

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 JULY 2015

DEV/FH/15/021

Report of the Head of Planning and Growth

OUTLINE PLANNING APPLICATION DC/14/1745/OUT (ALL MATTERS RESERVED) – LAND AT BECK LODGE FARM, ST JOHNS STREET, BECK ROW

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No: 01284 757382

Committee Report

App. No:	DC/14/1745/OUT	Committee Date:	01 July 2015
Date Registered:	15 September 2014	Expiry Date:	19 February 2015
Case Officer:	Philippa Kelly	Recommendation:	APPROVAL
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Outline Planning Application (All Matters Reserved) – erection of up to 24 dwellings (including 12 affordable units) with relocated access drive, area of open space and associated storage and parking facilities		
Site:	Land at Beck Lodge Farm, St Johns Street, Beck Row		
Applicant:	AJV Designs Ltd.		

BACKGROUND:

This application is referred to the Development Control Committee due to its complex nature which raises District wide planning policy issues.

The application is recommended for conditional APPROVAL following completion of a Section 106 agreement.

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for the principle of residential development (up to 24 dwellings). All other matters, including access, layout, scale and landscaping are reserved for future detailed planning applications.
2. Whilst planning permission is sought only for the principle of the residential development, the application supporting material includes a proposed site layout plan. The site layout plan is for illustrative purposes only, although does give an indication of how this level of development could be accommodated on the site.
3. The density of the proposed development will be approximately 40 dwellings per hectare, based on a maximum of 24 dwellings and a total site area of just under 0.6 hectares.

AMENDMENTS:

4. During the course of the application, an updated Block Plan, Proposed Site Plan and revised Planning Statement were submitted. The purpose of the amendments was to overcome concerns raised by officers during the consultation process. Updated documents were received on 18 May 2015.

SITE DETAILS:

5. The application site is located on the eastern side of Beck Row, on the southern side of St John's Lane. It lies to the east of the defined settlement boundary for Beck Row. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. At 2009 it had an existing population of approximately 3750.
6. The site occupies a rectangular parcel of land which measures approximately 0.6 hectares in size. It comprises a large open field which varies only slightly in topography. There is an existing access to the site from St John's Street, at its northern side. Whilst the site is designated as agricultural land, officers understand that it has not been farmed in recent years. As a consequence, the site has developed the characteristics of a self-naturalised grassland, and shows signs of developing towards scrub woodland.
7. To the west of the site is No. 34 St John's Street, a detached dwelling which is set back from and fronts St John's Street. To the east is The Granary, Beck Lodge Farm and associated buildings. Adjoining land immediately to the south of the site is within the ownership of the applicant, and comprises agricultural land and buildings associated with Beck Lodge Farm.
8. To the north of the site, and on the opposite side of St John's Road lies Aspal Close Local Nature Reserve (LNR).
9. The northern boundary of the site runs parallel to St John's Street and comprises established mixed boundary vegetation. The eastern boundary of the site is a mix of brick wall and timber fencing. The western boundary comprises an evergreen hedge. The southern boundary is open.
10. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').
11. The application site is identified as BR27 in the Joint Council's Draft Strategic Housing Land Availability Assessment (SHLAA). This document identifies the site as being developable in terms of suitability, availability and achievability. The consultation period for the draft SHLAA ended on 21 May 2015. Responses are currently being evaluated and will inform the Sites Allocation Local Plan process.

APPLICATION SUPPORTING MATERIAL:

12. The application is accompanied by the following documents:
 - i. Application forms and drawings – including location plan and proposed site layout plan.
 - ii. Design, Sustainability and Access Statement

- iii. Planning Statement
- iv. Preliminary Ecology Appraisal
- v. Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
- vi. Phase 1 Environmental Risk Assessment
- vii. Flood Risk Assessment

PLANNING HISTORY:

13. There is no planning history relevant to the application site.

CONSULTATIONS:

14. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received:
15. **West Suffolk Strategic Housing – No objection. Comments.** The Strategic Housing Team supports the application. We are happy to support our CS9 position of 30% affordable housing on this scheme. As this is an outline planning application we would prefer to discuss the required affordable housing mix at the reserved matters stage to ensure we capture the right housing mix to meet the current needs of Beck Row.
16. **West Suffolk Planning Policy – Comments.** The proposal has been evaluated against the objectives of the NPPF and the presumption in favour of sustainable development. It is considered that:
 - The location of the development is not inherently unsustainable, being on the periphery of an existing settlement, and within reasonable walking distance of the majority of amenities found therein.
 - The scale of the proposal is not of such significance that it is likely to prove prejudicial to the housing strategy as being considered within the context of the emerging Site Allocation and SIR Local Plan documents.
 - When considered alongside other recent permissions, the scale of this development is unlikely to constitute the straw that breaks the camels back in terms of breaching environmental capacity 'limits' beyond the point of acceptability.
 - The proposal will go some way towards meeting demonstrable 'market' and affordable housing needs.
 - The development will offer further economic, environmental and societal benefits within both the construction and post construction phases.

In summary, you may well find this proposal acceptable when considered against the objectives of the NPPF and in particular the presumption in favour of sustainable development.

Should you find that the proposal passes such a 'test' of relative 'sustainability' then you will also (in all probability), find that the principle of this proposals

passes the test of Policy DM5 of the Development Management Policies LP document insofar as the countryside ought to be protected from unsustainable patterns of development (irrespective of the weight that you choose to afford this particularly policy in this instance).

17. **West Suffolk Environmental Health - No objection.** Recommends planning condition relating to contaminated land, should planning approval be forthcoming.
18. **West Suffolk Parks Infrastructure Manager – No objection.** Comments relating to open space provision and soft landscaping/tree planting.
19. **West Suffolk Ecology, Tree and Landscape Officer – No objection.** Comments. Recommends conditions relating to the detail of the scheme and ecological mitigation.
20. **SCC Highways – No objection.** Recommends conditions/informatives.
21. **Suffolk County Council Planning Obligations – No objection. Comments.** Detailed advice received on a range of planning matters, including S106 developer contributions.
22. **Suffolk County Council Archaeological Services – No objection.** Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation.
23. **Suffolk County Council, Flood and Water Manager – No objection.** Comments.
24. **Anglian Water- No objection.** Comments. Recommends planning condition relating to foul water drainage strategy.
25. **Environment Agency – No objection.** Recommends planning conditions relating to contamination.
26. **Natural England – No objection.**
27. **Suffolk Wildlife Trust – No response received.**

REPRESENTATIONS:

28. **Beck Row Parish Council –Objection.** This is too large a development for this area of Beck Row; it is outside the Settlement Boundary; it will be out of character with the street scene; it will add additional traffic to an already busy St John's Street and it is an inappropriate development so close to our nature reserve.
29. Email received 16 June 2015: At the last Parish Council meeting it was resolved that the Parish Council still objects to this application as per their previous comments. The Parish Council would also like to state that, despite what has been written in the updated Planning Statement - 3.5 Community Involvement- here has been no consultation with the Parish Council and AJV Designs of any kind.

30. No third party representations have been received.

POLICIES:

DEVELOPMENT PLAN

31. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

32. The following Development Plan policies are applicable to the application proposal:

Forest Heath Local Plan (1995) Saved Policies

Inset Map No.6 - Beck Row Development Boundary.

Forest Heath Core Strategy 2010

Visions:

- **Vision 1** – Forest Heath
- **Vision 7** – Beck Row, Exning, Kentford, West Row

Spatial Objectives:

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C1** – Retention and enhancement of key community facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **C4** – Historic built environment
- **ENV1** – Habitats and landscapes and improving biodiversity
- **ENV2** – Climate change and reduction of carbon emissions
- **ENV3** – Promotion of renewable energy and energy efficiency
- **ENV4** – Design and architectural quality respecting local distinctiveness
- **ENV5** – Designing out crime and anti-social behaviour
- **ENV6** – Reduction of waste to landfill
- **ENV7** – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development

- **T1** – Location of new development where there are opportunities for sustainable travel
- **T3** – Supporting strategic transport improvements

