

Development Control Committee

3 August 2022

Planning Application DC/19/2347/FUL – Land East of Russet Drive Bilberry Close and Parsley Close, Manor Wood, Red Lodge

Date registered: 29 November 2019 **Expiry date:** 28 February 2020

Case officer: Gareth Durrant **Recommendation:** Approve application

Parish: Red Lodge **Ward:** Icen

Proposal: Planning Application - 141 no. dwellings and associated infrastructure including roads, parking, sustainable drainage, pumping station and public open space, as amended.

Site: Land East of Russet Drive Bilberry Close and Parsley Close, Manor Wood, Red Lodge

Applicant: Crest Nicholson (Eastern) 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 planning application is reported to the Development Control Committee as the proposals are for 'major' development and the officer recommendation is contrary to the views of the Parish Council. Furthermore, part of the site (the woodland public open space) is situated outside of the limits of the Local Plan allocation and beyond the settlement boundaries of the village.

The planning application was deferred from determination at the last meeting of the Committee on 6th July 2022. In particular, the Committee requested clarification and/or information in relation to the following matters:

- 1. To carry out a visit to the site.**
- 2. To enable discussions between the applicant and highway authority about ensuring the main road and foot/cycleways are designed to adoptable standards to conclude and the outcome reported to the Committee via amended plans (if amended plans are necessary).**
- 3. To clarify the approach to maintaining secondary emergency vehicle access to serve the existing development to the south of the application site (the planning permission for that development made provision for emergency vehicle access through the application site), and**
- 4. To seek clarity from the Highway Authority at Suffolk County Council about whether there is a need to provide for formal parking restrictions along the existing Thistle Way approach into the application site and/or the new spine road to be provided as part of the development to deter inappropriate on-street parking. The Committee also requested information about whether there is sufficient parking available for residents with dwellings located along Thistle Way.**
- 5. To agree a more appropriate boundary treatment strategy to the eastern site boundary.**

Officer comments in relation to these five matters are set out below. The remainder of the report remains as per the papers reported to the July meeting of this Committee, other than i) the corrections to the written report, reported verbally to the meeting have been incorporated into the report and ii) the recommendation at the end of the report has been updated (including full text conditions) to reflect the changed circumstances reported here. The latest comments received from the Highway Authority are also set out (below) under the 'other updates' heading.

Point 1 – Site visit A site visit is scheduled to take place on Monday 1st August 2022.

Point 2 – Road and foot/cycle design discussions. The applicant has agreed the general designs and specifications with the Highway Authority which has confirmed that the road, footpaths and cycleways are now appropriately designed to adoptable standards. Amended drawings have been received and commented upon by the Highway Authority. These plans have been added to the on-line

register record of the planning application and will be included in the officer visual presentation to the Committee.

Point 3 – Emergency Vehicle Access The applicant is aware that the 'secondary' emergency vehicle access that passes through the application site, passing directly south from Thistle Way, will need to be either kept open and available for use during construction of the proposed development or an alternative route found (either temporary or permanently). The matter is to be addressed as part of the construction management of the site, which itself would be the subject of a planning condition. The Construction Management Plan would need to be submitted, approved and its measures implemented/incorporated before development commences. The Highway Authority has confirmed it is content for emergency vehicle access issue to be controlled and resolved via the Construction Management Plan condition.

Point 4 – Parking Restrictions to Thistle Way – The Highway Authority has confirmed its view that on-street parking restrictions in Thistle Way are required as a consequence of this development proceeding. A request for developer funding has been received (£10,000 for making the Traffic Regulations Order (TRO) and £5,000 for signage and lining to implement it). The Highway Authority do not consider a TRO is required for the new Spine Road to be built as part of the development nor elsewhere in the village as a consequence of this particular development proceeding. All dwellings fronting Thistle Way have access to off-street parking facilities either in the form of on-plot parking or parking courts.

Point 5 – The Eastern site boundary – The applicant has proposed a more visually appropriate strategy for securing the eastern outer boundary of the application site. It has been agreed (at officer level, remaining subject to Committee approval) that the mesh fencing previously proposed can be retained within the woodland area and around the curtilage/forecourt/track associated with the vehicle repair building. To the south of the commercial building it is proposed to change the style and height of the fencing previously proposed (1.5 metre high mesh fencing) to 1.2 metre high post and rail fencing (incorporating wire mesh fencing). Visual detail of the fencing will be presented to the meeting. Officers consider the amended fencing strategy and detail is acceptable. The recommendation has been updated to reflect this.

Other matters – In addition to its advice in response to matters raised by the Committee at the July 2022 meeting, the Highway Authority has provided its formal recommendation about the planning application generally. This is essentially a list of conditions the Authority would wish to see imposed – Timing of provision of the bin stores; timing of the provision of the carriageways and footways (to at least Binder course level), visibility for the estate road junction with Thistle Way, estate road phasing, bus stop improvements*, car parking provision, cycle storage provision, provision of garage parking spaces (and no other use of the garages) and construction management plan.

* The recommended condition relating to bus stop improvements will be addressed via the S106 Agreement and does not need to be secured via planning condition.

Proposal:

1. Detailed (full) planning permission is sought for the erection of 141 dwellings and associated infrastructure (including public open space). The

development would be served by a single vehicular access to Thistle Way towards the south-western part of the site.

2. Details of the numbers, mix and heights of the dwellings and maisonettes are provided in the table below.

Name	Type	No. on site	No. of beds	Approx. height	Internal Floorspace (sqm)
Chesham	Private dwelling	6	3	7.7m	92.07
Cromer	Private dwelling	17	2	8.4m	70.61
Dorking	Private dwelling	2	4	8.3m	140.47
Evesham	Private dwelling	13	3	9m	86.21
Filey	Private dwelling	8	3	9.1m	102.38
Keswick	Private dwelling	12	4	7.7m	113.53
Lancing	Private dwelling	3	4	7.5m	122.35
Marlborough	Private dwelling	7	4	7.7m	122.82
Redgrave	Private dwelling	16	3	8.9m	85.93
Romsey 3	Private dwelling	2	3	8.5m	108.97
Romsey 4	Private dwelling	8	4	8.5m	108.97
Winkfield	Private dwelling	5	4	8m	126.90
2B4P	Affordable dwelling	17	2	8m	79.15
3B5P	Affordable dwelling	12	3	8m	93
4B6P	Affordable Dwelling	3	4	8.1m	107.67
HT 540-631	Affordable Maisonette	10	1	8.1m	50.17

3. A small palette of external building materials has been selected. These are as follows;
 - Bricks – i) Ibstock Surry Red Multi, ii) Ibstock Surrey County Red, iii) Ibstock Leicester Multi Yellow Stock
 - Roof tiles – i) Forticrete Gemini Mixed russet, ii) Forticrete Gemini Sunrise Blend, iii) Forticrete Pantile Mixed Blend, iv) Forticrete Pantile Brown, and v) Forticrete SL8 Slate Grey
4. Amendments were made to the application during the course of its consideration involving some changes to the design and layout of the scheme. The significant amendments were the subject of further public and stakeholder consultation. Other more minor amendments were not the subject of full re-consultation. All comments received in response to consultations (including those received outside consultation periods) are reported below.

Application supporting material:

5. The planning application (as supplemented/amended) is accompanied by the following plans and documents:
- Application form, including ownership and agricultural declarations.
 - Elevations and floorplans of the house types and garaging.
 - Location plan
 - Layout plans
 - Ecological enhancement plan
 - Materials plan
 - Parking provision plan
 - Affordable housing plan
 - Refuse strategy plan
 - Fire strategy plan
 - Connectivity plan
 - Soft landscaping plans
 - Hard landscaping plans
 - Street elevations
 - Indicative ramped rumble strip section plan
 - Tree Protection plans
 - Street lighting plans
 - Woodland works plan
 - Ecological Appraisal (including technical note)
 - Arboricultural information
 - Landscape and ecological management and maintenance plan
 - Flood risk assessment and drainage design statement
 - Security fencing detail
 - Habitats Regulations Assessment information
 - Substation details
 - Site investigation report (land contamination)
 - Rapid Health Impact Assessment Matrix
 - Transport Statement and Travel Plan
 - Archaeological Desk Based assessment
 - Design and Access Statement
 - Planning Statement
 - Construction Method Statement
 - Utilities Statement
 - Noise Assessment

Site details:

6. The site is situated to the east of the village immediately adjacent to the 'Kings Warren' housing development. The site is predominantly agricultural land (Grade 4) and used to contain some of the SuDS infrastructure for the Kings Warren housing estate to the west of the site. The site is bounded by woodland and a farm track to the east. The track also serves a small industrial unit within the woodland (and outside of the application site). To the north are the fenced playing fields of the new 'Pines' primary school and to the south a large area of open space to be provided as part of the 'yellow land south' housing development located more distantly to the south of the site. Vehicular access would be provided from Hundred Acre Way via Thistle Way.

Planning history:

Reference	Proposal	Status	Decision date
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F/2007/0706/ESO	700 dwellings (outline)	Refused	07/12/2007
DC/19/2347/FUL	Planning Application - 141 no. dwellings and associated infrastructure including roads, parking, sustainable drainage, pumping station and public open space, as amended.	Pending Decision	n/a

Consultations:

7. Full copies of all consultation responses received in relation to this planning application can be accessed on the Council's website. This section of the report includes a summary of the key matters arising out of correspondence received.
8. The planning application was received in November 2019 with amendments subsequently submitted in March 2020, September 2020, November 2020, May 2021 and March 2022. All of the above, with the exception of the March 2022 submissions (which did not include significant amendments) were the subject of consultations. The results of all of the consultations are reported below (noting that some matters raised therein will have been addressed by subsequent submissions).
9. **Natural England (December 2019):** requested the submission of further information to illustrate potential impacts to the Breckland Special Protection Area (SPA), specifically, stone curlew records within 1500m of the site within the past 5 years, assessment of direct and indirect impacts to stone curlew present both within and nesting outside of the SPA and appropriate measures to offset any impacts to the SPA and SSSI if necessary.
10. In April 2020, **Natural England** again requested the submission of further information to determine impacts of the development upon designated sites. A stone curlew survey was requested.
11. In October 2020 (following submission of the stone curlew survey report) **Natural England** again requested the submission of further information to determine impacts upon designated sites. Further stone curlew survey information was requested (a further years' worth of survey information).
12. In June 2021 noted that the information submitted at that time did not address their previously stated concerns and referred back to their October 2020 comments.
13. In December 2021 following the submission of additional confidential information by the applicant (ref Aspect Ecology report September 2021) relating to stone curlew survey work, **Natural England**. The body confirmed that, based on the outcome of the additional survey work, they were satisfied there would be no significant impacts to Stone Curlews within the SPA alone nor in-combination with the impacts of other plans and projects. However, Natural England expressed concerns at this time that the applicant had not provided sufficient evidence about potential impacts on

Stone Curlew nests, including those within 1.5km of the application site but located outside of the SPA designation boundaries. Natural England confirmed it cannot be certain that the proposed development will not impact nesting Stone Curlew. Further information was suggested and requested in order to satisfy those concerns.

14. In providing its advice to the Council in December 2021, Natural England also advised that although the land parcels not surveyed by the applicant (so far) are outside of Breckland SPA, Stone Curlews are a priority species listed under Section 41 of the 2006 Natural Environment and Rural Communities Act. Therefore where Stone Curlews form part of the wider environment population, predicted impacts on them should be fully assessed and any significant impacts identified should be offset.
15. In March 2022, following submission of further confidential stone curlew information with the planning application, **Natural England** confirmed that it no longer held any concerns about the planning application. It advised that the recently submitted Technical Note combined with the previously submitted Stone Curlew Survey Report addresses the issues previously raised.
16. **RSPB (December 2019):** Offer their view that the Habitats Regulations Assessment (HRA) is incomplete noting that much of the areas adjacent to the proposed development site has not been surveyed for stone curlews since 2000 and some areas not at all. The Society advises that additional stone curlew surveys are required. Without this information the main conclusions of the applicants material (that no impacts would arise to the SPA) are undermined and cannot be substantiated.
17. In April 2020 (following consultation on amendments including a Technical Briefing Note) the **RSPB** provided the following comments:
 - A project level HRA should include a significantly higher level of detail than that in a strategic HRA. The proponent needs to “provide such information as the competent authority may reasonably require for the purposes of the assessment ...” (Reg. 63 (2) of the Habitats Regulations 2017). It is standard practise for a project level HRA to include survey work in areas where there is no recent species data. In the case of stone-curlews the survey area is 1500m radius of the development site. The Applicant has been provided with RSPB stone-curlew data for part of the area, but there is a considerable area of suitable stone-curlew habitat not monitored by RSPB and hence with no data available. This was communicated to the Applicant at the time with the suggestion that further survey work may be required. Due to these missing data, we query whether the mitigation land at Herringswell takes account of the full extent of the stone-curlew population affected by the development.
18. In October 2020, following submission of a Stone Curlew Survey Report, the **RSPB** advised of their view that the report is seriously flawed for the following reasons:
 - **Assessment of suitable habitat** - The assessment of suitable habitat took place in July and the majority of land parcels were identified as unsuitable for stone-curlews due to the crops being too dense or too tall. This would certainly be typical of most crops in July, however, during the

peak egg laying time for stone-curlews in April and May most of these crops are likely to have been in suitable condition. In fact, many of the crop types mentioned, such as maize, barley, onions and carrots, are regularly nested in by stone-curlews.

