the site. Although not removing plots 21 and 22 from the scheme, the amended plans have reduced the scale of these dwellings so that there are now single storey. This reduces their impact within the skyline, reducing the impact on the setting of the listed building. The siting of these dwellings in proximity to its boundary will still have impact on the setting of the listed building, although taking into account the fact that the current setting to the north-east of the listed building will remain unchanged, any harm to the setting is considered to be limited.
- 9.23 This type of development generates a requirement for on site open space in accordance with Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. The application is not proposing any on-site open space in this case. This triggers a default position of requiring a financial contribution in lieu of there being on-site provision. However, in order to comply with the Community Infrastructure Levy Regulations 2010 and the pooling requirements therein, any financial contribution needs to provide for funding towards a particular infrastructure project.
- 9.24 In this case the applicant has identified that the local Bowls Club are looking to extend their built facility to accommodate other community activities. The Service Manager for Operations, Leisure and Culture has confirmed that a financial contribution towards this facility in lieu of on-site open space provision meets the requirements of the SPD. A contribution of £86,278 has been agreed as being a reasonable and proportionate amount, and this can be secured via a Section 106 legal agreement.
- 9.25 Overall in terms of design, scale, appearance and overall sustainability, the proposed development is considered to perform well when assessed against Joint Development Management Policies DM13, DM22 and the NPPF.

Ecology

- 9.26 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 2017.
- 9.27 The site is within 3.7km of Breckland Special Protection Area (SPA), in this case Breckland Forest. This is a site of international importance, important for woodlark and Nightjar. The site is sufficiently remote from the boundary of the SPA and its constraint zones for direct impacts to be screened out. However the potential for the construction of residential dwellings on this site has been considered in relation to the potential to contribute to recreational pressure on the SPA.
- 9.28 Policy SA14 of the Site Allocations Document allocate sites for housing development at West Row. The policy requires that development must provide measures for influencing recreation in the surrounding area, to

avoid a damaging increase in visitors to the Breckland SPA. Measures should include provision of suitable alternative natural greenspace and the enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures. In addition strategic landscaping and open space must be provided to address the individual site requirements and location. The SIR and SALP have been subject to HRA which takes into account the policy wording and the implementation of the recommendations in the natural greenspace study.

- 9.29 As such it is necessary that residential applications within this distance to the SPA provide their own sufficient green infrastructure to allow for recreational activities on site such as dog walking paths, allotments and areas of natural green space. Such on site provision will help to ensure that new residents are not travelling to the adjacent protected sites because there is insufficient quality green space. Of particular concern is ensuring residents are able to exercise dogs. Mitigation in the form of provision of well connected open space that will serve as local green space for residents should be provided on this site and connection to the wider network of public rights of way is a priority.
- 9.30 For Appropriate Assessment to conclude no adverse effect on integrity of the Breckland SPA from cumulative recreational pressure, measures should be provided that would influence recreation in the surrounding area. These measures could include provision of on-site open space/ green infrastructure, promotion and facilitation of recreational connectivity including connection to the PRoW network and potentially a contribution (financial for a defined project or SANG) to mitigate cumulative effects.
- 9.31 Members resolved to approve hybrid application DC/14/2047/HYB that included a financial contribution of £87, 000 for the conversion of two footpaths (FP7 and FP8) to a Public Bridleway, and surface improvement works. As this full application seeks permission for dwellings on part of the wider allocated site, it is appropriate to consider a proportionate contribution towards similar footpath improvement works. There are also other footpaths close to the site (to the west), that could also benefit from improvements. At the time of writing this report final comments from the County Council's Public Rights of Way officer are still awaited, but any approval of this application for 46 dwellings will be subject to a S106 legal agreement that will secure a financial contribution towards footpath improvement works.
- 9.32 With the above mitigation in place, it is possible to conclude that there would be no adverse effect on the integrity of Breckland SPA from cumulative recreational pressure in accordance with emerging Policy SA14 and the Conservation of Habitats and Species Regulations 2017.
- 9.33 The application is accompanied by an Ecological report, a Breeding Bird survey, and a Reptile Survey. Of significance for breeding birds, the report notes that for the wider site (application DC/14/2047/HYB) Skylark mitigation was required for the scheme. However, this mitigation was in relation to a larger area including the arable fields to the east or south, which are known to support breeding Skylark. Although the grassland previously growing on this application site was considered suitable for Skylark, providing intermittent breeding habitat, at the current conditions

this site is not considered suitable for breeding Skylark, and is unlikely to have provided permanent nesting habitat previously. Therefore, the proposed development is not considered to impact the breeding habitat available to Skylark, and as such Skylark mitigation is not considered necessary for this smaller site. (Subject to the grassland on the site being maintained so it remains unsuitable for Skylark and other ground nesting birds prior to and during construction.)