Policies

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

Joint Development Management Policies Document 2015

- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM3** – Masterplans.
- **DM4** – Development Briefs.
- **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 Interest.
- **DM11** – Protected Species.
- **DM12** – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- **DM13** – Landscape Features.
- **DM14** – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- **DM17** – Conservation Areas.
- **DM20** – Archaeology.
- **DM22** – Residential Design.
- **DM41** – Community Facilities and Services.
- **DM42** – Open Space, Sport and Recreation Facilities.
- **DM44** – Rights of Way.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

Other Planning Policy

Supplementary Planning Documents

33. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (October 2013)

- Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

Emerging Development Plan Policy

34. **Single Issues Review:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the Issues and Options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further SA and SEA work.
35. At a meeting of the Council's Local Plan Working Group held on 16 October 2014, Members resolved to undertake a further Issues and Options/Regulations 18 consultation. This would allow the assessment of reasonable alternatives to be explored in a robust manner.
36. Members have resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. It is anticipated that this document will be published in July/August 2015 for public consultation, with adoption anticipated by May 2017.
37. **Site Allocations Development Plan Document:** It is anticipated that the draft Sites Allocation Local Plan Document will be consulted upon in summer 2015.
38. The Single Issue Review and the Site Specific Allocations Document carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

National Planning Policy and Guidance

39. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.
40. Paragraph 14 of the NPPF identifies the principle objective of the Framework:

'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*

- *Or specific policies in this framework indicate development should be restricted*'.

41. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 requires Local Planning Authorities to *'approach decision taking in a positive way to foster the delivery of sustainable development'*. Paragraph 187 states that Local Planning Authorities *'should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible'*.
42. The relevant parts of the NPPF are discussed below in the officer comment section of this report.
43. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues, and advises on best practice and planning process. Relevant parts of the NPPF are discussed below in the officer comment section of this report.
44. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
45. Paragraph 14 of the NPPF states that where the Development Plan is absent, silent or relevant policies are out of date, development proposals should be determined in accordance with the relevant test - that is whether *'any adverse impacts...would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

OFFICER COMMENT

46. The subsequent section of the report discusses whether the development proposed by this application can be considered acceptable in principle, in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations) before concluding by balancing the benefit of the development proposals against the dis-benefits.

Principle of Development

National Policy Context

47. Paragraph 47 of the Frameworks states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

48. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites, sufficient to provide five-years worth of housing against their housing requirements, with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under delivery of new housing) to ensure choice and competition in the market for land.
49. The latest assessment of the District's five year supply of housing land was published in February 2015. This confirms that the Council is able to demonstrate a five-year supply of housing.
50. In terms of housing provision in the District, the saved settlement boundary plans are out of date, pre-dating the NPPF by some time. All of the sites allocated within the 1995 Local Plan have either been built out or are considered undeliverable. On this basis, and in accordance with the advice offered in the NPPF, the saved settlement boundary plans are considered to carry limited weight.
51. In such circumstances, planning applications for new housing development fall to be considered against the provisions of the NPPF and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development, and where Development Plans are out of date, advises in Paragraph 14 that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*
52. The NPPF does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposals significantly and demonstrably outweigh the benefits, then planning permission should still be refused. The fundamental planning principle is that each case must be considered on its own merits.

Development Plan Policy Context

53. Beck Row is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet housing needs is generally supported in principle.
54. The application site is an unallocated greenfield site which is situated outside of the settlement boundary for Beck Row. The site does not benefit from any adopted site allocation policy. The saved settlement boundary plans contained in the 1995 Local Plan are based on housing provision as contained in the 1991 Suffolk Structure Plan, which has since been abolished. On the basis of advice offered in the NPPF, officers consider that the saved settlement boundary plan for Beck Row carries limited weight.
55. Joint Development Management Policy DM5, which was adopted in February 2015, states that areas designated as countryside will be protected from unsustainable development. Given the saved settlement boundary plans to which Policy DM5 relates are out of date, officers consider that this policy can be attributed little or no weight in the evaluation of these development proposals. This is consistent with the approach taken by the Council during the Hatchfield Farm public inquiry which was held in May 2015.

