

Development Control Committee
4 March 2020

Planning Application DC/17/2474/OUT –
Land South of Bury Road, Kentford

Date Registered:	13.12.2017	Expiry Date:	14.03.2018 EoT 9.3.20
Case Officer:	Charlotte Waugh	Recommendation:	Refuse Application
Parish:	Kentford	Ward:	Kentford and Moulton
Proposal:	Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019		
Site:	Land South of Bury Road, Kentford		
Applicant:	Heritage Developments Ltd - Mr M Bartram		

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:

The application is referred to the Development Control Committee given the controversial nature of the application and recommendation, where, despite the potential benefits, the Local Authority is recommending refusal of an affordable housing exception site. Kentford Parish Council object to the application.

Proposal:

1. The outline application has been amended during the course of its consideration and now seeks consent for up to 19 dwellings with means of access, appearance and scale included for consideration. The site is submitted as an affordable housing exception site to provide affordable homes for those people locally who are in housing need.
2. Two vehicular accesses are proposed off Bury Road, as well as highway improvements such as a footpath to connect the development to that existing to the south.
3. A woodland park is proposed at the Eastern end of the site including play equipment.

Application Supporting Material:

4. Information submitted within the application is as follows:
 - Application form – amended
 - Plans
 - Planning/Design and Access Statement – inc. addendum
 - Phase 1 Habitat Survey
 - Reptile Survey
 - Bat Survey
 - Environmental Noise Assessment
 - Flood Risk Assessment
 - Gas Risk Assessment
 - Phase 1 Desk Study Report
 - Housing Needs Survey
 - Transport Statement
 - Arboricultural Implications Assessment
 - Tree Removal Plan
 - Landscape and Visual Issues Technical Note

Site Details:

5. The site is located on the eastern edge of Kentford, south of Bury Road (B1506) with the A14 beyond and covers an area of 0.6 hectares. To the south of the site is a former landfill site and a disused gallops track, to the West is a two storey residential property (Flint House).
6. The site consists of a tree belt, which is predominantly Scots pine and protected by a tree preservation order (TPO2013/1). It lies outside of, but

abutting, the defined housing settlement boundary for Kentford. The tree belt continues to the East.

7. The site falls within the 1500m buffer zone (Stone Curlew Constraint zone) of the Breckland Special Protection Area (SPA)
8. Kentford has a range of basic local services and facilities, which is the reason it has been designated as a Primary Village in Core Strategy Policy CS1. These include a post office and convenience store, two public houses (The Kentford and The Bell), St Marys Church and modest employment areas at the eastern and western ends of the village.

Planning History:

9.

Reference	Proposal	Status	Received Date	Decision Date
F/2013/0176/OUT	Outline Application: residential development comprising of 16 units (Major Development and Departure from Development Plan)	Recommended for refusal but withdrawn before committee consideration	5.4.2013	2.1.2014

Consultations:

10. Tree Officer (12/1/18)

Object. The mature trees (which form a pine belt and open woodland) are a key characteristic of the landscape character type and are visible from the wider landscape, a large number of trees would be lost, and two thirds of the site would become built development. As a result the proposals would have a significant adverse impact on landscape character.

11. Ecology and Landscape Officer (10/10/19)

Maintains an objection in relation to landscape and visual amenity for the following reasons:

The gnarled, contorted trunks of pine trees in lines and tree belts in the Brecks contribute to the wilderness qualities of the area, and this is part of the charm of these trees. In an open woodland location, such as this, the risks associated with the failure of these trees are minimal. Without the development it is likely that the trees would continue to make a contribution irrespective of their arboricultural condition.

Approximately one third of the trees on the site would need to be felled, and other trees would be subject to resentment pressure because of the proximity of the new development. It remains the case that the location of a play area beneath the canopy of the trees is unacceptable and is likely to lead to further tree loss in the future. It is likely that once space for the new houses and associated roads and car parking have been designed, there will be little space for new trees. The *Appendix A overlays* illustrate that the

replacement trees would be limited with only a few areas available for new planting and that the new trees would likely affect the proposed infrastructure and buildings. Easements associated with street lighting, visibility sightlines and utilities would constrain the choice of species that would be suitable to smaller garden type trees rather than forest type trees.