- **Timing of surveys** - The surveys took place on 13th and 24th July. Surveys on these dates would have been too late to properly assess presence of breeding stone-curlews. Most stone-curlew breeding attempts take place from April to June and pairs can have finished breeding and left the area by the dates the surveys took place. Also, as mentioned above, if monitoring had taken place earlier then there would have been considerably more suitable nesting habitat available to survey.
 - **Survey method** - Most suitable land parcels received a single survey and two received a dusk survey followed by a dawn survey the next day, and the survey method was by observation and listening from a vantage point. Stone-curlews are notoriously difficult birds to monitor, particularly when they have eggs or chicks, when they will very much avoid drawing attention to themselves by remaining as quiet and still as possible. They are most active at night and can be very difficult to observe during the day as they can remain still for long periods and are very well camouflaged. It can therefore be extremely difficult to observe stone-curlews through observation and listening from a vantage point alone. To effectively survey stone-curlews a transect should be walked through suitable areas as well as observation from a vantage point. This was not done in this case.
 - As stone-curlews are very easy to miss a single visit is not sufficient to conclude that a field parcel does not hold stone-curlews, particularly as stone-curlews could nest at any point during the breeding season whilst suitable habitat is available. A comprehensive stone-curlew survey should involve regular visits throughout the breeding season, a minimum of once a month from April to August.
 - Changes of habitat suitability from year to year due to crop rotation may mean that fields which are in the most suitable location for other reasons (lack of disturbance, topography, size etc) may not have suitable crop types in some years, and therefore monitoring should take place over a period of years (at least 3) to allow for this.
 - **Missing records** - Section 3.3.17 says that there are no newer nesting records beyond 2010 in the Rectory Farm area, and this is shown on the Stone-curlew Survey Results map. However, we are aware of further stone-curlew nests in that area up to 2014, which are not shown on the map. We believe this information was shared with the authors of the report in 2016.
19. In November 2021, following consultation, the **RSPB** confirmed it had "serious concerns" about the quality of the stone curlew surveys and the conclusions reached. The Society noted the conclusions of the report are based on two years of stone-curlew surveys and rule out a third year of surveys due to a complete lack of stone-curlew nesting habitat in the survey area. Their concerns were listed as follows:

- The first year of surveys in 2020 does not constitute a full survey as only one survey visit was made to each site and that was made between 13-24 July, which is after the peak of the stone-curlew breeding season.
 - In both years (2020 and 2021) the majority of field parcels were identified as unsuitable for stone-curlew nesting and so were not surveyed. In section 3.1.3 the crops barley, maize, onions, potatoes, root crops, and carrots were identified as unsuitable for stone-curlew nesting. However, these are all typically spring sown crops in the Brecks and so normally provide bare or sparsely vegetated ground in the spring which can be suitable for stone-curlews. Similarly, Table 1 refers to several field parcels as containing 'spring cereal, crop likely to get too tall by May'. This is often the case, but stone-curlews will attempt to breed in spring barley in April whilst the crop is still short. It therefore appears that some potential stone-curlew nesting habitat may not have been surveyed.
 - Other field parcels were identified as unsuitable due to their small size, proximity to buildings, or adjacent roads being used by dog walkers. We agree that these factors can significantly reduce the likelihood of stone-curlews nesting but they do not rule it out completely. We would have expected a comprehensive survey to include these fields in order to be certain that stone-curlews were not using them.
 - For the reasons stated in points 2 and 3 above we do not think that a survey in 2022 should be ruled out due to lack of suitable habitat.
20. The Society concludes its comments by confirming it does not think that the stone-curlew surveys undertaken to date provide enough evidence to inform the Habitats Regulations Assessment. The Society recommends that at least one more full breeding season survey is carried out and that it should cover all areas of spring sown cropping (and any other suitable habitats) within the survey area.
21. In the light of the above concerns, the Society recommends:
- A programme of stone-curlew surveys take place within 1500m of the development site for a period of three years, with surveys once a month from April- August (inclusive) as a minimum.
 - The surveys should include walked transects of suitable habitats.
 - The missing historical data should also be included in the assessment.
22. **Suffolk Wildlife Trust (June 2021):** submitted holding objections to the planning application, noting [at that time] that further information had been requested by both Natural England and the RSPB. The Trust confirmed it shared that view and requested the results of further field survey work are carried out and submitted prior to the determination of the planning application. The Trust also requested that Natural England's Biodiversity Metric 2.0 should be used to calculate measurable net gain for the development (NPPF para 175d). The Trust believe the development should seek a minimum of 10% biodiversity net gain. Hedgehog permeable boundaries and increased provision of swift nest bricks are also requested.

23. In November 2021, the **Suffolk Wildlife Trust** confirmed its concerns about the survey methodology used in the applicants Habitats Regulations work, given that surveys were undertaken over 2 years with insufficient visits to some land parcels. The Trust recommended a further year's worth of survey work should be carried out (2022 nesting season) to the standards set out by the RSPB.
24. **Suffolk Fire & Rescue (December 2019):** Submitted advisory comments in relation to access for firefighting facilities, water supplies for fire- fighting (hydrants) and sprinklers.
25. **Anglian Water Services (December 2019):** Draw the applicants attention to their assets close/within the site and provide guidance as to addressing the matter. Confirm that foul drainage from the development is in the catchment of Tuddenham Water Recycling Centre which will have available capacity for the additional flows. They also comment that the sewerage system (between the site and Tuddenham) has available capacity for the additional flows. These comments were repeated in April 2020.
26. **Environment Agency (December 2019):** did not wish to comment and repeated this position in April 2020 and again in June 2021.
27. **Suffolk Public Health (December 2019):** recommend the applicant to undertake Health Impact Assessment using the tool developed by Suffolk Public Health and set out further advisory comments relating to neighbourhood, housing, healthier food environment, natural & sustainable development and transport.
28. **Highways England (December 2019):** offer no objections (these were repeated in April, September and October 2020 and again in June 2021).
29. **West Suffolk CCG (December 2019):** comments as follows (summarised);
 - The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.
 - The planning application does not appear to include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising. The NHSPS has therefore prepared an HIA to provide the basis for a developer contribution.
 - The HIA demonstrates there is a capacity deficit in the area and a developer contribution of £81,200 would be required to mitigate the capital costs to the NHS for the provision of additional healthcare services arising directly as a result of the proposals. The contribution should be payable before the development is first occupied.
 - NHSPS would not wish to raise objections in the event that an appropriate level of mitigation is secured through a S106 Agreement.
30. The **West Suffolk CCG** repeated its comments and infrastructure funding request in October 2020.

31. **Suffolk Constabulary – Design Out Crime (June 2020)** expressed some concerns about the development. In summary those areas of concern are real long access paths, garages away from dwellings and designs of carports, permeability, gable end windows and concerns for access to dwellings by emergency vehicles.
32. The above comments were largely repeated in June 2021 following a further consultation period with additional commentary provided relating specifically to plot 120 (security fencing) and the open spaces and woodland areas (which they advise should be secured with estate fencing) and protection of the substation.
33. **SCC Highways Development Control (January 2020):** provided the following comments:
 - SCC cannot adopt the proposed Calor Gas installation, despite the applicants intentions. SCC will not adopt any highway that has calor gas beneath or close to it.
 - The junction from Thistle Way into the development site has been designed with minimal pedestrian and cycle provision. As all the traffic from the site will be accessing this junction. This junction should be changed to enable cycle and pedestrian protection/ priority and not car etc.
 - The cycle path to the north of the site should link into the existing remote cycle network to enable school children to access the school without travelling through the neighbouring housing estates.
 - The access to plots 90-98 needs to meet Suffolk Design Guide.
 - There are some dwellings that are short of parking spaces. All two beds should now have 2 spaces assigned to them. Visitor parking should be 33 spaces (there are 28).
 - All trees and hedges should be out of visibility splays of all junctions and accesses and 2.5m from the edge of adoptable highway (if the gas issue can be resolved), and 5m from streetlights.
 - Further clarification is needed in relation to the specification of the cycle crossing close to plots 11 and 87.
34. In May 2020 following re-consultation, **SCC Highways Development Control** repeated its earlier concerns about the calor gas installation, requested further information to assist with its assessment of the parking proposals, and submitted comments about some of the design aspects needing to comply with the Suffolk Design guidance. The Authority also requested S106 contributions for Real Time Passenger Information screens at the closest bus stops to the development (£30,000) and for the provision of an extra bus service (£100,000). No conditions were recommended at this point given the need for further information. The submitted travel plan was also criticised as failing to comply with the requirement of the Suffolk Travel Plan guidance and requested an updated travel plan prior to the determination of the planning application. The Authority offered an option

to deliver the Travel Plan on behalf of the developer with an agreed contribution secured via a S106 Agreement.

35. In December 2020, following a further period of consultation, the **SCC Highways Development Control** again repeated its comments about the presence of gas apparatus as part of the road infrastructure. They also confirmed they were content with the parking arrangement proposed, subject to the car ports being of sufficient width and the transition to shared surface roads not removing visitor parking. The Authority also provided advice about trees in proximity to the highway and visibility for drives and junctions. Commentary was also provided about pedestrian crossings of junctions and the need for these to comply with the Suffolk Design Guide. Examples were given where this was not the case. Advice was also provided about cycle access, pedestrian safety and accommodating prams. The earlier requests for S106 infrastructure funding and advice relating to travel planning were repeated.
36. In July 2021, the **SCC Highways Development Control** team repeated earlier advice about the proposed gas installation and the inability to adopt the roads. They also commented that visitor parking was well spaced out across the development and that parking provision complies with the Suffolk Standards. Further advice is provided about visibility splays to junctions and pedestrian cyclist interaction with the junctions. However the Authority did not provide 'full' design comments because [at that stage] the roads were not considered to be adoptable owing to the gas infrastructure issue. Requests for S106 developer contributions and comments about the travel plan were repeated from earlier correspondence (see above).
37. **SCC Flood & Water Management (December 2019)**: expressed holding objections to the proposals and requested the submission of additional information in relation to the proposals for surface water management and disposal.
38. Following the submission of further drainage information in March 2020, in April 2020 the **SCC Flood & Water Management** withdrew its holding objections and were satisfied with the proposed surface water regime. They recommended approval, subject to standard SW drainage conditions (detailed design of a drainage scheme, submission of details of SuDS and piped components of the scheme and a surface water drainage scheme for the construction phase of the development). These comments were repeated in October 2020 and again in June 2001 following further separate periods of consultation.
39. **SCC Archaeology (December 2019)**: recommend standard archaeological conditions relating to the implementation of a program of archaeological works (including reporting of findings). The Unit also comments:
 - The application area is situated in an area of archaeological potential recorded on the County Historic Environment Record.
 - Archaeological investigations to the south identified activity dating from the Early Neolithic period. This included pits and post holes, a 45m diameter ring ditch (likely a funerary barrow) dated to the Early Bronze Age for its original construction and Iron Age pits. A rectilinear

enclosure was imposed around the ring-ditch in the early Roman period and it was re-cut and infilled in the Late Roman period. A small rectangular structure with painted plaster walls and a tile roof was constructed to the immediate east of the ring-ditch. Identified as a possible religious shrine, placed 'head and hoof' deposits of pig remains were found in association, with other possible votive material recovered elsewhere within the enclosure. Further evidence of settlement and occupation included a possible well, a tile-lined flue-like structure and an adult inhumation.