56. The Council's Planning Policy Officer, in consultation correspondence, confirms that the 'original' growth strategy in respect of the District's settlement hierarchy was found to be sound. This would suggest that Beck Row has the environmental capacity to deliver the 24 dwellings proposed by this planning application.
57. In terms of the potential environmental capacity of infrastructure in Beck Row, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence.
58. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
59. The IECA report identifies a range of capacity in Beck Row of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). This would suggest that there is environmental capacity to facilitate not only the quantum of development that is proposed by this planning application, but also other major residential developments in Beck Row that the planning authority has already permitted, including up to 117 dwellings on land at Aspal Lane (planning reference DC/13/0123/OUT).
60. Officers acknowledge that the IECA report has been held at planning appeal to contain the most up-to-date information relating to infrastructure and capacity in the District. However, given that the IECA report was written approximately 5 years ago, officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses received.

Prematurity

61. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. Officers do not consider that approval of this development would be premature, and would not prejudice the proper consideration of site options for development Beck Row.
62. Guidance on prematurity is not addressed directly by the Framework. However, more recent advice about the approach the decision maker should take is set out in the National Planning Practice Guide (NPPG) which was published in March 2014. This states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to

indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

63. In the circumstances of this planning application, the development proposal of 24 dwellings is considered to be relatively small when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process.
64. Officers acknowledge that each settlement has its own unique characteristic (for example, infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage. Moreover, this development proposal needs to be considered cumulatively with other committed development in the village. In this respect, officers do not consider the cumulative scale of residential development proposed in Beck Row to be substantial in comparison to the overall quantum of development to be provided over the District, over the Plan period.
65. Given the context of the current guidance in respect of prematurity, officers consider that it would be difficult to justify any decision that approval of up to 24 units as proposed by this application, would be premature.
66. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Summary

67. Notwithstanding that the Council now has a five year land supply in place, officers consider that Paragraph 215 of the NPPF (which states that the weight that can be given to a plan is dependent on the degree of consistency with the Framework) and Paragraph 14 of the NPPF are of relevance, in that:
 - The provision of housing as set out in the saved local plan maps contained within the 1995 Forest Heath Local Plan are based on housing provision contained in the since abolished Suffolk Structure Plan. This pre dates the NPPF and is out of date. Little or no weight can therefore be attributed.
 - The Core Strategy is up to date in terms of its settlement strategy which focuses development in the market towns. The quashing of the majority of Policy CS7 and consequential amendments to Policies CS1 and CS13 means that it is silent on housing distribution within the District.
 - The new Local Plan will address these issues, but has not been published at its Issues and Options Stage. It is currently within its Issues and Options Regulations 18 stage. It is therefore absent.
68. Given that the Development Plan is '*absent; silent or relevant policies are out of date*' the Council's approach, based on Paragraph 14 of the NPPF, is therefore to determine whether the development proposal is sustainable development by reference to the relevant test in Paragraph 14 – that is, whether '*any adverse*

impacts.....would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

69. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.
70. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

Sustainable Transport/Impact upon the Highway Network

71. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.
72. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
73. Paragraph 34 of the Framework states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However the Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
74. 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.
75. In the specific context of Beck Row, the IECA report recognizes that the local transport network as a potential constraining factor to development.
76. The application site is situated on St John's Street, which is a minor unclassified two lane carriageway, with a single footway along the southern side of the road. Members are reminded that this is an outline planning application, with all matters reserved for subsequent planning applications. Whilst the indicative site layout plan shows access to the development site will be taken from St John's Street, this will be a matter for subsequent applications.

77. Suffolk County Council, as Highway Authority, were consulted on this application, and confirmed in correspondence dated 04 June 2015 the acceptability of the principle of the outline proposals.