It is agreed that this site may be in the transitional zone between landscape character areas and that being the case the settlement pattern may be more characteristic of the chalklands. However, whilst a number of the trees on the site will remain, and there may be a few more trees planted, it remains the case that the construction of dwellings, roads, car parking and a play area at the site will significantly change the character of the open woodland/tree belt. It will no longer be rural in character giving views through to the countryside beyond.

Planning policy DM13 requires that "All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape." The proposals will erode the rural setting of Kentford in particular the tree line to the south of the eastern approach to the village which provides the gateway to the village. The erosion of the character of the site will be experienced by motorists, but it will also be experienced by pedestrians and cyclists who will most likely be local residents who are more sensitive to change. Whilst the views might be transient, in the context of such a small village community they will have an adverse effect particularly in the short term. The effects will be experienced during the day and at night time due to the introduction of lighting which will be necessary for the safe operation of the site.

Bats: the survey is noted. Mitigation is recommended which includes:

- the scheme lighting design minimises light spill onto the site boundaries and retained trees, particularly to the east and to the south boundary.
- landscaping should include native species able to provide insect prey for bats; the south boundary should also include structural planting or clear linear features to provide a continuous corridor east-west from the woodland to the east to the Kentford conurbation
- felled timber should be retained on-Site as log piles and habitat 'heaps'
- at least six high quality bat boxes are provided.

Based on the current proposals:

- It is not clear whether a lighting scheme could be provided that meets the above criteria
- The proposals would not allow space to retain or provide a linear feature/ east west corridor for bats. Group G2 on the TPP is described as 'sparse self set trees to southern boundary' which is not sufficient and is outside of the control of the applicant.

With this in mind there remains potential for unmitigated impacts on bats.

(3/7/19)

Object. The layout plan whilst indicative shows a significant number of trees which would be threatened by the proposals.

The play area, now slightly reduced in size, is located within the woodland area to the east of the development. Whilst an additional play area in Kentford would be welcomed, the design and location of this facility is not acceptable. The area selected would not benefit from sufficient informal surveillance from residential properties, the equipment is located beneath the canopy of existing trees which will be a maintenance concern (for both the equipment and the trees) going forward, installation of any equipment and safety surface has the potential to damage protected trees (as it is located within the RPA). The play area is located adjacent to a very busy road and whilst this may have some surveillance benefits, there are disadvantages in relation to safety and access for young people from other parts of this village as it would only be possible along Bury Road (noting that a new connecting footpath on the south side of Bury Road forms part of the proposal).

Ecology surveys are incomplete. A full suite of mitigation and enhancements are required should planning permission be approved.

12. Planning Obligations Manager SCC (30/5/19)

No objection subject to S106 to secure:

a. Education -

Primary School - 5 pupils at £16,732 per place (£83,660)

Secondary School 11-16 - 3 pupils at £22,306 per place

Secondary School 16+ - 1 pupil at £22,306 (£89,660)

School transport contribution - 3 pupils at £960 a year for 5 years (£14,400)

b. Pre-school - 2 pupils at £16,732 (£33,464)

c. Libraries - £16 per dwelling (£304) Total £221,488

13. Environment Agency (8/7/19)

Reviewed revised drainage details and have no objections.

14. Public Health and Housing (4/1/18)

The site is affected by road traffic noise and as such, recommend that the properties are constructed in line with the recommendations made in the noise assessment. No objection subject to conditions controlling internal noise levels, hours of construction, foundation methodology and external lighting.

15. Environment Team (4/1/18)

Satisfied with the phase 1 report and Landfill gas risk assessment and agree that no further assessment is necessary. Recommend condition to ensure that gas protection measures are incorporated into the scheme to ensure adequate protection for future occupants as well as the inclusion of electric vehicle charging points.