- 9.34 In respect of reptiles, the report notes that there is a small population of Common Lizard on the site. The main concentration of reptiles was located along the existing hedgerow in the north eastern section of the site. A small concentration of reptiles is likely to be using the grassland located immediately north of the area where reptiles have been confirmed, and that the hedgerow habitat is likely to be used as hibernation habitat. The hedgerow and field margin habitats within the site boundary are therefore considered important for reptiles. Providing the recommendations within this report are adhered to, there will be limited direct impact upon the reptile species present on site. Ecological mitigation can be required by condition ensuring the application accords with the requirements of Core Strategy Policy CS2 and JDM Policy DM12 in this respect.

Noise impact from RAF Mildenhall

- 9.35 Both the NPPF and the Local Plan Policy seek to protect and secure a good standard of amenity for new and existing development. Paragraph 170(e) of the NPPF provides brief guidance on planning and noise and states that planning decisions should enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.
- 9.36 Policy DM2 of the JDMP seeks to avoid sensitive development where its users would be significantly and adversely affected by noise, smell vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.
- 9.37 In a Statement of Common Ground dated August 2017, forming part of the SIR and SALP process, The Council and the Defence Infrastructure Organisation (DIO) agreed a form of conditions to be imposed on noise sensitive development position in respect of allocated sites within the designated noise contours. All dwellings would therefore need to meet the World Health Organisation (WHO) guidelines in respect of noise (in this case from military aircraft). Of course this does not negate the need for the impact of noise to be properly assessed.
- 9.38 To meet the WHO guidelines it should be demonstrated that noise levels inside a living room, with the windows closed, shall not exceed a daytime level of 35dB LAeq (16rs) during the daytime, and in the bedrooms at night-time a level of 30 dB LAeq (8hrs) should not be exceeded. An agreed condition can secure this.
- 9.39 The application site lies outside the 63 dB LAeq, 16h noise contour RAF Lakenheath (dated 2017) and just outside of the 66 dB LAeq, 16hr noise contour for RAF Mildenhall (dated October 2015). However, the RAF Mildenhall contour does not include the contribution from the operation of

CV-22 Osprey aircraft operating more recently from RAF Mildenhall. The initial compliment of 2 aircraft arrived at the base in July 2013, however since this time the number of aircraft has increased and now there are 10 CV-22 aircraft based there. The number and frequency of sorties for this aircraft will have also increased since 2013.

- 9.40 The results of a noise survey in 2014, submitted to accompany application DC/14/2047/HYB indicated that sound levels in this area were actually in the region of 64-66 dB LAeq, 16h. Having regard to this survey the MOD consider the site to be located within an area subject to low-medium noise levels. In order for the MOD to be confident that future occupants will be adequately protected from adverse noise, the developer would normally be expected to provide a suitably detailed and comprehensive noise assessment containing an acoustic design statement (ADS). The applicants have not chosen to submit a noise assessment and they are confident that the required noise attenuation through construction can be achieved.
- 9.41 Having regard to the above, and to try and ascertain the significance of the impact of the CV-22 Osprey aircraft, further evidence as to the frequency and flight path of the CV-22 Osprey aircraft was requested from the MOD. At the time of writing this report no further information has been forthcoming. It is generally understood however that the flight path of these aircraft is not directly over West Row and the application site. The noise from the aircraft is at its loudest when arriving and departing the base along the course of the runway. This noise from the aircraft occurs for a very short period of time and is infrequent.
- 9.42 Taking into account the above officers considered that, notwithstanding the absence of a recent noise survey with the application, the internal noise levels within dwellings required to meet the WHO guidance can be achieved. In accordance with the Statement of Common Ground this requirement can be secured by condition. Subject to this condition, the proposal would accord with the NPPF and JDM Policy DM2 in this regard.

Planning Obligations

- 9.43 In order to meet the infrastructure requirements of the development in accordance with Core Strategy Policy CS13, the following planning obligations will be secured through the completion of a S106 legal agreement:
- Primary Education - £121, 810
 - Secondary Education - £168, 299
 - Public Transport (amount to be confirmed)
 - Affordable Housing in perpetuity - 30%
 - Library Provision - £736
 - Contribution towards PROW footpath improvements (amount to be confirmed following consultation with SCC – maximum of £88, 920)
 - Contribution towards the local Bowls Club for the extension of their built facility to accommodate other community activities - £86,278

Other matters

- 9.44 Archaeology - The application lies in an area of archaeological interest defined in the County Historic Environment Record, situated within the historic settlement core of West Row (MNL 676). The proposed works

would cause significant ground disturbance with the potential to damage any archaeological deposit that exists. Suffolk County Council Archaeology have advised that they do not object to the development, provided that any permission granted is subject to a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to this condition, the development will accord with JDM Policy DM20 in this regard.