Summary

78. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the proposed development can be accommodated in highways terms, and will bring about local transport improvements which can be secured through the Section 106 process. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

Flood Risk, Drainage and Pollution

79. 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.
80. The Framework also offers advice in respect of pollution and land instability, and states that planning decisions should ensure that new development is appropriate for its location. 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.
81. 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 Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk/Sustainable Drainage Systems (SuDS)

82. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
83. The application submission included a Flood Risk Assessment (FRA). The FRA states that the proposals would not have an adverse impact on flood risk or drainage related issues. The proposed development is less than one hectare. Therefore, in line with current government guidance on Standing Advice it is necessary to consider land drainage issues.
84. Suffolk County Council, in consultation correspondence, has advised that there needs to be a suitable scheme implemented for the disposal of water, and requested that such details are submitted prior to the determination of the application. The application is in outline form, with all matters reserved for future applications. It would not be reasonable to require such a level of detail

when the final layout is not known. It is considered appropriate to require additional details relating to surface water discharge by way of planning conditions, should approval be forthcoming.

Foul Drainage

85. The application site is located in an area which is served by the public foul sewer. Foul drainage from the development is in the catchment of Mildenhall Water Recycling Centre. Anglian Water, in consultation correspondence, has confirmed that there is available capacity to treat the flows from the proposed site.
86. No objection to the development proposals has been raised by Anglian Water, subject to the recommendation of a planning condition regarding the details of the foul drainage strategy for the site.

Ground Contamination

87. The site has the potential for contamination from agricultural sources. In accordance with advice offered by the Council's Environmental Health Officer, relevant conditions can be secured should planning approval be forthcoming.

Summary

88. The Environment Agency, Anglian Water Services, Suffolk County Council and the Council's Environmental Health team have not objected to or raised concerns about the application proposals in respect of flood risk, drainage and pollution. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, potable water supply, SuDS and ground contamination.

Impact upon Landscape

89. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promotes development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) and recognising the hierarchy of graded agricultural land. National policy stops short of seeking to protect the 'countryside' from new development in a general sense.
90. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
91. The application site is undeveloped land on the edge of the village of Beck Row. The site is screened from public viewpoints, with an established tree and hedgerow frontage along the northern boundary with St John's Street. It is considered that the site has no distinctive landscape character or features of interest.

92. The residential development of this parcel of land would not be out of context, given existing residential development to the immediate west and east. It is acknowledged that the landscape character will change irreversibly in the long term as a result of the development proposals. The extent of the visual impact of the proposed development on the landscape is considered acceptable, given that the site is generally well screened. This limits visual impacts to glimpsed views.
93. The comments on behalf of Beck Row Parish Council are noted regarding the development being out of character with the street-scene. The principle of development along St John's Street is already established, and it would not be reasonable to refuse the application on these grounds alone. It is an expectation that the impact of the development on the street-scene will be evaluated as part of subsequent applications.

Summary

94. Officers have considered the submitted documentation, and visited the application site and surrounding area. Whilst the proposals would irreversibly change the character of the immediate locality, the wider impact of the development proposals upon landscape quality and character are considered to be acceptable.

Impact upon the Natural Environment

95. The Framework confirms the planning system should contribute to and enhance the natural environment by *inter alia* minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
96. 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. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
97. There are no designated sites within the application site, however Aspal Close Nature Reserve is situated on the opposite side of Aspal Lane and is a County Wildlife Site.

Habitats Regulations Assessment

98. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of habitats and Species Regulations 2010 (as amended). Natural England, in

consultation correspondence, has advised that an Appropriate Assessment is not required.

Ecology

99. The site is situated on the edge of the Breckland District and is adjacent to areas of known high ecological interest. A Preliminary Ecological Appraisal accompanies the planning application. This maps the existing habitats on site and notes the value of trees and scrub for both birds and bats.
100. The final detailed layout of the site will need to include details of the trees and scrub to be removed, and demonstrate that this will not impact on bat roosts, foraging and commuting. It will also need to ensure that replacement habitat/nesting/roosting sites are provided.
101. Specialist surveys have been undertaken in respect of reptiles. This identifies that there is a low risk of the proposed construction adversely affecting reptiles, and makes appropriate recommendations for mitigation. In terms of the suitability of the site for invertebrate populations, a consultant entomologist has visited the site to appraise the habitats. This concluded that the invertebrate interest of the site is very low.
102. The Ecological Appraisal and Reptile Survey proposes recommendations which can be secured by way of planning condition. In accordance with consultation advice received, conditions have also been recommended to ensure protected species are safeguarded.