16. Natural England (5/6/19)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

17. Suffolk Wildlife Trust (6/6/19)

Satisfied with the initial findings of the Phase 1 habitat survey and Reptile survey. However, note that bat emergence surveys are recommended which have not been carried out. Furthermore, a further assessment for badgers is required given that the initial survey report carried out in July 2017 only remained valid for 6 months. These assessments should be undertaken prior to determination. Recommend Natural England are consulted given the proximity (900m) to Breckland Farmland Site of Special Scientific Interest (SSSI).

18. Suffolk Fire and Rescue Service (4/1/19)

Requires fire hydrants to be installed. No objection subject to condition requiring such.

19. SCC Environment & Transport – Highways (16/10/19)

No objection subject to conditions controlling a footpath to link the site to that existing, access requirements, visibility splays, traffic calming measures and deliveries and construction traffic.

(28/6/19)

Holding refusal. Visibility as shown may be acceptable if the speed limit can be reduced and suitable traffic calming measures introduced. However, this would require a Traffic Regulation Order and may not be achievable.

Visibility splays appear to cross third party land. As does the access point and no ownership details have been submitted.

Gateway features to be relocated require plans to be submitted and village name plates need to remain in place as they denote the boundary. If the feature remains there are concerns that access 1 is too close and vehicles exiting the site will cross into the path of oncoming traffic.

Spanning of watercourses requires permission from the Lead Local Flood Authority (SCC) as well as a suitable drainage strategy.

Details of footways need to be submitted (where, width, drainage) and needs to be achievable in the applicants or highway land.

20. Strategy and Enabling Officer, Housing (23/9/19)

The housing needs survey does not provide enough evidence to support an exception site in Kentford. However, there are 18 applicants on the housing register in housing need indicating a local connection for Kentford and a further 14 indicating a local connection to the adjoining parishes of Moulton, Herringswell and Tuddenham.

The Section 106 agreement must secure the transfer of the dwellings to a registered provider and ensure they remain affordable with the initial and subsequent occupation giving preference to those with a connection to Kentford with a cascade mechanism to adjacent parishes.

Based on the current housing needs the required tenure split of 70/30 will be secured within the S106. A condition regarding the mix of dwellings will be required (ranging from 1,2,3 and 4 bed houses, bungalows and flats) to be determined by Strategic Housing based on local housing need prior to a reserved matters application being submitted.

(3/7/19) Support the fact that there's a need for some affordable housing development for local residents within Kentford. However, query the evidence behind the Local Housing needs survey and based on the information submitted, unable to support a tenure mix so heavily weighted towards low cost home ownership.

21. SCC Flood And Water Team (31/5/19)

Satisfied with drainage documentation (Evans River and Coastal -March 2019 Ref:- 1916/RE/09-17/01 Revision B). No objections subject to the inclusion of conditions requiring a surface water drainage scheme including its maintenance and management and a construction surface water management plan.

22. SCC Archaeological Service (21/12/17)

The proposed development site lies in an area of high archaeological potential, no objections subject to conditions to ensure a scheme of investigation and post investigation assessment are undertaken.

23. Kentford Parish Council (22/7/19)

Remain strongly opposed for 3 reasons

1. Kentford has seen more than sufficient growth in recent times.
2. This development feels like it would be a ghetto style development, as it is detached from the village, is faced by series of busy and noisy transport links, and backed by a landfill site. Affordable housing should not be squeezed onto otherwise unwanted land for commercial gain, but be integrated into village life as in the other new Kentford developments.
3. We question the validity of the data which backs the local need for affordable housing.

Representations:

24.No third party representations received.