40. Following submission of an archaeological evaluation document by the applicant (in November 2021) **SCC Archaeology** confirmed that no planning conditions would be required for archaeology given the findings of the document.
41. **SCC Development Contributions Manager (December 2019)** - submitted the following requests for S106 contributions:
 - Primary School capital contribution (£647,163)
 - Secondary School capital contribution (£551,126)
 - Sixth Form contribution (£136,428)
 - School transport contribution (to Mildenhall secondary school over a 5-year period - £110,400)
 - Preschool capital contribution (£254,943)
 - Libraries contribution (£2,256)
42. The above requests were repeated in March 2020.
43. In October 2020 the **SCC Development Contributions Manager** wrote to update their requests for S106 contributions as follows:
 - Primary School capital contribution (£676,764)
 - Secondary School capital contribution (£573,367)
 - Sixth Form contribution (£142,650)
 - School transport contribution (to Mildenhall secondary school over a 5-year period - £138,575)
 - Preschool capital contribution (£266,604)
 - Libraries contribution (£2,256)
44. In March 2021, the **SCC Development Contributions Manager** updated the S106 request. These remained as per the October 2020 request with the exception of the libraries contribution which increased from £2,256 to £30,456 for improvements to Newmarket facilities and pop-up provision on Red Lodge. These requested were repeated in December 2021.
45. **West Suffolk Senior Landscape & Ecology Officer** in January 2021 provided comment about a number of issues she considered needed to be addressed by the applicants. These issues are not set out in detail given that amendments have been made to address these concerns and later comments are available.
46. In August 2021, the **West Suffolk Senior Landscape and Ecology Officer** identified the remaining issues with the planning application as:

- Northern boundary of the woodland needs to be protected against vehicular access.
- Other matters pertaining to the woodland (confirmation required on extent of tree thinning, 'no-dig' construction and provision of information boards).
- The Landscape & Ecology Maintenance Plan should detail emptying of dog and litter bins (at least once a week) and scope of maintenance of paths to include the informal and woodland paths.
- Opportunity to link the development to Russet Drive at the bottom of Bilberry Close across the disused 'SuD' for children to gain access to the play park. This is important as no play space is included in the development. Policy SA9d) requires that adequate cycle and pedestrian links should be provided within the sites and where appropriate connections to the existing network.
- The current proposals also have an adverse visual effect when viewed from Russet Drive given the current vista across the open SUD.
- The current proposal for a wire mesh security fence on the eastern side of the development is not acceptable. The use of a security fence to form the boundary with the countryside is out of character. A post and rail, or post and wire fence alongside hedgerow planting would be more appropriate in this location. The attractiveness of the perimeter path is dependent on the route taking advantage of the rural outlook. The tall security fence interrupts views to the adjacent countryside and the adjacent woodland.
- It is true that in some locations in Red Lodge a security fence has been constructed adjacent to footpaths, however this is where the adjacent use, such as a school or a business, requires this type of secure barrier.
- Provision of measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Red Lodge Heath SSSI and Breckland SPA - There is potential for the eastern path on the farm track/perimeter path to provide a suitable alternative dog walking route and contribute to the cycle/footways in Red Lodge but there remains concern about the amenity of the route (see also comments above). An important consideration when completing a HRA is whether the measures can be effective in mitigating the effects identified. Connectivity to the south and deliverability remain a significant concern.
- It remains the case that further information is required in relation to the impact of the proposals on Breckland Special Protection Area (SPA) and Breckland Farmland Site of Special Scientific Interest (SSSI) both alone and in-combination with other plans and projects as set out by Natural England's in their letter of 26 October 2020.
- Conditions are recommended in the event that planning permission is granted (Mitigation in the ecology report to be implemented in full, method statement for the woodland, Landscape and Ecology Management plan to be implemented in full, implementation of landscaping, public access to the perimeter path secured, soft, measures

to protect the SPA, interpretation boards and a lighting strategy for biodiversity).

47. In June 2022, having reviewed all of the latest submissions from the applicant the **West Suffolk Senior Landscape and Ecology Officer** identified the remaining issues with the planning application as:

- **Woodland** (points repeated from bullets 1 and 2 from the previous paragraph)
- **Biodiversity net Gain** - The applicant has not demonstrated biodiversity net gain (BNG). Whilst currently a minimum of 10% BNG (as will shortly be mandated in the Environment Act) cannot be required, the Defra metric is a method by which the applicant can demonstrate that the enhancement measures are additional to the mitigation required to achieve 'no net loss of biodiversity' on this site.
- The NPPF requires, in section 174, that planning decisions should contribute to and enhance the natural and local environment minimising impacts on and providing net gains for biodiversity.
- Local plan policy DM 12 requires that measures should be included 'for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development'.
- Local Plan policy CS2 requires that 'Where mitigation measures are employed, they will result in a net gain of biodiversity for the district'.
- It is not clear whether the application is compliant with this aspect of policy as there is no demonstration that once the existing habitat losses have been mitigated against, there would be any biodiversity gains.
- **Species specific** - Hedgehog links are not included on the most recent version of the enhancement plan although it is noted these are shown on the landscape plans. It is not clear how the applicant will retain the hedgehog linkages on this site once the site becomes operational, and information to residents in relation to the adaptations for wildlife, including hedgehog access and bird and bat boxes should be made available.
- **Swift boxes** – Swifts are gregarious birds that like to nest in groups. Two or three swift bricks should be placed near to each other in the locations selected to allow for this.
- **Landscape and Environmental Management Plan** - Emptying of dog bins and litter bins should be included in the LEMP. It is recommended that these are easily available to facilitate this and are emptied at least once a week.
- The scope of section 4.17 of the LEMP, which relates to hard surfaces, should be widened to ensure it covers the maintenance and repair of all different types of paths including informal and woodland paths not just those formed using paving units.

- **Access and circulation** – The matters set out in the fourth and fifth bullet points of the preceding paragraph (August 2021 consultation response) had not been addressed and the comments set out at those bullet points were therefore repeated.
- **Eastern site boundary** – *It was noted that the height of the fenced barrier along this boundary had been reduced to 1.5 metres and the following advice was provided:*
 - The current proposal for a wire mesh security fence on the entire eastern boundary of the development is not acceptable. The applicant has proposed that this barrier is reduced in height to 1.5m, however this change on its own is not sufficient given that the fence will be located on the edge of the perimeter path for approximately half of the length of the site. The use of a security fence to form the boundary with the countryside is out of character. A post and rail, or a post and wire fence with hedgerow planting would be more appropriate in this location on the edge of the woodland.
 - The attractiveness of the perimeter path is dependent on the route taking advantage of the rural outlook towards the adjacent woodland. Whilst the height of the security fence might have been reduced to 1.5m – which is about eye-level, without softening and screening by vegetation such as a hedge, the presence of the security fence alone is enough to detract from the amenity of the path and the views to the adjacent woodland that would otherwise be available.
 - Guidance for delivery of alternative recreational facilities, including the Accessible Natural Greenspace Study (FHDC 2017) is clear that suitable alternative natural greenspace (SANG) must be perceived as semi-natural spaces, with intrusion of artificial structures limited to areas close to developed edges except for essential infrastructure such as way-markers and benches. The proposed security fencing which would form the boundary between the perimeter path (farm track) and adjacent woodland should be replaced with a more appropriate barrier to reduce its impact on the new footpath connection and to give the space a more rural character.
 - The boundary fence in its current form has a detrimental effect on the amenity of the route and strongly and adversely influences the character of the space such that the effectiveness of the measures in reducing visits to the SPA is in doubt.
 - It is true that in some locations in Red Lodge a security fence has been constructed adjacent to footpaths, however this is where the adjacent use, such as a school or a business, requires this type of secure barrier. For this reason, this fence would be acceptable for the short section adjacent to the existing business although where possible this should also be softened with planting.

48. **West Suffolk Public Health and Housing (December 2019)** – commented that the noise assessment which explored the potential impacts of noise from the existing Engineering use adjacent to the site upon the new dwellings is satisfactory and demonstrates no likely impacts or conflicts would arise. No mitigation is required (albeit screening measures are

recommended – e.g. fencing). The details contained in the construction method statement which identify measures to be taken for controlling dust and noise during construction phases are also accepted (subject to that scheme being adopted). The team did not wish to add further comment in April and October 2020 and again in June 2021.

49. **West Suffolk Environment Team (December 2019)** – recommend the standard contaminated land condition (in light of the recommendations of the applicants report) and a condition requiring provision of electrical vehicle charge point infrastructure.
50. In March 2020, following submission of a Site Investigation report, the **West Suffolk Environment Team** amended the wording of its suggested condition to require a remediation strategy to address the findings of the report. These comments were repeated in October 2020 and again in June 2021.
51. **West Suffolk Senior Urban Design Officer (January 2020)** – provided the following comments:
 - Generally, in terms of context and character, further work is required to help to illustrate the key characteristics of the development's two character areas of different density. In terms of the design concept and built form there is scope to create more of an organic street layout and reflect more village characteristics within the heart of the development. Buildings could also be reoriented to address key spaces. In terms of connectivity and movement, consideration needs to be given to permeability, particularly connectivity across the site to create more usable green space at the key gateway to the development. A more detailed plan is also required showing the proposed sustainable movement network within the development.
52. In June 2020, following consultation on amended plans, the **West Suffolk Senior Urban Design Officer** set out the following comments:
 - Overall, the latest plans have a better-defined sustainable movement network and some improvements have been made to make the building line less regimented and to follow the curvature of the street to add visual interest. However, the Design and Access Statement does not adequately convey wider character traits or development patterns of the surrounding area which could be reinterpreted within the development. There is also an opportunity to create a more distinctive sense of place and focal point in the heart of the development which would reinforce the stated aim of creating more of a village street character distinct from the adjoining cul-de-sacs.
53. In October 2020, following consultation on amended plans, the **West Suffolk Senior Urban Design Officer** provided the following comments:
 - In the Connectivity Plan and Development Layout (Option 6), the development has improved permeability to the perimeter path creating a more fine-grained movement network and encouraging active travel which is emphasised in new urban design guidance such as Building for a Healthy Life - A Design Code for neighbourhoods, streets, homes and

public spaces. Importantly this also helps to open up the cul-de-sacs on the eastern side of the development.

- High quality streets and spaces are required to create a distinct identity and sense of place, recognising the importance of the community function of streets as spaces for social interaction. The aspiration to create social spaces within the cul-de-sacs is therefore supported.
- The DAS states that the main route takes the form of a traditional street. The DAS also states that the site is not considered to be large enough to require the buildings to create landmarks in themselves. The two and a half storey semi-detached dwelling at Plots 6 and 7 helps to terminate the vista from the perimeter path and one of the centrally located cul-de-sacs. However, it is considered that Plot 89 does not turn the corner well or enhance this potential focal point of the village street character area.
- As indicated in previous urban design comments it is still recommended that consideration is given to changing the priority of this section of the spine road to reduce the linearity of the spine road, create a more distinctive sense of place and focal point in the heart of the development which would reinforce the stated aim of creating more of a village street character distinct from the adjoining cul-de-sacs.

54. In June 2021, The **Urban Design Officer** did not wish to comment further on amended plans at that time given the changes were mainly highway and landscaping based.
55. **West Suffolk Strategic Housing Team (March 2020):** expressed support for the scheme which delivers 30% affordable housing (42.4 affordable dwellings) with the 0.3 being secured by way of a commuted sum. Policy compliant tenure mix (70% rented and 30% intermediate housing) is proposed. The affordable housing mix meets the current housing need for Red Lodge. The approach to evenly disperse the affordable housing (no greater than 15 dwellings in a cluster) is supported as it will help to create a balanced and sustainable community. The affordable units should be built as a minimum to the national space standards and the stock secured via s106 Agreement. The team did not wish to comment further in October 2020 nor in June 2021, following further consultations.
56. In July 2021, and in response to updates National Planning Policies (in the NPPF), the **West Suffolk Strategic Housing Team** made some changes to the recommended mix for the affordable housing.
57. **West Suffolk Waste Operations Manager (October 2020):** commented that providing that the 'Emergency turning points' can be used by our trucks, and the road surface is suitable for them to turn on, there's no objection. If not, then the bins need to be presented on the main service road for our crew to empty. In June 2021, following re-consultation, the service did not wish to comment.
58. **West Suffolk Environmental Management Officer (June 2022)** following receipt of the applicants energy statement in May 2022, provided the following comments:

- We have reviewed the Design and Access Statement dated November 2019, and the Energy Statement, undertaken by AES Sustainability Consultants Ltd, and are satisfied that the proposal shows compliance with policy DM 7 and the Building Regulations Part L 2013. We are pleased to see that consideration has been given to the 2021 Building Regulation standards and that thermal bridging, air permeability and fabric specifications (except for sloping roofs) will comply with the 2021 standards. The target emission rate will also be complied with through the use of the fabric specifications and providing all heating requirements through air source heat pumps resulting in 50% reductions (on average) upon the 2021 regulations.
- Further consideration should be given to the installation of solar PV which would reduce electricity bills for occupants, reduce electrical grid capacity requirements, and reduce the carbon intensity of electricity powering the heat pumps.

Representations:

59. **Red Lodge Parish Council (December 2019):** objects to the planning application for the following reasons:
- Parking should be restricted to one side of Thistle Road with double yellow lines on the other side.
 - There should be a wider review of the local road network by the Highway Authority, including Thistle Way.
 - The additional housing and resultant population increase will create additional pressures on the services and facilities in Red Lodge. The infrastructure does not support this increase. There should be S106 funds to alleviate this problem and the PC should be consulted.
 - Any management company set up to manage the landscaped areas of the site should involve the residents as Directors.
60. In April 2020 the **Parish Council** maintained its objections to the proposals on the following grounds:
- The access routes for traffic via Thistle Way are inadequate, this road is congested with parked cars, this will cause an increase in collisions, residents oppose this suggestion.
 - The infrastructure is insufficient for the increased housing, this places a huge burden on pre-existing doctors, dentists, schools and other local amenities.
 - The area is known to flood and is marsh-like and therefore not ideal to build on.
61. In July 2021, the **Parish Council** re-affirmed its objections to the proposals raising parking issues and traffic/highway matters with the following comments:
- The access route via Thistle Way is not ideal, this area is already difficult to negotiate with parked cars. Using Thistle Way poses the risk of increasing road traffic accidents.