Trees

103. The application site contains three mature trees within the south-western corner. Along the northern boundary are a number of trees which form an attractive frontage along St John's Street. These provide a significant natural screen for the development and contribute towards the character of the site and its surroundings. The retention of these trees as part of the development is highly desirable for both amenity and biodiversity reasons.
104. A Tree Survey report and Arboricultural Impact Assessment was submitted as part of the application documentation. This identifies the removal of a number of trees, shrubs and self-seeded saplings, and pruning of a number of trees. This would need to be confirmed as part of subsequent detailed applications, to ensure consistency with the final layout.
105. Officers are in general agreement with the submitted documentation, which demonstrates that there are no arboricultural constraints that would preclude the development of the site.

Summary

106. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site, or impact on Aspal Close Nature Reserve. Subject to the implementation in full of recommended mitigation and enhancement measures (which can be secured through relevant planning

conditions), the proposed development is considered to satisfactorily address ecological issues.

Impact upon the Historic Environment

107. 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 includes designated assets such as Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas, and also various undesignated assets including archaeological sites and unlisted buildings which are of local interest.
108. The Framework advises that local planning authority'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. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.

Archaeology

109. The proposed development lies within the historic settlement core of Beck Row, opposite a post medieval church. There is therefore high potential for encountering evidence of early occupation at this location.
110. The County Archaeological Officer, in consultation correspondence, has advised that there is high potential for the discovery of important hitherto unknown heritage assets of archaeological interest within the application site.
111. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Summary

112. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

Design of the Built Environment

113. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

114. 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.
115. The application site is situated on the edge of the village of Beck Row, within a single field which is open in character and contains no distinctive character or features of interest. Officers consider that the residentially development of this parcel of land would not be out of context, given that it is adjoined by residential development to the east and west.
116. Whilst matters of appearance, landscaping, layout and scale are to be reserved for future detailed applications, the accompanying documentation includes an indicative site layout drawing. The scheme is in outline form only, and the submitted layout is indicative only. Such matters of detail can be addressed at the detailed planning stage.

Summary

117. Subject to planning conditions as described above, the proposals are considered to comply with relevant Development Plan policies in respect of design and layout.

Impact upon Local Infrastructure (Utilities)

118. 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 development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'.
119. 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'.
120. Policy CS13 lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time). It concludes that all development will be accompanied

by appropriate infrastructure to meet site specific requirements and create sustainable communities.

121. Matters relating to highways, education, health and open space infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure.

Waste Water Treatment

122. The Flood Risk Assessment (FRA) which accompanies the planning application advises that foul flows from the development will be connected to the Anglian Water public sewer network. Anglian Water has confirmed that there is capacity within Mildenall Water Recycling Centre to cater for flows from the development.

Summary

123. On the basis of the available evidence, the development proposal is considered acceptable with regard to impact on infrastructure (utilities).

Impact upon Residential Amenity

124. The protection of residential amenity is a key component of good design. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim inter alia to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.

125. Existing residential properties are situated immediately to the west and east of the application site. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage, when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the NPPF to protect the interest of occupiers of existing residential properties.

Summary

126. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing dwellings will not be compromised by what is proposed.

Sustainable Construction and Operation

127. 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'.

128. The NPPF confirms planning has a key role in helping shape inter alia secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the

economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:

129. 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.
130. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
131. Waste arising from the construction process will be managed in accordance with a Site Waste Management Plan. This can be secured by way of planning condition.
132. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of sustainable construction and operation.
133. Waste – A waste minimisation and recycling strategy should be secured by planning condition.
134. Sustainable Drainage Systems (SUDs) – SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.

Section 106 Planning Obligation Issues

135. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
136. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

137. The application proposes 12 of the dwellings as 'affordable', which represents 50% of the total number of units to be provided on the site. Whilst this is in excess of the 30% target set out in Policy CS9 of the Core Strategy, the overprovision can be secured under the Section 106 agreement. Members are asked to note that whilst the 50% provision has been offered, only 30% is required in accordance with the provisions of Policy CS9.
138. The Council's Housing Officer, in consultation advice, as confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider can be secured through the S106 planning obligation.