Policy:

25.On 1 April 2019 Forest Heath District Council merged with St Edmundsbury Borough Council to become a single Authority, West Suffolk Council. The development plans for the merged local planning authorities were carried

forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

26. 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:

Joint Development Management Policies Document (adopted February 2015):

- 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 DM20: Archaeology
- Policy DM22: Residential Design
- Policy DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:

- 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 CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities
- Policy CS13: Infrastructure and Developer Contributions

Other Planning Policy:

27. National Planning Policy Framework 2019
National Planning Policy Guidance 2019
National Design Guide 2019

28. The NPPF was revised in February 2019 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

29. The key considerations when determining this application are:

- Principle of development/Housing need
- Landscape impact/Loss of trees
- Design and Visual Amenity
- Residential Amenity
- Highway Impact
- Impact on Ecology
- Land Contamination/Gas Risk
- Sustainability and other Issues
- Developer contributions

Legislative Context for Outline Applications

30. This application is for outline planning permission with details of access, appearance and scale provided. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

31. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access
- Appearance
- Landscaping
- Layout
- Scale

32. In this case, layout and landscaping will form the reserved matters and therefore, whilst an indicative layout has been submitted this carries no weight in the applications determination.

Principle of development/ Housing need

33. The NPPF explains (in paragraph 8) that in order to achieve sustainable development, economic, social and environmental objectives need to be pursued in mutually supportive ways so that net gains can be achieved across each objective through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

34. Kentford is identified as a primary village within Core Strategy Policy CS1, where basic local services are provided and limited housing growth can be accommodated to meet local housing needs. The site falls outside the defined settlement boundary of the village, so in terms of planning policy, this is regarded as countryside where residential development would be contrary to Development Management Policies, which require a justification for new development within the rural area. DM5 as well as CS9 provide an exception to this policy for affordable housing and potentially offer support to this application, subject to the proposed scheme meeting a demonstrated local need, retention of the housing provided at an affordable cost and their availability to those with a local need in perpetuity. The Affordable Housing Supplementary Planning Document is a material consideration in the determination of this application.

35. This site has been proposed for development for many years and has been submitted as part of the Strategic Housing Land Availability Assessment (SHLAA) since 2008. This is a library of sites submitted to the Local Authority for development. The site was deferred in 2012 and has been consistently deferred since this time given its location in the Special Protection Area buffer zone. Furthermore, the previous application on the site for 16 dwellings (F/2013/0176/OUT) was recommended for refusal, albeit the application was withdrawn prior to committee consideration. On this basis, the Local Authority has been consistent in its view that the site was not considered deliverable.

36. The current scheme proposes up to 19 dwellings all of which would be affordable and provided through a registered provider, albeit the application is submitted by the land owner. Whilst the Strategic Housing team question the evidence behind the submitted housing needs survey which lacks sufficient detail to justify the original quantity of discount market sale housing, the applicant has amended the scheme and agreed to provide the housing in accordance with the Affordable housing SPD which requires a ratio of 70% rented and 30% intermediate.

37. Additionally, whilst there are 18 applicants on the housing register in housing need indicating a local connection for Kentford, a further 14 indicate a local connection to the adjoining parishes of Moulton, Herringswell and Tuddenham. On that basis and subject to a section 106 agreement which

secures the affordability of the dwellings in perpetuity and the occupant's local connection, no further objections are raised by Strategic Housing. Given that the application is submitted in outline form, the mix of dwellings required will need to be provided by the Local Authority, based on current need, prior to any reserved matters application being submitted.

38. It must be remembered that this information regarding local housing need records a snapshot in time and doesn't take into consideration the several large developments that are taking place in Kentford at present which will contain affordable housing, albeit these will not be restricted to those with a local need but provide for the district as a whole. Nonetheless, the scheme provides affordable housing through an exception site which is supported by a local need and gains support from policies DM5 and CS9. The Local Authority is keen to encourage the development of much needed affordable homes in the district and as such, this aspect of the scheme weighs heavily in its favour.

Landscape impact/Loss of trees

39. The consideration of impact on landscape character is particularly important on development sites in the rural area. This application seeks outline consent with landscaping as a reserved matter. In addition to the impact on landscape character itself, the application must assess the loss of protected trees within the site.