- There are a number of issues that still remain unresolved from the previous submission.
 - The utilities are unapproved.
 - There is no clarity on the adoption of the roads.
 - A residential management company is not being offered.
 - There is a lack of infrastructure, there are insufficient doctors and dentists surgeries, the current amenities will not support the further development.
62. In December 2021 the **Parish Council** re-affirmed its objections to the proposals and repeated the concerns and issues it had raised previously.
63. **Four letters** have been received from local residents across the various consultations raising concerns and/or objections against the proposals. The matters raised are summarised as follows:
- The access along Thistle Close is not viable for a project of the size because of parked cars on a blind bend. This will be exacerbated by the additional cars from the proposed development.
 - A single road access into the development is not appropriate. Emergency vehicles would not be able to get through should they need to.
 - On street parking is a significant safety issue in the village and these properties should be provided with adequate access and parking.
 - Noise and vibrations from construction.
 - Development has started on the land – that is not right.
 - Many recently built properties remain unsold. Therefore there is no need for these additional houses.
 - More shops should be built.
 - Overlooking of properties currently on the edge of the residential area (adjacent to the application site).
 - Devaluation of existing properties.
 - Mitigation must be considered for the equestrian community (who face danger and high risk of accident by using roads for riding or to connect existing off-road routes). The British Horse Society believes this development provides great opportunities to provide safe off-road links for equestrians and they should support the automatic inclusion of horse riders on shared off-road routes unless there are specific reasons why this is not possible. Exclusion of any equestrians from any safe access provision for cyclists is not only discriminatory and contrary to the ethos of the Equalities Act 2010, but it also puts equestrians in increased danger. It is to be avoided. Safe access must

be available to all vulnerable road users. The applicant's proposals should include all vulnerable road users, not only pedestrians and cyclists.

Policy:

64. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous 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.

65. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010, the 'Single Issue Review' and the Site Allocations Local Plan have been taken into account in the consideration of this application:

Single Issue Review (2019)

66. The following policies from the Single-Issue Review of Core Strategy Policy CS7 are considered relevant to this planning application:

- CS7 – Overall Housing Provision and distribution.

Site Allocations Local Plan (2019)

67. The following policies from the Site Allocations Local Plan are considered relevant to this planning application:

- SA1 – Settlement boundaries
- SA9 – Housing Allocations in Red Lodge (SA8b) allocates the application site (5.5ha – excluding the woodland component) for a housing development (indicative capacity 140 dwellings).

Joint Development Management Policies Document (2015)

68. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:

- 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.
- DM20 – Archaeology
- DM22 – Residential Design.
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

Core Strategy (2010)

69. 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.

- 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 and Tourism Development
- Policy CS9 – Affordable Housing Provision
- Policy CS10 – Sustainable Rural Communities
- Policy C12 – Strategic Transport Improvement and Sustainable Transport
- Policy CS13 – Infrastructure and Developer Contributions

*Policy CS7 of the original Core Strategy has since been replaced by policy CS7 of the 'Single Issue Review'.

Other planning policy:

Supplementary Planning Documents

70. 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)

71. Whilst not formally adopted as a Supplementary Planning Document, the Suffolk Advisory Parking Standards (as amended 2019) are referenced by Development Plan policy and are thus a material consideration to be given appropriate weight in the consideration and determination of planning applications.

National Planning Policy Framework (NPPF)

72. The Government continues to update and amend national planning policies in the 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?

73. 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)
74. 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.
75. 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:

76. This section of the report begins with a summary of the main legal and legislative requirements before discussing the principle of the development and in particular compliance with the Development Plan. It then goes on to analyse other relevant material planning considerations (including national/local policy and site-specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

77. Given the scale of development proposed, being under the 150 dwelling threshold advised by the National Planning Practice Guide, the planning application does not need to be screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Furthermore, whilst the site is located in a 'sensitive area' (inside the precautionary buffers to the Breckland Special Protection Area and potentially affecting stone curlew nests outside of the SPA designation), detailed consideration of the planning application and final consultation response from Natural England also supports the overall conclusion that EIA screening is not necessary in this case.

The Conservation of Habitats and Species Regulations 2017 - (hereafter referred to as the Habitats Regulations).

78. 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 these Regulations.
79. 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.
80. The Council has not yet carried out an appropriate assessment of the proposals in order to comply with the regulatory requirements. This will be carried out prior to the determination of the planning application and following construction of a necessary connecting footpath to the south of the application site. Provision is made within the officer recommendation at the end of the report.

Natural Environment and Rural Communities Act 2006

81. 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 (Natural Heritage section).

Planning and Compulsory Purchase Act 2004 (as amended)

82. 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 Development Plan comprises the policies set out in the Single-Issue Review of Core Strategy Policy DM7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), 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 Framework are also a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

83. 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.

84. 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.

85. The implications are discussed later in this report under the 'built heritage' subheading.

Crime and Disorder Act 1998

86. 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

87. 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.

Human Rights Act 1998

88. The proposals have been considered against the provision of the Human Rights Act and, for the same reasons set out above in connection with the Equalities Act, no significant issues arise.

Community Infrastructure Levy Regulations 2010

89. These generally set out 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 and will influence the final content of a potential S106 Agreement (in the event that planning permission is granted. 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.

90. Following legislative amendments in 2019, Regulation 123 which imposed limitations on the pooling of planning obligations, no longer applies.

Principle of Development

National Policy context

91. 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-enforce 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'.
92. Paragraph 60 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.
93. 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 (inter alia):
 - *approving development proposals that accord with an up-to-date development plan without delay;*
94. 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 permission should not usually be granted.

Adopted Local Plan policy context

95. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 6 (and policy CS1) confirms Red Lodge (which has delivered the required primary school and local centre) 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).
96. Core Strategy 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.
97. Policy CS1 states (in Red Lodge) land will be allocated for a minimum of 800 dwellings on brownfield or mixed brownfield or greenfield sites. It also clarifies that no greenfield extensions will come forward before 2021.
98. Core Strategy policy CS6 states that economic and tourism growth at Red Lodge will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes/jobs balance.
99. The application site (with the exception of the woodland component) is allocated for housing development as part of the adopted Site Allocations Development Plan (SALP) document. Policy SA9(b) confirms the allocated

5.5-hectare site will deliver a mixed-use development to include circa 140 dwellings. The policy also requires the following matters to be addressed/satisfied:

- Include measures to influence recreation in the surrounding area (SPA and SSSI safeguarding). To include enhancement and promotion of dog friendly access routes. For the application site, the policy requires measures to avoid an increase in recreational activity in adjacent farmland, such as barriers to access.
- Information to demonstrate no adverse effects to the SPA.
- Strategic landscaping and open space.
- Necessary archaeological evaluation (prior to determination)
- Cycle and pedestrian links within the site and where appropriate connections to the existing network.
- Have regard to the proper functioning of the existing SuDS infrastructure located on the site.

100. The proposals are considered against the requirements at various points later in this report.

101. The inclusion of an area of existing woodland as public open space to serve the development (and wider village needs) means the red-lined application site includes land that is situated outside the settlement boundary of the village and outside the confines of the land identified as an allocation in the Site Allocations Local Plan.

102. The woodland area has been included within the application site as a consequence of the Habitats Regulations Assessment that informs the proposals. The woodland constitutes additional public open space provision over-and-above normal planning policy (DM42) requirements. All public open space provision that is required by the Development Plan to serve the development proposals is provided within the settlement boundary (and land forming the allocation in policy SA9(b)). Accordingly, and as the provision of public open space outside of the settlement boundary (and allocation) does not facilitate additional dwellings than would otherwise be the case, there is no financial or development advantage arising and no conflict with the spatial policies of the Development Plan.

103. The allocation of the site for housing development in the adopted Site Allocations Plan means the application proposals (including the woodland public open space provisions) are, subject to the specific policy criteria being met (and other material considerations satisfied), acceptable in principle.

Impact upon the countryside/landscape

104. The Framework confirms the planning system should protect and enhance 'valued landscapes'. It also recognises 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.

105. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where

possible) enhance the quality, character and local distinctiveness of the landscape.

106. Policy DM13 of the Joint Development Management Policies Document seeks to protect landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
107. The Site Allocations Local Plan, in allocating the application site for the proposals included in this planning application via policy SA9(b) requires that (inter alia) strategic landscaping ... must be provided to address the individual site requirements and location.
108. The application site is categorised as 'Estate Sandlands' by the Suffolk Landscape Character Assessment (SLCA). The Assessment states that despite the presence of so much forestry, the views in this landscape are often long and there can be a powerful sense of isolation. The 'planned' nature of the landscape over such a large area does, however, mean that there is little variation in the views.
109. The SLCA recognises that one of the key forces for change is the expansion of existing settlements into this landscape and creation of new settlement patterns and clusters associated with infrastructure development.
110. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped land into a developed housing estate. However, the site is allocated for these proposals in an adopted development plan and is within an existing settlement boundary policy designation.
111. The impact of the development proposals upon the landscape qualities and character of the wider countryside could be significant given the village edge location of the site. However, this is reduced significantly by the enclosing effect of the woodland belt to the east of the site which would visually contain a development on the application site, from exposure in the wider landscape. Opportunities exist to provide new strategic planting in order to strengthen site boundaries and further soften the impact of development upon the countryside.
112. The impact of the proposed development upon the landscape and thus the wider countryside, is considered acceptable, with any minor adverse effects arising capable of mitigation via the introduction of the new landscaping proposed in the application.

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

113. 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.
114. 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.
115. 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;
 - c) the design of streets, parking areas, other transport elements reflects current national design standards.
 - d) 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.
116. 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.
117. 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.

118. 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.
119. 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. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
120. The Core Strategy categorises Red Lodge as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted given the small take up so far of available employment land to the north of the village. Employment land provision to the north of Red Lodge remains a policy focus of the Development Plan with 8 hectares of land allocated for employment related uses in the Site Allocations Local Plan (reference policy SA10). The majority of working people at Red Lodge are likely to need to travel away from the village to their place of work. There is a range of community facilities in the village, including some shops, services, two primary school, churches and other meeting rooms which serve to contain a number of trips within the village.

Information submitted with the planning application

121. The planning application is accompanied by a Transport Statement. The statement notes that Thistle Way (the vehicular access road into the proposed development) was designed as a major access road (width 6.1 metres) to provide access and egress to the land east of Red Lodge. The Transport Statement confirms it can therefore be assumed this road has adequate capacity to serve the proposed development. The development will have a secondary emergency access road to the south, exiting onto earlier phases of the development. In the short-term further emergency access will be provided to the north-east with this route upgraded as a formal road link in future.
122. The Transport Statement goes on to describe the new road infrastructure:

The proposed development is to be served by a main spine road with all the properties accessed from the spine road or from shared surface roads. The road alignment together with the tie-in from Thistle Way will continue the principle of a shared access road to provide traffic calming and keep vehicle speeds to a minimum.
123. With respect to traffic generation and movement, the Transport Statement advises:

The development is anticipated to generate approximately 140 trips per day. This equates to approximately 35 trips to the peak hour trip rate and this will have a negligible effect on the road network.

124. And, on transport matters, the document concludes:

We are satisfied that the Phase D development will be well served by a transport network capable of providing the needs of the residents. This includes cycling, walking, access to public transport such as buses and trains, in addition to a good highway infrastructure, the capacity of which will not be compromised by this development.

Officer comment on transportation matters

125. Following completion of construction of the St Christopher's' School and the 'village centre' facilities (both secured as part of the 'Kings Warren' development), the Core Strategy categorises Red Lodge as a Key Service Centre. In planning policy terms, the village is thus regarded as a 'sustainable' location which could support growth. This is confirmed by the allocation of the site for a housing development of scale within the Site Allocations Local Plan.
126. It is likely that 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 and, consequentially, the majority would be undertaken by car. However, there are a range of services and facilities in the village that will prevent or reduce the need for travel to some facilities. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given the large-village scale of Red Lodge and its relatively self-contained situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and officers' therefore consider they are sustainable in transport terms.
127. The planning application is accompanied by a Transport Statement which examines the potential impacts of development on highway safety and congestion. The conclusions of the document are summarised above. Neither Highways England (strategic road network) nor Suffolk County Council Highway Authority (local road network) has objected to the planning application and thus these bodies accept the findings of the assessment.
128. The Highway Authority has to date not examined in detail the proposed new estate road network within the proposed development given they had not previously anticipated that the roads would be 'adoptable' by them. This was because the applicants were proposing to provide gas storage tanks beneath the new road infrastructure in order to provide gas fuel to the dwellings. The applicants strategy has changed recently however and they no longer propose to provide Calor gas as a fuel source to serve their proposed development. The roads therefore qualify for 'adoption' and the applicant intends to ensure the design and specification of the main spine road meets adoptable standards. This is likely to necessitate some minor changes to the design and specification of the road and/or its foot and cycle ways. The applicant is making minor changes to the plans in order to ensure the road is adoptable by Suffolk County Council in future. The conversation between the applicant and highway authority is continuing and amended

plans showing some minor changes to the road and path infrastructure have been received. The recommendation at the end of the report has been prepared to ensure the matter is fully resolved before a positive decision notice is issued.