9.45 Drainage – the comments of SCC are noted and at the time of writing this report the applicant is addressing the concerns raised and will provide the technical information required. These matters are likely to be concluded ahead of the committee meeting, and members will be updated accordingly. The implementation of the agreed drainage measures and/or the submission and approval of detailed engineering drawings can be required by condition.

9.46 Energy efficiency – JDM Policy DM7 states that

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

9.47 The applicant's Design and Access Statement states that the development will;

"incorporate (where appropriate) established sustainable design principles together with additional sustainable technologies and material selection to optimise the developments overall sustainability credentials and minimise embodied energy and maximise recycled content and reuse."

9.48 However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant's sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations (in accordance with Policy DM7 requirements).

9.49 Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support,

and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.

- 9.50 In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.
- 9.51 Local residents and Parish Council – the comments of local residents and the Parish Council have been taken into account. The concerns about infrastructure impact and construction traffic are understood, however any permission would be subject to a legal agreement being entered into to provide for financial contributions towards education, enabling SCC to enhance the education provision at the local school(s). Construction traffic will be dealt with through the requirement for a Construction Management Plan to be submitted and approved that will help to ensure that inconvenience and disturbance from traffic during construction is kept to a minimum and that due consideration is given to the amenity of local residents.
- 9.52 The impact on the existing amenity of neighbouring dwellings to the development site has been considered having regard to the scale, design and layout of the development, and Officers are satisfied that there will be no significant loss of existing residential amenity.
- 9.53 Concerns regarding the principle of the development of this greenfield site are also acknowledged, however this site is part of an emerging local plan allocation for residential development and members have already resolved to approve development on this site. These are both material considerations of significant weight that support the principle of development of the scale proposed on this site.

10.0 Conclusion:

- 10.1 This report has identified that the proposed development due to its location outside the current settlement boundary is contrary to the development plan. 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 proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;
- The application proposes the development of part of an emerging allocation for residential development, which is highly likely to be formally adopted as part of the new Forest Heath Local Plan by the end of the year. This is a material consideration that carries significant weight in favour of the proposed development.
 - The development would contribute 46 dwellings towards the five-year housing supply, and provide 14 much needed affordable homes.

- The development of the site would lead to economic gains realised through the financial investment and employment created. Further benefits would accrue from the increased population that would spend money in the local economy. This can be afforded modest weight.
- The provision of a financial contribution towards enhanced footpaths in the area would benefit more than just the residents of the scheme and Officers consider these new community assets should be afforded moderate weight in favour of the scheme.

10.2 The information submitted with the application (as amended) has demonstrated that a sustainable development of 46 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the emerging allocation Policy SA14, and the NPPF 2018 (as set out in this report). Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, public footpaths, and improvements to the local Bowls club. The impact of military aircraft noise from RAF Mildenhall has been considered, and the comments of the MOD and Public Health and Housing have been taken into account. Officers have concluded that whilst there will be harm to amenity from aircraft noise outside of the dwellings, internal noise levels within the WHO guidelines can be achieved through suitable mitigation. Furthermore the application would not prejudice the delivery of the remainder of the emerging site allocation.

10.3 In conclusion, having considered the material considerations raised by the application proposal, Officers consider that the collective benefits arising from the development are substantial and are of sufficient weight to allow the development to be approved contrary to the Development Plan.

11.0 Recommendation:

11.1 It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for planning obligations set out in Paragraph 9.34 of this report, and the following conditions:

1. 3 year time limit for permission
2. In accordance with approved plans
3. Materials
4. Detailed landscaping scheme to be submitted
5. Boundary treatments to be submitted and agreed
6. Site Levels
7. Energy efficiency (water consumption)
8. Off-site highway works
9. Highway details (access) to be agreed
10. Details of estate roads to be agreed
11. Parking and access to be provided before occupation
12. Highways drainage details to be agreed
13. Electric vehicle charging points
14. Ecological mitigation
15. Site drainage details to be agreed
16. Internal noise levels of dwellings in accordance with WHO guidelines
17. Construction hours

18. Construction Management Plan to be agreed
19. Land contamination survey/mitigation to be submitted and agreed
20. Air quality – provision of electric vehicle charging points
21. Archaeology – written scheme of investigation to be submitted, agreed and implemented
22. Energy statement to be submitted, agreed and implemented.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0614/FUL](https://www.dorsetcouncil.gov.uk/DC/18/0614/FUL)