40. In 2013 (and subsequently modified in 2014) a tree preservation order (TPO2013/1) was placed on the site. It specifies 66 individual trees which are largely Scots Pine, as well as an area of Elm and two groups of Scots Pine and Ash. The reason for the tree preservation order was;

These trees located east of the village of Kentford provide an important landscape feature marking the gateway to the village and contributing to the visual amenity of the locality. Tree belts such as this containing Scots pine are common locally and characteristic of the Brecks area. The trees are threatened by development and this TPO is to prevent precipitous removal of the trees now and in the future.

41. The trees occupy an exposed position where they are visible in the landscape over a wide catchment to the north and south and including the A14 transport corridor. They are a feature that is a key characteristic of the landscape type: 'Estate Sandlands'
The creation of farmland out of the former heaths in the 18th and 19th centuries resulted in the widespread planting of tree belts and rectilinear plantations. These are commonly of pines ...
(Suffolk Landscape Character Map)

42. The application makes clear that the development would imply change of use from woodland and a substantial number of trees and area of woodland would be removed. The Arboricultural Implications Assessment notes the

removal of 19 individual trees (Category B & C) and 8 Category U trees (to be removed on arboricultural grounds).

43. The landscape and visual issues technical note provided by the applicant states that the loss of some trees will overall not be significant as some of these are of poor quality and replacements will be planted. That the tree belt as a whole will remain in the landscape. Furthermore, the introduction of housing will not have a significant effect in the long term.
44. Although the layout would be addressed at the reserved matters stage, it is evident that its flexibility would be constrained by the position of trees, their quality and the need to ensure that each plot has sufficient ability to enable a dwelling to be built which is not overshadowed or otherwise constrained by the proximity to trees. In view of this, and because of the clear justification contained in the design and access statement it must be considered that the plan submitted is an illustration of the likely general layout of the scheme. The Development Management Procedure Order 2015 states that the submission of access within an outline application should be interpreted as accessibility for all routes to and within the site and as such, the access routes shown on the indicative layout should be considered as drawn. Therefore, whilst the reserved matters application has the ability to somewhat tweak the layout, including the precise position and orientation of the dwellings and car parking spaces this is limited, not only by the trees but by the internal access roads.
45. The Local Authority has concerns over the acceptability of this indicative layout and should it be included for consideration would not be supportive. It details the removal of 19 trees to facilitate the development illustrated, but without including layout for consideration the Local Authority has no comfort that this layout is achievable and should it change, the number of trees to be removed also has the potential to increase. Consequently, whilst the application asks us to consider the loss of these trees, without full details of the scheme it is not possible to know the full extent of tree loss anticipated.
46. It is noted, that several trees shown as retained are within rear gardens, parking areas and in close proximity to footpaths and areas of hardstanding. Roads and footpaths are unlikely to be adopted by the County Council in such close proximity to trees. Furthermore, this plan doesn't take into consideration utilities required and any easements or maintenance strips necessary which may also lead to tree removal. The retention of tall Scots pine in the centre of a small rear garden is unlikely to be desired by future occupants. The orientation of the site means that all trees to the south of proposed dwellings will cause overshadowing and its likely that residents would resent these dominant trees given their close proximity to the properties as well as their impact on light to both gardens and rear rooms. This places additional pressure on their removal which is difficult for the Local Authority to resist when it potentially concerns the safety of residents. With this in mind it must be considered whether 19 dwellings could be accommodated within such a constrained site without almost total removal of the trees.