Education

139. Education provision in Suffolk is currently in the process of a major restructuring: middle schools are being phased out and their functions are transferring to primary and secondary schools. The local catchment schools are Beck Row Primary School and Mildenhall College Academy. There are currently forecast to be surplus places available at the catchment secondary school serving the proposed development, and no secondary school contributions are sought.
140. Beck Row Primary School will not have any surplus places available, and Suffolk County Council is seeking full capital contributions for the additional 4 primary school children forecast to arise to spend on enhancing local provision.
141. In terms of pre school provisions, it is understood that there are two early education providers in Beck Row (Beck Row Pre School and Busy Bees Montessori), offering 270 places. With the level of housing growth coming forward in Beck Row, a developer contribution is sought to mitigate local impacts. Contributions sought will be invested at a local level to enhance service provision.

Libraries

142. Beck Row is not currently served by a library. Suffolk County Council has identified a need to enhance service provision at the local library, and has requested a capital contribution. This can be secured as a S106 planning obligation.

Healthcare

143. Members are asked to note that a consultation response has not been received on behalf of the CCG in respect of this planning application. Officers understand that this is because the scale of residential growth proposed by the planning application is below the CCG's threshold of 50 dwellings units.
144. In the absence of formal consultation advice on behalf of the healthcare provider, it would not be reasonable to seek developer contributions in respect of health care provision through the Section 106 process.

Transport

145. A contribution of £3000 to create new bus stops with Equality Act compliant kerbs has been sought by Suffolk County Council as Highway Authority.

Public Open Space Provision

146. The proposed development incorporates areas of informal open space and formal open space suitable for children's play. The Council's Parks Manager has verbally confirmed the acceptability in principle of the quantum of on-site open space proposed. In accordance with the Council's Supplementary Planning Document in respect of open space, off site provision can also be secured by way of S106 agreement.

Summary

147. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Beck Row, in terms of affordable housing, education, libraries and public open space, would be acceptable.
148. 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. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
149. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Beck Row and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits. This is currently in draft form.

CONCLUSIONS AND PLANNING BALANCE:

150. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
151. Beck Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme.

152. In terms of the economic role of sustainable development, the development would generate direct and indirect economic benefits. New housing provides a range of economic benefits, and has significant and positive effects on economic output – for example in terms of capital investment, construction work and occupational expenditure.
153. With regard to the social role of sustainability, the development would provide a level of much needed market and affordable housing to meeting the needs of present and future generations.
154. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Good design and the retention of existing trees would assist in the mitigation of this impact. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered acceptable.
155. The progress of the Local Plan has been slow to date, owing largely to the successful challenge of the Core Strategy (CS7) in the High Court. Its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early stages in the process. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
156. There are not considered to be any planning matters that would significantly and demonstrably outweigh the benefits of the scheme. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, and point towards the grant of planning permission.
157. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below (which is necessary for the development to be acceptable in planning terms), the proposal is considered to comply with the NPPF and Development Plan policy. The recommendation is one of approval.

RECOMMENDATION:

158. That planning permission is **GRANTED** subject to:

(1) The completion of a S106 agreement to secure the following (subject to meeting the CIL reg 122 tests):

- Affordable housing – 12 units.
- Primary school contribution -£2,030/dwelling
- Pre school contribution - £12 181
- Libraries contribution - £5 184
- Open space contribution – to be confirmed.

- Transport contribution - £3 000.

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

(2) And the following conditions:

1. Time.
2. Compliance with approved plans.
3. Archaeology – investigation and post investigation assessment.
4. Contamination – further investigative work if found.
5. Foul water disposal details.
6. Surface water drainage details: SuDs management plan.
7. Construction management plan.
8. Details of boundary treatment.
9. Samples of materials.
10. Detailed scheme of hard and soft landscaping.
11. Tree protection.
12. Details of tree works for retained trees.
13. Detailed Arboricultural Method Statement and Tree Protection Plan.
14. Recommendations of Ecological Appraisal and Reptile Survey to be implemented.
15. Provision of fire hydrants.
16. Waste minimisation and recycling strategy.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBV2H2PDLQH00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY