

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 AUGUST 2014

DEV14/124

**Report of the Head of Planning and Regulatory
Services**

**PLANNING APPLICATION DC/13/0927/OUT - LAND SOUTH OF WORLINGTON
ROAD, MILDENHALL (PARISH OF BARTON MILLS)**

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

Gareth Durrant (Case Officer)
Tel: (01284) 757345

Committee Report

Parish: Mildenhall (within the Parish of Barton Mills) **Committee Date:** 6th August 2014.

App. No: DC/13/0927/OUT **Date Registered:** 24/12/2013

Expiry Date: 25/03/2014

Proposal: Outline application – residential development of up to 78 dwellings with creation of new vehicular access.

Site: Land South of Worlington Road, Mildenhall (Parish of Barton Mills)

Applicant: Trumpington Land Ltd

Background:

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

The proposals are considered to comply with the relevant policies of the National Planning Policy Framework but the countryside location of the site means the proposed housing development conflicts with adopted Development Plan policies.

The application is recommended for conditional approval following completion of a S106 Agreement.

Members visited the site on 4 August 2014.

Application Details:

1. Outline planning permission is sought for the erection of up to 78 dwellings (including public open space) and construction of a new vehicular access. Access to the site is included for consideration at outline stage whilst proposals for the layout and landscaping of the site and scale and appearance of the dwellings are reserved. The application is accompanied by an illustrative layout plan to demonstrate how the site might accommodate the dwellings proposed by the application.

Amendments

2. The following additional information has been submitted following registration of the planning application in order to satisfy the requirements of consultees;
 - Archaeological Evaluation Report
 - Results of on-site percolation tests (to supplement the Flood Risk and drainage report).
 - Amended illustrative layout to illustrate enlarged area of public open space and an exclusion zone around the adjacent (off-site) sewage treatment works.

Site Details:

3. The site falls in the parish of Barton Mills but if developed would visually read as an extension to Mildenhall given its close proximity to the town. The site, which is approximately 3 hectares in size, is presently in agricultural use (Grade 3) and has a 230 metre open frontage onto Worlington Road.
4. The application site is situated outside the settlement boundaries of both Barton Mills (approximately 565 metres distant) and Mildenhall (approximately 90 metres distant) and is thus situated in the countryside for the purposes of applying relevant Development Plan policies.
5. The site fronts north onto Worlington Road towards residential properties (north east) and open agricultural land (north west). The eastern boundary is marked by a number of mature trees growing in a field hedgerow. Beyond the east boundary is the former Bridge Dairy which is also outside the settlement boundary and has been developed for housing within the last decade. A small pumping station abuts the north east corner of the site.
6. The site backs onto the former railway station which is now a munitions factory. The rear site boundary is marked by a mature conifer hedgerow. A bungalow and nursery is situated to the west of the site behind a mature, native species hedgerow with trees.
7. There are no landscape or heritage asset designations at the site, although the Mildenhall Conservation Area is situated approximately 75 metres to the north and approximately 100 metres to the east (at its closest point). The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

Application Supporting Material:

8. The planning application is accompanied by the following reports and documents, all of which are available on the Council's website;
 - Planning Statement (which includes S106 Heads of Terms, Affordable Housing Statement and Statement of Community Involvement)

- Design and Access Statement
- Phase 1 Habitat and Protected Species Survey
- Reptile Survey report
- Flood Risk and Surface Water Drainage Assessment (including foul water drainage).
- Contamination Assessment
- Energy and Sustainable Design Statement
- Utility Appraisal
- Transport Assessment
- Travel Plan
- Geophysical Survey Report
- Heritage and Archaeological Assessment
- Tree Survey and Arboricultural Impact Assessment
- Site location plan
- Illustrative site layout plan
- Parameters Plan.
- Site Surveys (topographical plan).
- Block Plan.

Relevant Planning History:

9. There is no relevant planning (application) history affecting the site. Planning permission was granted in 2008 for the erection of 83 dwellings on the former Bridge Dairy site to the east of the application site (register references F/2006/0837/OUT and F/2007/0871/RMA).

Consultations:

10. **Natural England** – comments awaited at point of report preparation.
11. **Suffolk Wildlife Trust** – comments awaited at point of report preparation.
12. **Environment Agency – no objections**, subject to the imposition of two conditions to secure i) provision of a sustainable surface water drainage system for the development and ii) submission (and LPA approval) of a Construction Method Statement in the interests of pollution control.
13. **Environment Agency** (31st March 2014, following receipt of site percolation tests) – **no objections** – and comments as follows;
 - The Infiltration tests carried out on the 20th – 21st February 2014 indicate that the site generally has a low infiltration characteristics with a precautionary design rate of 2.8×10^{-6} .
 - The implications of such a low rate are likely to include the requirement for over large attenuation facilities to ensure that the half drain time is below the required 24 hours. This is to ensure that sufficient capacity remains in the system to cope with successive rain fall events.
 - Due to the potentially large attenuation capacity requirement, we would recommend that as such source control and bio-retention facilities are

included within the drainage design to provide localised attenuation areas. Bio-retention will also increase the rates of evapotranspiration.

- The submitted infiltration test results do not change our previous response (letter dated 4th March 2014 – EA ref: AC/2014/120459/01-L01) as it is stated that further infiltration test are to be carried out prior to the construction of the dwellings.

14. **Anglian Water Services – no objections** – comments as follows

- The development site is within the 15 metre cordon sanitaire of a sewage pumping station. This is a significant asset both in itself and in terms of the sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.
- Anglian Water notes the close proximity of the proposed development to Worlington Road New sewage pumping station (MIWOSP). We would advise that habitable buildings and their associated high amenity areas, such as gardens, should be kept at least 15 metres from the boundary of MIWOSP.
- We request a condition requiring the drainage strategy covering the issues to be agreed.
- The sewerage system at present has available capacity for these flows. The foul drainage from this development is in the catchment of Mildenhall STW that will have available capacity for these flows.

15. **Health and Safety Executive** - comments awaited at point of report preparation.

16. **NHS Property Services – ‘holding’ objection** – comments as follows (summarised);

- The proposal is likely to have an impact on the NHS funding programme for the delivery of healthcare provision within the health catchment area of the development. These impacts should be fully assessed and mitigated by way of a developer contribution (S106 contribution).
- The applicant has identified a doctors’ surgery within an 800m walk from the centre of the application site and the draft Heads of Terms document includes “*a financial contribution to primary care services, subject to viability*”. However, the level of contribution to primary care services is not specified and the application does not include an assessment of the likely healthcare impacts arising from the development.
- A Healthcare Impact Assessment prepared by the NHS demonstrates there is a capacity deficit in the area and a developer contribution of £13,000 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 be content to lift its objection in the event that an appropriate level of mitigation is secured through a S106 Agreement.
- NHSPS is content the contribution is consistent with policy and relevant Community Infrastructure Levy Regulations tests (S.122).

17. **Suffolk County Council (Highways Development Management) - no objections** subject to the imposition of appropriately worded conditions covering the following matters; details of proposed access, details of estate roads and footpaths, timing of provision of footways and carriageways, travel plan arrangements, details of vehicle parking and secure cycle storage, details of adequate car turning space, details and provision of access visibility splays. A request is also made for S106 contributions to be used towards enhancement of bus stops in the vicinity of the site and a crossing to connect the site to adequate footpaths leading to Mildenhall town centre.

18. **Suffolk County Council (Archaeology) (6th Feb 2014) – objects** to the planning application in its submitted form for the following reasons [*note these comments have been superseded – see below*]

- This large proposed development lies in an area of high archaeological potential as recorded in the County Historic Environment Record (HER), and summarised in the desk based archaeological assessment submitted with this application. The site is located immediately adjacent to a major prehistoric settlement excavated in 2008. This revealed Iron Age pit clusters, a ditched boundary system and cremations. The distribution of remains suggests the settlement extends west into the proposed development area. Human remains have also been recorded immediately south of the site. This is therefore an area of high archaeological interest, with potential for the discovery of further important features and deposits. The proposed development would cause significant ground disturbance that has potential to damage or destroy any below ground heritage assets that might exist at the site.
- The applicant should be required to provide for an archaeological evaluation of the site before the determination of the application, to allow for preservation in situ of any sites of national importance that might be defined. This large area cannot be assessed or approved in our view until a preliminary archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource (both in quality and extent).
- At present a geophysical survey has been submitted with the application. The results of this are largely negative, but preliminary trial trenching is required to test its reliability. This can be achieved through a 1% trial

trenching sample of the development area. However, further trenching will be required to inform a full mitigation strategy, should consent be granted. This will require a further 4% trenching prior to any decision on the need for excavation before any ground works commence and/or monitoring during ground works. It is therefore advised that applicant considers the merits of conducting the full evaluation at this stage (5%).