47. The woodland park proposed on the Eastern edge of the development suffers the same problem. The plan indicates that the majority of trees in this area can be retained but in reality a children's play area under the canopy of trees represents issues for maintenance of both trees and equipment as well as damage to tree roots and concerns for child safety. It is unlikely that the Local Authority would adopt a play area in this situation.
48. The applicant makes the argument that *'The unmanaged appearance of the site does not present a high quality landscape on the approach to the village'*.
However, the appearance of the trees is not dissimilar to an image used by the Suffolk Landscape Character Mapping site to describe the Estate Sandlands Landscape Character. Landscape Character mapping does not make value judgements on landscape type but features that reinforce character are considered to be important and worthy of retention. It is the gnarled and contorted trunks of pine trees and tree belts in the Brecks that contribute to the wilderness qualities of the area and this is the charm of these trees. In an open woodland location, such as this, the risks associated with the failure of these trees are minimal. Without the development it is likely that the trees would continue to make a contribution irrespective of their arboricultural condition.
49. It is apparent in aerial photographs that the woodland has deteriorated over the last decade or two. However, it still provides significant visual benefit. Whilst the applicant suggests that the trees have not been managed (and will not in the future if this application fails to succeed) and therefore, a number need to be removed due to their poor growth, this is not sufficient justification for the loss of this woodland area. Allowing removal on this basis, would effectively be rewarding the applicants for their lack of tree management which is not a precedent the Local Authority wants to encourage. Not mentioned within the application is the requirement to replace any protected tree removed which would further boost the tree cover on this site. However, should the application succeed, it is difficult to determine if sufficient space is available to accommodate this further planting.
50. Planning policy DM13 requires that "All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape." Furthermore, DM2 states that development should not involve the loss of important, open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement as well as not affecting adversely important landscape characteristics.
51. The proposals will erode the rural setting of Kentford in particular the tree line to the south of the eastern approach to the village which provides the gateway to the village. The erosion of the character of the site will be experienced by motorists, but it will also be experienced by pedestrians and

cyclists who will most likely be local residents who are more sensitive to change. Whilst the views might be transient, in the context of such a small village community they will have an adverse effect particularly in the short term.

52. The removal of this many trees and their replacement with built form would have a significant detrimental impact on the visual amenity of the area, eroding the soft edge to the settlement that this woodland currently provides. It is considered that this development would constitute an undesirable and urbanising change to the landscape character which conflicts with the provisions of policies DM2, DM5, DM13 and the NPPF which seek to protect the countryside from unsustainable development.

Design and Visual Amenity

53. Situated at the Eastern end of the village the site provides a soft edge to the settlement of Kentford, acting as a transitional area between the A14 and the centre of the village where housing development gradually thins out to countryside. The village itself has a distinctive linear form which sees built development on either side of Bury Road where dwellings are generally two storey in height fronting the highway. A variety of development has recently been built in the vicinity of the application site and other permissions for development have been granted but generally this linear character prevails.
54. The suburban cul-de-sac arrangement proposed and governed by the access roads is unsympathetic to this rural location, intensifying the built form in an area where it otherwise peters out to countryside. This conflict would be discordant and harmful to the established character of the area and fail to comply with the aims of the NPPF which seek to ensure, amongst other things, schemes that; (a) make an efficient use of land taking into account the desirability of maintaining an area's prevailing character; and (b) establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces.
55. The NPPF makes clear that creating high quality buildings and places is fundamental to planning. The National Design Guide has been created to illustrate how good design can be achieved in practice and forms part of the governments collection of planning practice guidance. The guide introduces 10 characteristics to good design. These characteristics largely echo the provisions of DM2 and the NPPF which state that all development should be based on a sound understanding of the key features and characteristics of an area, integrate into their surroundings and create or maintain a sense of place. It is not considered that the scheme in this form adequately meets these aims or complies with the long-standing fundamental principles of good design; (as stated within the National Design guide) fit for purpose, durable and brings delight.
56. The woodland park proposed, whilst welcomed as a village facility is located on the edge of the settlement adjacent to a busy road. The area does not benefit from natural surveillance, is not definitely served by a linking footpath and as such, does not represent a safe and accessible environment.

57. Matters of scale and appearance are included for consideration. Plans demonstrate that dwellings would be a maximum of two storeys and similar in height to those nearest featuring pitched roofs and stone detailing. Plans show dwellings to be built using a mixture of buff and red brick and flint with slate tiles. The scale and materials shown are considered acceptable in this location and reflective of development in the wider village.

Residential Amenity

58. Policies DM2, DM22 and CS5 seek to ensure that development protects residential amenity for existing and future users of land. The site sits adjacent to Flint House to the West, which has recently gained planning permission for a further two dwellings to be erected in its curtilage. The indicative plan shows plot 1 on the common boundary with this dwelling as well as the rear car park with no indication of any landscaping or space for this to occur. Nonetheless, the layout has not been submitted for consideration at this stage and should the scheme get to reserved matters stage boundary treatments and fenestration can be considered to ensure no loss of amenity to adjacent occupants.

Highway Impact

59. The site is located adjacent to the B1506, a two way road which is subject to a 40mph limit in this location. The 30mph limit, which is marked with a gateway feature is located to the Western corner of the site and includes a narrowing of the road. The A14 slip road is approximately 500 metres to the East.

60. Two access points are proposed off B1506 and subject to detailed plans which indicate visibility and take into account actual road speeds, the Highway Authority is satisfied. A potential extension to the 30mph zone and traffic calming measures would be subject to further consideration.

61. The footpath on the Southern side of the road ends at the vehicular access to Flint House to the West of the site. The applicant has indicated that a footpath will be provided along the frontage of the site and/or through the site to the West joining the highway behind the current village gateway feature. The Highway Authority has queried what changes will be required to the gateway feature in order to narrow it and allow this footway without moving it East or West, but is satisfied that a solution can be reached. This footpath is not proposed within the red or blue line of the application. The application site as submitted however does not abut land owned by the highway and a potential ransom strip is retained between. This being the case, and with no record of any conversation with the land owner, the Local Authority is not convinced that there is reasonable prospect of this essential link being delivered.

62. Consequently, whilst the position of the accesses is considered acceptable, doubts over the achievability of the footpath weigh heavily against the scheme. Without a suitable link to join the development to the village the

scheme fails to contribute to a safe, inclusive, well connected and sustainable community as required by the NPPF and the National Design guide which stresses the importance of social cohesion through planning.

Impact on Ecology

63. The application is supported by ecology reports to assess the suitability of the site to accommodate protected species.
64. The Local Planning Authority, as the competent authority is responsible for the Habitats Regulation Assessment as required by the Conservation of Habitats and Species Regulations 2010 (as amended). The site is located approximately 930m from Breckland Farmland SSSI which is a component part of Breckland Special Protection Area (SPA), and approximately 7.3km from Mildenhall Woods which is part of Breckland Forest SSSI and also a component part of Breckland SPA. The qualifying features of the SPA are three birds; Stone Curlew, European Nightjar and Woodlark. The project is not directly connected with or necessary to the management of the site for nature conservation. Natural England has advised that an Appropriate Assessment is not required in this case.
65. It is acknowledged that the site has the potential for bat roosting and provides foraging habitat. The most recent bat survey does not consider the development to have a significant impact on bats and suggests mitigation measures including a lighting design which minimised light spill onto retained trees and site boundaries as well as the retention of a clear linear feature or structural planting corridor East to West to allow bats to follow the line from the village to the woodland to the east. It is not clear from the application if these measures are achievable given that the indicative plan does not allow space to retain or provide suitable landscaping East to West. Without the provision of these mitigation measures there remains potential for impacts on bats which weighs against the scheme.

Land Contamination/ Gas risk

66. The site is adjacent to a former landfill site which is closed and known to be 'gassing' where the gas concentrations are operating on a dilute and disperse principal. Disturbance of the land has the potential to increase the risk of gas migration and consequently, further monitoring is recommended. Subject to conditions, including the ongoing monitoring of the site and the use of particular building construction methods the Environment Agency is content for the site to be developed for residential use.