129. 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 applicant has offered to provide contributions towards the enhancement of passenger information boards at the closest existing bus stops to the site. Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

Impact upon natural heritage

130. 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.

131. The NPPF also confirms that the 'presumption in favour of sustainable development' does not apply where the proposals are likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

132. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the

basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.

133. Policy SA9(b) of the Site Allocations Local Plan, which allocates the application site for the development proposed by the planning application, also seeks to protect natural heritage interests. The policy sets out the following requirements in the interests of protecting the SPA and SSSI designations:
- *Development on all sites [included in Policy SA9] must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Red Lodge Heath SSSI and Breckland SPA. Measures should include the enhancement and promotion of dog friendly access routes on the immediate vicinity of the development and/or other agreed measures. Measures to avoid an increase in recreational activity in adjacent farmland, such as barriers to access, should be considered for site SA9(b).*
 - *The developer is required to submit information that clearly demonstrates that the measures would result in no adverse effects on the integrity of Breckland SPA. This information will include:*
 - *details of the timetable for implementation of all measures*
 - *availability of measures at the time of occupation of the new dwellings – including any phasing plan if applicable*
 - *details of adoption and future management of measures (as required)*
 - *Planning permission will not be granted unless this information is sufficient to allow the local planning authority (as competent authority) to conclude that the requirements of the Habitats Regulations 2017 (or any replacement regulations) are satisfied.*
134. 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.
135. 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.

Impact upon internationally and nationally designated sites

136. The designated Special Protection Area (SPA) is situated to the east of Red

Lodge. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons. The application site is outside the SPA boundaries but about two-thirds of the application site are situated within the 1.5km precautionary buffers drawn around its boundaries.

137. Part of the site is also situated within the 1.5km buffer to Stone Curlew nests recorded in locations outside the Special Protection Area designation. Stone Curlew are protected species, including birds nesting outside of the formal SPA designation.
138. The SPA is also vulnerable to increased recreational visitor pressure (indirect impact) from new housing developments located at distances greater than 1.5km from the SPA boundaries. In light of the above direct and indirect impacts upon the conservation interests of the SPA and its species cannot automatically be ruled out and, in accordance with the requirements of Core Strategy Policy CS2, further consideration of potential impact is required, initially via a project level Habitats Regulations Assessment.
139. The approach to be taken to considering a development proposal that might affect an SPA is set out in ODPM Circular 06/2005. The first stage in the process is to establish whether the proposed development is directly connected with, or necessary to, nature conservation management of the SPA. That is not the case with the application proposals, so consideration passes to the second stage. The second stage is to determine whether the proposals are likely to have a significant effect on the interest features of the site, either alone or in combination with other plans or proposals.
140. Two of the three qualifying features of the SPA, namely Nightjar and Woodlark breeding areas are located sufficient distances away from the application site such there would be no direct impacts upon them arising from development in isolation or in combination with other plans and projects. The potential direct impacts of development upon Stone Curlews nesting locations inside and outside the SPA and indirect impacts arising from increased recreational pressure (human recreational activity) requires closer examination and consideration.
141. The applicants have submitted Habitats Regulations Assessment information with the planning application. The information has been prepared by a suitably qualified Ecologist (Aspect Ecology). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and reaches the following conclusions;
 - *A screening exercise identified the potential for effects to occur in relation to recreational pressure and Rex Graham Reserve SAC, Breckland SAC and Breckland SPA. The exercise also identified the potential for adverse effects to occur in relation to urban edge/disturbance effects on Stone Curlew associated with Breckland SPA.*
 - *An assessment was carried out to identify likely significant effects. Likely significant effects could not be ruled out in relation to the proposals alone and in-combination with other plans or projects for*

recreational pressure at Breckland SPA and accordingly an Appropriate Assessment was carried out in this regard. Likely significant effects were not identified in relation to the other elements and therefore no further assessment was required.

- The Appropriate Assessment identified a number of measures and opportunities set out in local policy and the associated evidence base which would/could mitigate effects of increased recreational pressure on Breckland SPA. These measures allowed the HRA of the SALP to conclude there would be no effects on the integrity of the SPA. These measures were considered in relation to the proposed on-site green space and linkages to the wider area which will be delivered at the site. The assessment concluded that with the implementation of the measures set out, there would be no potential to affect the integrity of Breckland SPA in view of the designations' conservation objectives in relation to the proposals alone. Accordingly, there would be no residual effects which could combine with other plans or projects to generate new or additive effects, such that no effects on integrity are anticipated in combination with other plans or projects.*
- Based on the screening exercise and Appropriate Assessment, further assessment (i.e. proceeding to stage 4) is not required.*

142. The applicant's Habitats Regulations Assessment has been the subject of public consultation. Natural England (in April 2000) advised that further information should be sought from the applicant to enable the application to be properly considered. Stone Curlew survey information was requested.

143. A Stone Curlew Survey Report was prepared and submitted by the applicants following two years (two nesting seasons) of survey results. The Report is a confidential document so does not appear on the Council's website.

144. The report reached the following conclusions:

- Aspect Ecology has carried out specific Stone Curlew survey and assessment work of suitable land parcels within 1.5km of the site in between 2020 and 2021. This included a desk-based habitat assessment, which identified 76 parcels of habitat with the potential to support Stone Curlew (nesting or foraging). A field-based habitat assessment was subsequently carried out of these parcels which identified eight that warranted further survey work to identify whether Stone Curlew were present in 2020. Dusk and/or dawn surveys were therefore carried out at these parcels to search for Stone Curlew in July 2020.
- The 2020 surveys identified two adult Stone Curlew in parcel 43 during one of the dawn surveys. The Stone Curlew were located approx. 1.4km north of the site and 3km northwest of Breckland SPA, and parcel 43 is located 1.2km from the site and 2.8km from the SPA at its closest point. No Stone Curlew were recorded during the 2021 surveys.
- A review of Stone Curlew nesting records in the area was carried out, and the new records from the 2020 surveys appear likely to be associated with a known population to the east of Rectory Farm. This

population lies more than 3km from Breckland SPA and therefore it would not be necessary to consider the 2020 records in a project-level HRA.

- Notwithstanding the identified Stone Curlews are not likely to be associated with the SPA, an assessment of the effects of the proposals was carried out on Stone Curlew. Due to the distance from the site, and the separation from it by a range of unsuitable Stone Curlew habitats (such as settlement and industrial areas), it is not anticipated that the proposals would have an adverse effect on the Stone Curlew identified in parcel 43. There is no evidence for Stone Curlew being present elsewhere within 1.5km of the site. Therefore, in conclusion, no further mitigation is required in addition to that already delivered at Herringswell. Furthermore, having reviewed the planned cropping patterns for 2022, a third year of Stone Curlew surveys is not warranted.

145. In response to consultation following receipt of the survey information, Natural England (in December 2021) were content to advise:

"on the basis of the survey submitted there will be no impact on Stone Curlews within the SPA from the proposed development alone. The proposal would therefore also not contribute any impacts to an in-combination assessment and would not result in adverse effects on the integrity of the SPA in combination with other plans and projects."

146. Natural England went on confirm the survey information had not addressed all of its concerns and included the following advice with respect to Stone Curlew nests located outside of the SPA designation:

- *"Outside of the SPA, but within 1.5km of the proposed development, although a further eleven land parcels were subject to Stone Curlew surveys in 2021, the remaining land parcels were ruled out as unsuitable for surveying in 2021 and all were ruled out for potential surveying in 2022. We agree with the assessment that fields of pigs, scrub / bracken and a quarry would be unsuitable throughout the breeding season. However, land parcels have been excluded from surveying due to their proximity to habitation, enclosure by trees and size of field (too small). Although these factors tend to decrease the likelihood of Stone Curlew nesting, nests are not excluded from these and the birds will nest in suitable habitat close to habitation or trees, or in smaller fields.*
- *Some land parcels are also excluded from surveying on the basis of crop type and height. Stone Curlew breeding starts in April and may extend until September. Over this time crop height will vary according to time of sowing and harvesting. Stone Curlews may make a first nesting attempt in spring sown crops, whilst attempts later in the season may be in fields where the crop has been harvested, or in areas where bare ground is available for other reasons. The report does not assess the crop heights at different times of the breeding season, and rules out spring crops from any surveying, even though early nesting could have taken place.*
- *On the basis of the evidence presented therefore, we cannot be certain*

that there were no Stone Curlew nesting outside the SPA but within 1.5km of the proposed development. Therefore we cannot be certain that the proposed development will not impact nesting Stone Curlew. Were evidence to be presented in the report that crop or vegetation height in each land parcel prevented Stone Curlews from nesting for the entire duration of the breeding season we would be able to agree with a conclusion that no Stone Curlew nests were present. If this determined that there was some potential for nesting and the only other reasons for ruling out surveying at present were on the basis of proximity to habitation, enclosure by trees or size of field, the only way to determine whether Stone Curlew nests are present would be by further surveys in another breeding season.

- *Although the land parcels not surveyed are outside of Breckland SPA, please note that Stone Curlews are a priority species listed under Section 41 of the 2006 Natural Environment and Rural Communities Act. Therefore where Stone Curlews form part of the wider environment population, predicted impacts on them should be fully assessed and any significant impacts identified should be offset.”*
- In response to the same consultation both the RSPB and Suffolk Wildlife Trust were less inclined to accept the conclusions of the survey (shared by Natural England) that there would be no impacts upon the SPA designation. These bodies commented that the survey information was flawed insofar as the justification for not carrying out a third years-worth of surveys was concerned. The RSPB concluded that the surveys do not provide enough information to inform the Habitats Regulations Assessment and recommended at least one more full breeding season survey is carried out.
- In March 2022, the applicant responded to Natural England’s continuing concerns about the survey information used to inform assessment of impacts to nests outside of the SPA designated boundaries (and within 1.5km of the application site) in the form of a Technical Note. The applicants ecologist provided further justification for the various land parcels that had been excluded from the survey (i.e. the parcels that had generated Natural England concerns). The following conclusions were reached in the document:
- Natural England’s consultation response highlighted concerns about the 2021 Stone Curlew surveys carried out within the 1.5km zone surrounding the application site, in respect of certain parcels having been excluded from survey on the basis of proximity to habitation, enclosure by trees and size of field, as well as crop type and height. As described above, none of the parcels was excluded from survey based on the presence of proximity to habitation, enclosure or field size alone; a combination of factors was used to exclude parcels from survey, including proximity to the A11 and also habitat suitability / crop type. Regarding the latter, an analysis of the crop types and heights throughout the breeding season demonstrates that none of the parcels is likely to provide early (or indeed late) season nesting opportunities for Stone Curlew. Furthermore, no Stone Curlew were found in the surveyed parcels that were more suitable for this species.
- It is therefore concluded that the risk of successful Stone Curlew nesting

attempts having been missed due to excluding certain parcels from survey is extremely low. Therefore, it is concluded that potential impacts on Stone Curlew have been appropriately assessed and there is sufficient certainty to conclude there will be no significant impacts on the wider population outside of the SPA as a result of the proposed development, and no offsetting is required. Furthermore, it is concluded that reasonable and proportionate survey effort has been employed and no further survey work is necessary to inform the application. As such, the Local Authority has sufficient information available to discharge its duty under the 2006 NERC Act to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

147. Following consideration of the further justification set out in the applicants Technical Note, Natural England commented:

- *We advise that this Technical Note, combined with the Stone Curlew Survey Report (September 2021) meet the requirements which we have previously communicated and that the technical note addresses the issues we raised in previous response to West Suffolk Council (our ref 377212, dated 15 December 2021). We recognise that any survey is a snapshot of the real world in time and geographical space. Therefore we agree that the environmental constraints associated with the land parcels scoped out from surveying are likely to have a significant negative impact on breeding Stone Curlew.*

148. Natural England the Government adviser and legal consultee to the Council under the Habitats Regulations has confirmed its view, based on the information submitted by the applicants, that the development proposals would not have a significant impact upon the SPA designation, nor upon Stone Curlew species nesting outside of the SPA (both alone and in combination with other plans and projects). Whilst the RSPB and Suffolk Wildlife Trust have expressed concerns about the reliability and robustness of the survey information, the Committee is recommended to accept the advice of Natural England, noting that a required Appropriate Assessment of the project is still to be carried out.

149. Similarly, officers are content to advise the Committee there would unlikely be any significant impacts upon stone curlew nests outside of the SPA and within 1.5 kilometres of the site.

Recreational Impacts to the SPA/SAC designations

150. Given the proximity of the application site to the SPA designation, the SPA is also vulnerable to harm arising from additional recreational pressures caused by the increased local population residing at the development and travelling into the SPA for recreational activities. Stone Curlew tend to avoid areas within the SPA where there is human activity, particularly so where dogs are present. Accordingly, it is necessary for development projects, particularly larger developments, to mitigate or avoid increased demands being placed upon the SPA designation for recreational activity. This is often resolved in the form of a 'SANG' (Suitable Alternative Natural Greenspace).

151. The application proposals do not include a full 'SANG', but instead provide an additional large area of public open space (over and above standard

planning policy requirements) and a linked and accessible recreational path. There are three components to the mitigation/avoidance strategy. These are:

- i) To provide policy compliant public open space development to serve the day-to-day needs of the new community created.
 - ii) Provide additional quantities of public open space to avoid increased recreational pressure upon the SPA (i.e. by attracting the existing population to use the space instead of travelling to the SPA), and
 - iii) To link into and extend the permissive path that runs along the eastern boundary of the site and village.
152. The policy compliant quantities of public open space are provided within the development site (and within the confines of the local plan allocation). This is sufficient to meet the normal open space needs of the population of the development. Children's' play equipment is to be provided off-site at a nearby play park at the request of the Council's Parks Team.
153. An existing woodland area adjacent (east of) the site allocated in the Local Plan is to be made accessible to the public and would form an additional quantity of open space provision that is targeted towards avoiding or reducing recreational pressure to the SPA. Paths would be provided within the woodland for public access and these would be linked to the other public open space provision and the eastern permissive path.
154. The applicants strategy is considered likely to avoid increased recreational pressure from occurring to the SPA. However, the applicants have included proposals for 1.5m high metal mesh fencing along significant parts of the eastern external boundary of the site. The purpose of the fencing is to secure the private farmland beyond. Whilst officers consider some form of barrier is likely to be needed along the eastern site boundary in order to protect the farmland beyond it from unauthorised recreational disturbance, the form of fencing currently selected is urban in character and appearance and is likely to detract from the attractiveness of the permissive path route. The proposed fenced barrier would also visually jar with the 'rural lane' character officers are attempting to achieve for the permissive path.
155. The oppressive urban nature of the fencing might actually hinder the aims of the SPA avoidance/mitigation strategy if village residents are put off from using the new spaces and the footpath route as a consequence. Accordingly, the applicants have been advised to re-consider the style, form and materials of fencing proposed for the eastern site boundary. An acceptable solution needs to be found and the application amended before the Council carries out its 'Appropriate Assessment' of the proposals and thus before it grants planning permission for the proposals. The recommendation at the end of this report accommodates this requirement.

Protected species.

156. The planning application was accompanied by an Ecological Appraisal (dated September 2020). This reached the following conclusions;
- The available information confirms that no statutory or non-statutory

nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals (European level designations are considered in a separate document).

- The Phase 1 habitat survey has established that the site is dominated by habitats not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid loss of habitats, new green space and compensatory planting is proposed.
 - The habitats within and adjacent to the site have the potential to support several protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.
 - In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals, most notably by implementing enhancements to Park Wood and bringing it into active management, and by delivering a number of faunal enhancements targeted to Priority Species.
157. The implementation of the recommendations set out in both Phase 1 and Phase 2 Ecological Assessments could be secured by a suitable method statement required by planning condition.
158. Officers are satisfied that the development proposals 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).
159. The Council's Landscape and Ecology officer and the Suffolk Wildlife Trust have both expressed some concerns that the future statutory target of 10% measurable ecological enhancement of the site (measured against existing baseline conditions) would not be met by the development proposals. Whilst that is true and the applicant acknowledges the 10% future target provision is not accommodated in the scheme, it is important to note that the 10% target for ecological enhancements is not presently a national or local planning policy requirement. The scheme does provide ecology enhancements and as such does accord with the Development Plan provision which requires "enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development" (policy DM12). The NPPF simply presently requires "net gains for biodiversity" (paragraph 174) and does not specifically require the 10% enhancement.
160. There is presently no evidence to dispute the applicants view that the proposed development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions.

Impact upon built heritage

161. 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).
162. 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.
163. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
164. 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).
165. The development proposals would not impact upon any listed buildings, (including their settings) and would not impact upon any Conservation Area (there is no Conservation Area designation at Red Lodge).
166. The application site contains no designated heritage assets and would not affect the setting of any designated heritage assets.
167. An archaeological evaluation report was submitted during the consideration of the planning application. This consisted of sample trial trench evaluation. The archaeological unit at Suffolk County Council were consulted and confirmed that no planning conditions would be required for archaeology given the findings of the applicants document.
168. The development proposals would have no impacts upon heritage assets.

Impact upon local infrastructure (utilities)

169. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate the provision of infrastructure.
170. 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”.

171. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, wastewater 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.
172. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
173. Matters pertaining to highway, education, health and open space infrastructure are addressed later in the report. This particular section assesses the impact of the proposals upon utilities infrastructure (wastewater treatment, water supply and energy supply).

Wastewater treatment infrastructure

174. Details submitted with the planning application confirms the proposed development would connect to existing foul water systems in the village. The village is served by Tuddenham Wastewater Treatment Works.
175. The Infrastructure Delivery Plan (IDP) which identifies infrastructure needs to support the Single-Issue Review and Site Allocations Local Plan documents confirms there are no specific infrastructure requirements for the former Forest Heath area in terms of ... drainage. It also notes in particular that sewerage capacity is sufficient to accommodate proposed development at Red Lodge.
176. 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 wastewater arising from the development.

Water supply

177. The IDP identifies there are no water provision infrastructure requirements to support new development in the former Forest Heath area. 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

178. The IDP does not identify any issues with capacity in the energy supply network and, as such, this is not a constraint on the development.

Flood risk, drainage and pollution

179. 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.

180. 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.
181. 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.
182. 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.
183. The application site is in Flood Zone 1 (low risk of flooding).
184. The 'Flood Risk Assessment and Drainage Design Statement' submitted with the planning application confirms the site is at little or no risk from flooding (e.g. from rivers or surface water sources). There is no reason to dispute this.
185. The document confirms that surface water runoff from the carriageways, footpaths and cycleway is proposed to discharge to a new filter trench system whilst private roofs and hardstandings (where these are not porous) are to drain to locally located and suitably designed shared soakaways in rear gardens.
186. Part of the application site had previously been used to accommodate an infiltration pond constructed as part of the adjacent 'Kings Warren' development. It was agreed in 2013 that the pond and connecting ditches could be disconnected and filled as these had never received any surface water due to the excessive safety factors used in the design of the Kings Warren soakaway system.
187. The new surface water drainage systems serving the proposed development would be maintained privately (i.e. most likely via a Management Company) and the foul drainage within public areas handed to Anglian Water for

adoption.

188. The planning application is accompanied by a Phase I desk study Ground Contamination Report. This study did not find evidence of contaminated soils at the site. The report did note, however that a limited risk of ground gases was identified for the backfilled balancing pond area and gardens that coincide with this area may require validation (of risks) at completion. The report recommends a formal remediation strategy and verification plan should be agreed with the regulatory authorities.
189. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a remediation strategy to include the area around the substation gas protection measures (including agreeing the scope of investigation for gas protection).
190. The application proposals, in isolation, would not give rise to any concerns about potential impacts arising upon air quality at the site or wider village/transport routes. A planning condition requiring the provision of capability for vehicle charge equipment for electric vehicles to be easily fitted at each dwelling could reasonably be imposed.
191. The Environment Agency, Anglian Water Services Council's Environmental Officer and the Flood Water Management Team at Suffolk County Council have not objected to or raised concerns about the application proposals. Reasonable conditions to secure appropriate mitigation are recommended for imposition upon any potential planning permission.
192. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply and air quality) considerations.

Design and Layout

193. 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.
194. It also advises that planning decisions should ensure that developments:
 - a) 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;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) 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);
 - d) 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;

- e) 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
 - f) 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.
195. The Framework goes on to reinforce these statements by confirming that development that is not well designed should be refused.
196. 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.
197. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same but is specific to proposals for residential development.

Design and Access Statement.

198. The planning application was accompanied by a Design and Access Statement. The design and access statement explains the design rationale and strategies which have informed the proposals and is available on the website.

Relationship to context.

199. Red Lodge is not a typical Suffolk village, as it does not have a recognisable historic or central core, having developed along the A11 after the Second World War. Until the 1995 Local Plan, the village was dominated by the A11, associated transportation businesses and a large low density mid-20th Century housing estate.
200. The allocation of land for new development by the 1995 Local Plan and associated Red Lodge Masterplan has seen the village rapidly expand in last couple of decades, predominantly to the east of Turnpike Road but also various land parcels to the west of the village. The largest expansion has been the 'Kings Warren' housing development which has delivered circa 1250 dwellings, a new village centre, a primary school, sports pavilion and large areas of public open space and formal sports areas. That development was delivered by the current applicants and other developer partners.
201. The application site effectively 'bolts-on' to the 'Kings Warren' development and continues the development that has largely been completed to the south (beyond the large area of public open space) and proposes to develop land

allocated for housing in the Site Allocations Local Plan. The proposal's organic, informal layout, mixture of standard house types, and materials is considered to reflect the character of the existing housing in the 'Kings Warren' development.

Connectivity.

202. Owing to the 'backland' location of the site away from the main village roads there are limited opportunities for road connections to be made back into the village footpath and its main highway network. There is one main vehicular access route into the site taken from Thistle Way. The layout of the main spine road for the scheme provides an opportunity to make a vehicular connection into the Red Lodge North mixed use land allocation in future.
203. There are various pedestrian/cycle only connection points to the north and south of the site where existing footpath and public open space infrastructure exists. The layout includes a permissive path along the entire eastern boundary connecting from the path to be provided beyond the southern boundary to an existing path to the north-western corner (which presently provides good pedestrian/cycle access the new primary school site).
204. There are two further connections proposed through the western boundary. One of these is the vehicular access and the other a pedestrian/cycle access into Russett Drive a short distance to the north of the vehicular access. There is potential opportunity to make a further pedestrian connection onto Russett Drive from the development further north, an opportunity identified by the Council's Landscape and Ecology Officer, but the applicant has asked the Council to proceed to determine the planning application without that particular connection. The applicant is concerned that accommodating this additional potential connection would necessitate significant amendments to the design and layout of the north part site which would have implications for the public open space in this area (by disaggregating it into smaller parcels).
205. Whilst the applicant has not demonstrated a solution to include the connection at his point of the site for consideration, it is clear from the proposed layout drawings that significant changes would be required and the public open spaces re-sited and re-designed in order to accommodate the link.
206. Whilst a further connection at this point of the site would have been a benefit given it would have provided a more direct route to the existing (off site) play park in Russett Drive for centrally located residents, it would most likely have come at the cost of disaggregated public open space provision. Given there would be a link provided at another point a short distance to the south of this potential further connection point, it is not considered so significant as to warrant a reason to refuse planning permission. Notwithstanding this, it does count as a negative consideration against the proposals.

Design implications of car parking

207. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing

estate roads in unsuitable locations. The vast majority of the dwellings proposed have parking contained within curtilage (garaged or hardstanding/car ports). Communal parking courts are not required, which is a positive for the design quality (visual in particular) of the development layout.

208. In the main, car parking is provided to the side of dwellings with garages, car ports or hard standings provided. There are some areas where car parking is provided forward of buildings (plots 11-16 and 17-28 in particular, but also some other individual plots) with the consequence that vehicles will be prominent in views along some areas of some streets. However, there are relatively few examples of this parking solution in the overall layout of the scheme.
209. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

Efficiency of layout

210. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and as a consequence it needs to be laid out efficiently in order to achieve an acceptable outcome.
211. The use of single-sided access roads serving plots has been minimised in the scheme and this has been achieved without 'hardening the edges of the site or the housing turning its back on the countryside.
212. Some inefficiencies of layout are an inevitable result of the absence of a main highway frontage at the site and the consequential fixed points of access which, to an extent, constrain the layout. Other inefficiencies flow from the demands of the local authorities, such as the requirement to provide secondary access for emergency vehicles and for the provision of public open space and the need to provide it with natural surveillance and enclosure. Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

Placemaking

213. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The quality of the urban design of the scheme has been established by the configuration of standard house types which provide a sense of quality of space.
214. It is possible to discern, from the proposed site layout, that there would be a creation of a sense of place; for example the use of an 'open' perimeter block strategy for the layout which conceals rear gardens from key public movement routes through the development and a sense of enclosure to the main street, but with enough space retained to allow for some planting and a sense of spaciousness.
215. The provision of on-curtilage parking for the vast majority of the plots (with most of these being to the side/off-set from dwellings) and the close knit spacing of the built form to create enclosed streets but punctured with street trees and small green spaces (wide verges and front gardens) provides the

layout with a sense of quality and fore-thought. There are some examples which would be less successful in place-making terms including parking being provided in front of buildings to some of the plots as already discussed, but such examples are not commonplace and are not significant when assessing at the design of the scheme as a whole with high quality street formation and the visually pleasing spaces that would be created.

216. The proposed treatment of the eastern boundary with metal mesh fencing is discussed elsewhere in this report and as the applicant is presently considering an alternative solution this concern is anticipated to be resolved in due course. The fencing is therefore not raised as a significant matter in this design based discussion. The recommendation at the end of the report makes provisions for an acceptable solution to the fencing to be agreed prior to any planning permission being issued.
217. Assessment of any proposal on design matters is a matter of judgement and balance; criticism is normally comprised of 'missed opportunities' and matters which could be improved upon rather than significant concern which actually causes harm. The future residents of the proposed scheme would experience a high-quality living environment with well-designed homes, pleasant streets and open spaces, off-street parking, and large areas of public open space and secluded private gardens.

External materials

218. The proposed materials (ref paragraph 3 above) would be contiguous with those used on existing and progressing adjacent housing developments using similar colours and textures. The materials palette is considered acceptable.

Cycle and bin storage provision

219. Occupiers of the private and affordable dwellings would be able to utilise their own space to provide for bin and cycle storage. All have access to private rear amenity spaces such that bins and cycle stores could be stored away from the public realm. This has been demonstrated on a refuse strategy plan and separate parking plan, Delivery of these facilities could be secured by an appropriately worded planning condition.

Conclusions on design matters

220. The relatively hard, urban character of the housing area would be adequately balanced by the open spaces, landscaped internal spaces and existing mature planting adjacent to the eastern and northern boundaries.
221. Some elements which would contribute to the character of the development are as yet not fully specified or would require to be secured by conditions (e.g. public lighting). However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved via planning conditions.
222. The layout takes a consistent approach to the question of frontages which leads to efficient use of land and creation of attractive streets and spaces with sufficient space for some planting. Efforts at place making is evident and a strong sense of character would be created by the development, with

only occasional examples of less successful place making.

223. After considering the elements which would contribute to the character of the development (and assuming that the poor boundary fencing to the eastern boundary is replaced with an appropriate feature, as discussed), it is concluded that the scheme would deliver a high quality, well connected and liveable housing development. The proposal is considered to comply with the NPPF and relevant design policies in the Development Plan.

Impact upon residential amenity

224. 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.
225. 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.
226. 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.
227. The original planning application was accompanied by a noise assessment. The Assessment considers impact of identified noise sources upon the proposed dwellings. The workshop building to the east of the application site, used to repair vintage racing vehicles, was identified as a potential source of noise disturbance to the new residents.
228. Relevant noise surveys were undertaken with the results presented in the report. The report concluded that typical operations at the workshop and external sources (boiler flue and pneumatic air compressor) would result in a low impact at the location of the proposed development site. The report therefore confirmed that no special noise mitigation measures (i.e. above the standard Building Regulations requirements) were required and the amenity of future residents will be sufficiently protected.
229. Comments were received from the Council's Public Health and Housing Team including confirmation that the submitted Noise Assessment is adequate for the purposes of considering and assessing potential effects from noise impacts.

Impact of the proposed development upon existing residents.

230. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by the proposed development given the adequate separation distances that would generally remain between

existing and proposed dwellings. Where existing dwellings are positioned adjacent to the western site boundaries, the new dwellings proposed adjacent to these have been carefully positioned so they do not lead to overlooking or over-shadowing of the existing dwellings. Accordingly, there would be no significant issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is built out.

231. There is potential for existing residents to be impacted adversely during the construction phase/s of development. Best endeavours can be taken to eradicate or minimise these potential conflicts via a Construction Management Plan (or method statement). It is recommended that such a plan is required to be submitted for consideration and approval prior to commencement of development. This could be secured via a suitably worded planning condition.

Loss of agricultural land

232. 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.
233. The application site is Grade 4 agricultural land (poor quality - land with severe limitations which significantly restrict the range of crops and/or level of yields). The loss of grade 4 agricultural land is not considered significant, particularly so when considered in the light of the allocation of the land within the adopted Development Plan for mixed use development.

Sustainable construction and operation

234. 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".
235. 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, minimise vulnerability and improve resilience.
236. The document expands on this role with the following policy:

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

- *comply with adopted Local 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.

237. The importance the Government places 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.
238. 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 (for residential schemes) 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).
239. The documentation submitted in support of this planning application includes an energy statement. This document was submitted in May 2022 following a step change in the applicants chosen method of energy supply to the development. Whilst the initial strategy was to supply the development with natural gas stored in tanks beneath the highway infrastructure, this has been changed recently to more sustainable (and longer term affordable) supply methods. The energy statement also updates the planning application material to reflect imminent changes to the Building Regulations that have been recently announced.
240. The new energy strategy is to utilise electricity supply to all dwellings supported by the use of air source heat pumps representing the best opportunities for a significant carbon reduction. The applicants will also consider use of solar PV if further carbon emissions are required by future national standards.
241. The energy strategy document confirms the applicants intentions to comply with the policy DM7 requirements to reduce water use in new development (110 litres use per person). These standards are an optional requirement of the Building Regulations that are triggered if they are also a requirement of a planning condition. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use efficiency requirements to match those optional reductions applied via the Building Regulations.
242. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, is consistent with the policies of the NPPF. Accordingly, (and to ensure the applicants intended water reduction measures are implemented via the Building Regulations) it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.
243. The energy strategy document has been reviewed by the Council's specialist Environmental Management Officer whom has confirmed she is:

"satisfied that the proposal shows compliance with policy DM7 and the

Building Regulations Part L 2013. We are pleased to see that consideration has been given to the 2021 Building Regulation standards and that thermal bridging, air permeability and fabric specifications (except for sloping roofs) will comply with the 2021 standards. The target emission rate will also be complied with through the use of the fabric specifications and providing all heating requirements through air source heat pumps resulting in 50% reductions (on average) upon the 2021 regulations”.

244. A planning condition is recommended.

Planning Obligations

245. 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 are set out at paragraphs 89 & 90 above. The Framework (and the National Planning Policy Guidance) also advises with respect to the approach to be taken in relation to development viability.
246. 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.
247. A formal Agreement under S106 of the 1990 Act is in the process of being developed by the relevant parties. The planning obligations proposed 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. Accordingly a full level of affordable housing provision would be secured.
248. The following developer contributions are proposed to be secured in the S106 Agreement.

Affordable Housing

249. 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 off-site provision or a financial contribution in lieu can be robustly justified.
250. 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 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. There are some exceptions to this blanket policy, but none that relate to the application proposals.

251. 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 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).
252. Core Strategy Policy CS9 requires 42.3 of the 1411 dwellings (net) to be secured as 'affordable' with a mix of affordable rent and shared ownership, incorporating 'affordable home ownership'. The 0.3 of a unit is to be compensated by means of a commuted payment to be used towards delivery of affordable housing elsewhere.
253. The affordable housing mix has been agreed with the Council and meets national and local planning policy requirements. The affordable housing is shown on the approved plans and will be secured by the S106 Agreement. The affordable housing secured from this development is considered CIL Regulation 122 compliant.

Education

254. 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.
255. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).
256. The Local Education Authority (Suffolk County Council) has requested developer contributions to be used towards 'bricks and mortar' construction of i) the Pines Primary school at Red Lodge and ii) the new Mildenhall College Academy (which includes a sixth form). Both of these schools have already been constructed via forward funding. The Education Authority is seeking retrospective developer contributions towards these recently completed school buildings given these were designed (and costed) to accommodate future growth. This is a legitimate strategy which complies with the CIL regulations (Regulation 122). A forward funding strategy such as this is a way to provide infrastructure at the point of or ahead of the need for it.

257. The education authority 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 emerge from the development. Furthermore a contribution to be used towards the transport costs of pupils accessing the secondary school at Mildenhall has also been requested. All of these provisions have been agreed by the applicants and are in the process of being secured in the S106 Agreement. All of the requests are considered to conform to the legal tests included at CIL Regulation 122.

Public Open Space

258. 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).
259. 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.
260. Policy SA8 of the adopted Site Allocations Local Plan confirms that open space must be provided on sites allocated for housing development to address individual site requirements and location.
261. 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).
262. 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, albeit this is sometimes superseded by a negotiated scheme if local evidence dictates. Given the need to mitigate recreational impacts to the nearby SPA designation, it is important that at least policy compliant levels of public open space are secured on site from the development. Policy compliant levels of public open space provision are illustrated on the layout drawings.
263. The 'strategic public open space' provision within the woodland area adjacent to the housing development is also proposed as part of the planning application (which is to be provided in addition to normal SPD public open space requirements). This will also be secured by means of S106 and/or planning condition. Planning conditions will require details of the

timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance.

Transportation

264. The Highway Authority has requested contributions i) to be used towards upgrading of existing bus stops in the vicinity of the site with real time passenger information facilities. These contributions, which officers consider meet the tests of CIL Regulation 122 are included in the completed S106 Agreement.
265. A contribution previously requested to be used towards provision of an additional bus service (as a trial) has been dropped given that it would be disproportionate for the development to fund the whole service and was thus deemed not relevant to the development proposals and out-of-proportion with the scale and likely impacts on bus service demand and capacity.

Libraries

266. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution from the developer. The County Council has confirmed the monies would be used towards providing improvements to the existing library facility at Newmarket and 'pop-up' provision at Red Lodge. The applicant has agreed to fund the request and officers consider it meets with the requirements of Regulation 122 of the CIL Regulations.

Health

267. 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 has been requested to provide additional capacity in the vicinity of the site (i.e. to serve the population of the development). Again the contribution, which officers conclude meets the tests at CIL Regulation 122, has been agreed by the applicant and is to be secured via the completed S106 Agreement.

Summary

268. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health services, transportation 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 planning obligations secured in the S106 Agreement are considered to meet the CIL Regulation 122 tests set out at paragraphs 89 & 90 above.

Conclusions:

269. This report finds the application proposals are consistent with the dominant operative policies of the Development Plan for the area. This is principally owing to the allocation of the site for the proposed development in the

adopted Site Allocations Development Plan document.

270. Following later amendment to include proposals for more sensitive treatment of the eastern boundary of the application site, the report also finds the proposals consistent with the environmental requirements of the site allocation. The proposals will, however, still need to 'pass' appropriate assessment when the scheme is ready for detailed assessment. Furthermore, having examined the proposals against other material planning considerations, none have been identified that would on their own, or in combination, lead to contemplation of a refusal of planning permission.
271. Officers' analysis, as set out in this report, triggers the 'presumption in favour of sustainable development' set out at paragraph 11 of the NPPF, on the assumption that Appropriate Assessment is favourable subsequently. In the event that circumstance arrives it means "*approving development proposals that accord with an up-to-date development plan without delay*". Furthermore, the direction at Section 38(6) of the 2004 Planning Act that the proposed development "*must be made in accordance with the Development Plan unless material considerations indicate otherwise*" firmly points towards the granting of planning permission in this case.
272. 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, the views of the Parish Council and members of the public whom have participated, your officers' recommend that planning permission is granted, following prior completion of a S106 Agreement to secure necessary developer contributions and subject to a number of controlling and safeguarding conditions, including the 'pre-conditions' set out in the recommendation below.

Conclusion:

273. In conclusion (and subject to later compliance with the minor outstanding matters discussed in the report), the principle and detail of the proposed development is considered acceptable and in accordance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

274. Following (to the satisfaction of the Director (Planning and Growth) in consultation with the Chair and Vice Chairs of the Committee and ward members):
- i) A positive (subsequent) 'Appropriate Assessment' of the project to accord with the strict provisions of Regulation 63 of the Habitats Regulations, and
 - ii) Completion of a Planning Obligation (or equivalent) under S106 of the Town and Country Planning Act to secure:
 - Affordable housing provision (30%)
 - Public Open Space provision and maintenance (unless forming separate planning conditions)

- Contribution towards primary education (£676,764)
- Contribution towards secondary (£573,367) and sixth form (£142,650) education
- Developer funding to be used towards student travel to their place of secondary education (£138,575)
- Developer contributions towards pre-school education (£266,604)
- Developer contributions towards real time passenger information boards at bus stops serving the development (£30,000)
- Developer contributions towards health care capacity in the vicinity of the site (£81,200)
- Developer contributions towards off-site provision of play equipment (£220,155)
- Libraries contribution (£30,456) to be used to serve the development

The Director (Planning and Growth) be authorised to grant planning permission subject to conditions, including (with Development Plan policy references to be added to the reasons for the conditions):

- i. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- ii. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

(approved drawing numbers to be inserted when the decision notice is prepared)

Reasons: To define the scope and extent of this permission.

- iii. No development above slab level shall take place until details of the external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons: To safeguard the character and appearance of the area.

- iv. The development hereby approved shall be constructed in accordance with (at least) the measures set out in the applicants document 'Energy Statement' (dated May 2022) prepared by AES Sustainability Consultants Ltd.

Reasons: In the interests of achieving sustainable construction and occupation of the development and reducing emissions.

- v. No individual dwelling hereby approved shall be occupied until the optional requirement for wholesome water consumption (110 litres use per person per day) in Part G2, Regulation 36 of the

Building Regulations (2016) and in accordance with Policy DM7 of the Joint Development Management Policies Document (2015).

Reason: To ensure that reasonable provision is made by the installation of fittings and fixed appliances that use water efficiently for the prevention of undue consumption of water

- vi. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 14798-011 Rev I shall be provided in their entirety before the dwelling or dwellings to which it relates is first brought into use and shall thereafter be retained and used for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

- vii. The approved scheme of soft landscaping works, as illustrated on drawing numbers [*numbers to be inserted*] shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reasons: To assimilate the development into its surroundings and protect the character and appearance of the area.

- viii. Prior to the commencement of development a scheme and timetable for the implementation of the approved scheme of hard landscaping shall be submitted to the Local Planning Authority for approval in writing. Thereafter the approved scheme of hard landscaping for the development, as illustrated on drawing numbers [*drawing numbers to be inserted*] shall be carried out full in accordance with the approved details and the approved scheme/timetabling for implementation.

Reasons: To assimilate the development into its surroundings and protect the character and appearance of the area.

- ix. Prior to the commencement of development a details of proposed arrangements for the future management and maintenance of the main and incidental public open spaces (excluding privately owned dwelling curtilages and adopted highway infrastructure), areas of soft landscaping and areas of hard landscaping (including emptying of dog bins and footpaths, including those within the woodland public open space) shall be submitted to the Local planning Authority for approval in writing. Thereafter the development shall be managed and maintained fully in accordance

with the approved details following first occupation of the development.

Reasons: To ensure properly detailed arrangements for the long-term management and maintenance of the public areas of the site are set out and secured from the outset of the occupation of the site.

- x. Prior to commencement of development a woodland work plan method statement shall be submitted to the Local Planning Authority for approval in writing. The 'work plan' shall include full details of routine maintenance and management regimes of the wooded area within the application site, including for its boundary treatments and shall include details of barriers or other measures to be provided strategically around its edges to prevent or avoid uncontrolled vehicular access.

Reasons: To ensure the proper and sustained management of the woodland area in the interest of visual amenity, public safety and ecological interests.

- xi. Prior to commencement of development a scheme for the protection during construction of the trees on and adjacent to the site, in accordance with BS 5837:2012 – 'Trees in relation to construction – Recommendations', shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reasons: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area.

- xii. Prior to commencement of development a written Ecological Protection and Enhancement Strategy shall be submitted to the Local Planning Authority for approval in writing. The written strategy shall demonstrate either i) compliance with or implementation of all recommendations set out within the "Ecological Appraisal" (Aspect Ecology) dated February 2021 and drawing numbers *[to be inserted]* or, ii) alternative suitable measures. Thereafter, the approved strategy shall be fully implemented and/or adhered to in accordance with a timetable and/or trigger points agreed as part of the written strategy.

Reasons: In order to protect and/or enhance biodiversity interests at the site from the potentially adverse impacts of development

- xiii. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i). the parking, and manoeuvring of vehicles of site personnel, operatives and visitors
 - ii). loading and unloading of plant and materials (including deliveries)
 - iii). a deliveries management plan (to include routing of delivery vehicles and measures for resolving complaints)
 - iv). storage of plant and materials used in constructing the development (including any site office/s)
 - v). provision and use of wheel washing facilities and additional measures to prevent mud and other debris from the site being deposited onto the highway via construction, delivery and other site related vehicles.
 - vi). measures to control the emission of dust and dirt during construction
 - vii). a scheme for recycling/disposing of waste resulting from construction works (including any excavated soil). There shall be no burning on site of waste materials.
 - viii). hours of operation for construction activities, including concrete pour, operation of generators, traffic movements for deliveries and waste disposal. The Local Planning Authority shall be provided with three days' notice prior to any extended concrete pour taking place outside the agreed hours of construction, to allow for express agreement that the works can proceed.
 - ix). lighting scheme, if any, for the construction site and any compounds (including within and outside hours of operation and construction).
 - x) details of haul routes on and (if appropriate) off the highway network
 - xi). surface water management plan detailing how surface water and storm water will be managed on the site during construction.
 - xii). The erection and maintenance of any security hoarding including decorative displays and/or developer livery and facilities for public viewing where appropriate.
 - xiii) Identification of areas of the site to be fenced off to prevent ground disturbance/compaction or storage of materials in these areas.
 - xiv) Details of measures to mitigate/supress noise disturbance from external plant and machinery (including, for example, construction vehicles, compressors and pneumatic percussive tools).
 - xv) Noise management responsibilities and measures
 - xvi) Monitoring and review procedures and mechanisms
 - xvii) Complaints response procedures
 - xviii) Community liaison procedures
 - xix) Either 1) details of measures to maintain secondary emergency vehicle access that is required to be provided and

maintained from the Thistle Way adopted highway, through the application site to the existing housing development to the south during the construction phase/s of the development or 2) details of alternative/replacement measures for emergency vehicle access that shall be implemented before the existing access arrangements are temporarily stopped up (should the need for stopping up arise).

Reason: To ensure the satisfactory development of the site, to protect the amenity of occupiers of dwellings near to the site from noise, disturbance and surface water discharge during construction works and to ensure secondary opportunities for emergency vehicle access to the development to the south of the application site is maintained during construction and future occupation of the development.

- xiv. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

- xv. The new estate road junction with Thistle Way as shown on Drawing No. 14798-015 Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any materials to the site (with the exception of any materials delivered for the purpose of constructing the new estate road and its junctions.

Reason: In the interests of highway safety, to ensure a safe access to the site is provided before other works commence.

- xvi. No development shall be commenced until an estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

Reason: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard. This is a pre-commencement condition because the estate road planning, phasing and delivery is essential to be able to safely access and deliver the remainder of the development

- xvii. The use shall not commence until the areas within the site shown on Drawing No. 14798-009 Rev I for the purposes of loading, unloading, manoeuvring and parking of vehicles have been

provided and thereafter those areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

- xviii. The use shall not commence until the areas within the site shown on Drawing No. 14798-009 evV I for the purposes of cycle storage have been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient facilities for cycle storage are provided in accordance with Suffolk Guidance for Parking (2019).

- xix. The garage parking spaces for each dwelling shall be made available for use prior to the occupation of the dwelling to which they relate and shall thereafter be retained for vehicle parking purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with the adopted parking standards (Suffolk Guidance for Parking (2019)) at a location where on-street parking and or manoeuvring could be detrimental to the safe use of the highway and in the interests of achieving good design, given that on-street parking for the third vehicle spaces required for four+ bedroomed dwellings has not been designed into the street infrastructure.

- xx. No development shall take place to construct any of the hereby approved dwellings until a Residential Travel Plan, including monitoring and amendment provisions and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. Thereafter such approved arrangements shall be implemented before the any of the dwellings are first occupied and shall thereafter be adhered to.

Reason: To encourage sustainable modes of transport to and from the dwellings.

- xxi. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A site investigation scheme,

ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),

iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reasons - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xxii. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

Reasons - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xxiii. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses.

- xxiv. Prior to the first occupation of any individual flat or dwelling within the development, the approved boundary treatment for that individual flat or dwelling (as illustrated on approved drawing number [*number to be inserted*]) shall have been fully provided.

Reasons: In the interests of residential amenity, dwelling security and the character and appearance of the area.

- xxv. Prior to their first occupation, all individual dwellings with off street parking provision shall be provided with an operational electric vehicle charge point (or equivalent infrastructure to be adapted by the car user) at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reasons: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality.

- xxvi. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure shall be erected around or within the public open spaces nor adjacent to the outer site boundaries (with the exception of any private garden/curtilage areas which abut or are adjacent to the outer site boundaries)

Reason: To ensure the satisfactory development and operation of the site and prevent the enclosure of public open spaces in the interests of i) the health and well-being of the residents of the scheme, ii) to avoid the unnecessary risk of increased recreation disturbance to bird species protected by the Breckland Special Protection Area designation and iii) to safeguard the character and appearance of the area.

- xxvii. None of the hereby approved dwellings shall be occupied until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for fire-fighting/community safety.

- xxviii. No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment [Ref:- R0004 Issue G by Blyth and Blyth and dated 19th March 2020] and Drainage Strategy [Drawing ref:- SK191002-1 Rev P6 & SK191002-2 Rev P7 by Blyth and Blyth and dated 19th March 2020] has been submitted to and approved in writing by the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details to be submitted include:-

I. Further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). The use of infiltration as the means of drainage will be taken forward only if the infiltration rates and groundwater levels show it to be possible. Borehole records should also be submitted in support of soakage testing.

II. Applicant shall submit dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of soakaways and the conveyance network. A statement on the amount of impermeable area served by each soakaway should

also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

III. SCC require modelling results (or similar method) to demonstrate that the soakaways have been adequately sized to contain the 100yr+CC event for the catchment area they serve. Each soakaway should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.

IV. Infiltration devices will only dispose of clean water due to the site area overlying a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted.

V. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table. If individual soakaways are being used they will be at least 5m away from any foundation (dependent on whether structured chalk is present).

VI. Soakaways will have a half drain time of less than 24hours.

VII. Any conveyance networks in the 1 in 30 event show no flooding above ground.

VIII. Details of any exceedance volumes during the 1 in 100 year rainfall + CC and their routes should be submitted on the drainage plans. These flow paths will demonstrate that the risks to people and property are kept to a minimum. There shall be no offsite flows.

Reasons: To reduce the risk of surface water flooding and to protect and prevent the pollution of controlled waters.

- xxix. The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

- xxx. The public open spaces (and other similar spaces) identified and approved as part of this planning permission (including as part of condition 31 below) shall thereafter be retained and maintained with public access and made available for public use in perpetuity.

Reason: To ensure the public open spaces and other similar spaces secured from the development and made available for public use in perpetuity.

- xxxi. Prior to the commencement of development a plan identifying all areas of public open space (including areas of incidental open space but excluding any adopted highway verges and private garden/curtilages) shall be submitted to the Local Planning Authority for approval in writing. The public open space plan shall also be accompanied by a Delivery Plan detailing how and when each of the areas of public open space identified on the plan will be delivered and made available for public use. Thereafter the development shall be carried out in accordance with the approved Open space delivery plan.

Reasons: To ensure the public open spaces are provided at the site when they are needed, in the interests of the health and wellbeing of the residents of the development and to avoid unnecessary additional recreational pressure being placed upon the Breckland Special Protection Area.

- xxxii. Prior to commencement of development (and notwithstanding the details submitted with the planning application) details of the display content of the woodland interpretation boards shall be submitted to the Local Planning Authority for approval in writing. Thereafter the interpretation boards with the agreed display content shall be installed at agreed locations within the application site at the same time or prior to the woodland public open space is made available for public use, in accordance with the details approved as part of condition 31 of this planning permission.

Reasons: To ensure the educational and informative content of the interpretation boards is optimised in the interests of safeguarding the visual and wildlife interests of the woodland.

- xxxiii. Not less than 3 months prior to the occupation of the first dwelling, the contents of an 'SPA Recreational Impact Avoidance and Hedgehog Information Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The Strategy document shall include:

i) samples of information leaflets and maps of all public dog walking and other public recreational routes within Red Lodge (with the exception of those that lead into the Breckland SPA or other sensitive areas) which are to be provided to the first residents of the dwellings, and

ii) details of the 'hedgehog corridor' provision (and other ecology enhancement measures) provided within the application site and examples of how the residents can maintain and enhance these measures (and make other ecology enhancements) within their plots, and

iii) A timetable for the implementation of the measures included at i) and ii) above.

The RIAS shall thereafter be implemented in accordance with the approved details and timetable.

Reasons: To provide measures for influencing recreation, particularly dog walking, in the surrounding area to avoid a potentially harmful increase in this type of activity within the nearby Breckland Special Protection Area.

- xxxiv. Prior to the installation of any street lighting within the application site a 'Lighting for Ecology' Strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall identify i) which parts of the site (and any areas abutting the site) are ecologically sensitive to artificial lighting and ii) how the provision of external lighting at these locations will avoid disturbance to the ecological interests of these areas.

Reasons: To safeguard the visual amenities of the locality and the ecological interests of the sensitive parts of the site and abutting the site.

- xxxv. Prior to the construction of any utilities plant/infrastructure at the application site, details of any enclosure/s (including any gates) to be provided to secure the plant/infrastructure shall be submitted to the Local Planning Authority for approval in writing. Thereafter the development shall only be carried out in accordance with the approved details.

Reasons: In the interests of visual amenity and the character and appearance of the area; public safety and; ecological interests.

275. In the event that the project achieves a 'negative' appropriate assessment under the provisions of Regulation 63 of the Habitats Regulation (point (i) of paragraph 274 above) the Director (Planning and Growth) be authorised to refuse planning permission for the reasons specified and/or described in the Appropriate Assessment.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/2347/FUL](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411111/DC/19/2347/FUL)