Sustainability and Other issues

67. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging

plug-in and other ultralow emission vehicles.’ Paragraph 110 of the NPPF states that ‘applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.’

68. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. As such, a condition is suggested requiring electric vehicle charge points to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
69. In terms of archaeology, the proposed development site lies in an area of high archaeological potential due to its close proximity to three ring ditches and the probable remains of Bronze Age burial mounds. Due to the high potential for the discovery of below ground heritage assets a condition is recommended to ensure a programme of archaeological work is secured.
70. 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.

Developer contributions

71. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations, which were amended on 1st September 2019. In particular, this states that a planning obligation may only constitute a reason for approval if it 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.
72. These are the three principal tests set out in Paragraph 56 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, ‘A Developers Guide to Infrastructure Contributions in Suffolk’.
73. Suffolk County Council has advised a shortfall of pre-school, primary and secondary school places to accommodate occupants of this development and as such has requested a total contribution of £221,184 to spend on enhancing and improving this provision. In addition, a fee for the enhancement of local libraries is requested at £16 per dwelling. These requests are considered to be reasonable and necessary in order to make the development acceptable in planning terms.

74. The application proposes up to 19 dwellings on an exceptional basis given that they are for affordable housing and consequently, this must be secured by a legal agreement, including the cascade method of occupation starting with those with a local connection to Kentford and then out to those with a local connection to the adjacent parishes.

Conclusion:

75. Noting the above conclusions, consideration of this application must remain a balanced matter. Officers are satisfied that the scheme will provide affordable housing that meets a locally identified need and will boost the Councils supply. This weighs in favour of the scheme. Objections previously raised in relation to highway access and safety, gas risk and housing need have been overcome.

76. Nonetheless, the opposite side to the balance of considerations is the significant adverse impact identified to the landscape character through the introduction of housing combined with the loss of protected trees and woodland which the Local Authority is not confident can be replaced. Moreover, the constrained nature of the site results in a contrived layout which fails to represent good design or recognise the key characteristics of the area.

77. The Framework identifies the three dimensions of sustainable development as economic, social and environmental and emphasises that these should not be taken in isolation because they are mutually dependent. Whilst the application may meet part of these aims through economic benefits brought through the construction of new dwellings as well as local spend by residents, in addition to the principle of affordable housing itself, it is not considered that the scheme represents overall net gains in these objectives and on this basis, cannot be considered to represent sustainable development.

78. The applicant has agreed to provide the above developer contributions but given that the application is recommended for refusal a legal agreement has not been signed. Without the security of a completed Section 106 agreement this must weigh against the development and constitute a reason for refusal.

Recommendation:

79.Planning permission is **REFUSED** for the following reasons:

1. The protected trees on the site provide an important and distinctive landscape feature marking the gateway to the village and contributing to the visual amenity of the locality. Tree belts such as this containing Scots pine are common locally, are characteristic of the Brecks area and should be retained. The removal of this many protected trees and their replacement with built form would have a significant detrimental impact on the visual amenity of the area, eroding the soft edge to the settlement that this woodland currently provides. It is considered that this development would constitute an undesirable and urbanising change to the landscape character which conflicts with the provisions of policies DM2, DM5, DM13 and the NPPF which seek to protect the countryside from unsustainable development.
2. The constrained nature of the site has resulted in a scheme which appears overdeveloped and contrived, introducing an unsympathetic suburban form of built development which conflicts with the adjacent character and pattern of rural development. This is contrary to the aims of The National Planning Policy Framework and policies DM2, DM22 and CS5 which stress the importance of good design, the creation of a sense of place and recognition of key features of the area.
3. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2019.
4. Policies CS9 and DM5 allow development outside of designated housing settlement boundaries on an exceptional basis only. Without a signed section 106 agreement restricting occupation of the housing to those with an identified local affordable housing need the Local Authority has no assurances that the scheme would deliver affordable housing and as such would be contrary to local and national policy which seeks to locate residential development within settlement boundaries.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2474/OUT](#)