19. **Suffolk County Council (archaeology)** (27th Feb 2014, upon re-consultation (SCC archaeology only) following receipt of additional archaeological information) submits **no objections** and comments as follows;

- This preliminary programme of Archaeological assessment has adequately demonstrated that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and extent of these assets requires closer definition. Therefore, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- In this case, a further phase of trenched archaeological evaluation (c. 4% of the development area) will be required to fully characterise and define the archaeological potential of the site. Decisions on the need for any further investigation (strip, map and excavation before any ground works commence and/or monitoring during ground works) will be made on the basis of the results of the evaluation.

20. **Suffolk County Council (Planning Obligations) – no objections**, and comments as follows;

- Education (Primary). There is currently forecast to be limited surplus places available at the catchment primary school serving the proposed development. We are therefore currently seeking contributions to provide additional facilities for up to 12 primary age pupils arising at a total cost of £146,172.
- Education (Secondary). There are currently forecast to be sufficient surplus places available at the catchment secondary school serving the proposed development.
- Education (Pre-school provision). It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 8 pre-school pupils are anticipated at a cost of £6,091 per place. In Lakenheath census data shows there is an existing shortfall of places in the area. A capital contribution of £48,728 is requested.
- Play space provision. Consideration will need to be given to adequate play space provision.

- Libraries. A capital contribution of £16,848 to be used towards libraries is requested. The contribution would be available to spend in at the local catchment library in Mildenhall.
- Waste. A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- Supported Housing. We would encourage all homes to be built to 'Lifetime Homes' standards.
- Sustainable Drainage Systems. Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.
- Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- High-speed broadband. SCC would recommend that all development is equipped with high speed broadband (fibre optic).

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

22. **FHDC (Strategic Housing) supports** and comments as follows;

- Core Strategy policy CS9 states a requirement of 30% affordable housing. There is strong evidence from the Housing Register and the Strategic Housing Market Assessment to conclude that we need a variety and mix in Barton Mills. There are currently 112 applicants on the West Suffolk Housing Register indicating Barton Mills as a preference to live.
- A total of 23 of the 78 proposed dwellings should be 'affordable' in line with policy CS9. The indicative mix is as follows;
 - 4 x 1-bed, 2-person, flats (affordable rent)
 - 2 x 1-bed, 2-person, bungalows (affordable rent)
 - 7 x 2-bed, 4 person, houses (affordable rent)
 - 2 x 3-bed, 5 person, houses (affordable rent)
 - 1 x 3-bed, 6 person, disabled adapted bungalow (affordable rent)
 - 2 x 1-bed, 2 person, houses (shared ownership)
 - 5 x 2-bed, 4 person houses (shared ownership)
- The above mix is indicative and may be subject to change. We would encourage the developer to work with the Registered Provider of affordable housing at the earliest stage to ensure the homes meet the

Homes and Communities Agency design and quality standards.

23. **FHDC – Environmental Health – no objections** – subject to conditions requiring further information and approvals for construction management, contamination, noise insulation and sustainable construction & energy.
24. **FHDC – (Leisure, Culture and Communities) – no objections** to the proposals and comments (on the illustrative scheme) as follows;
- The open space is large enough to use and reduce the impact of use on neighbouring properties. However this space would service the development better if a strip was used along Worlington Rd to improve frontage to the highway and set the house back further; with the main area of open space provided centrally to the development providing a village green like appearance.
 - The space should contain natural playable features.
 - Detail of soft landscaping and tree planting is required.
 - Any green spaces adjacent to parking spaces and turning heads should be protected by a knee rail.
 - Any formal play provision should be off site and provided at one of the existing play areas in Mildenhall.
 - All other provision should be in accordance with the SPD for open space, sport and recreation facilities and also provided off site at suitable locations within Mildenhall.
25. **FHDC – (Ecology, Tree and Landscape Officer)**

Trees

- The existing trees make a contribution to the amenity of the site and the setting of the new development and whilst they are shown on the tree survey to be classified as mostly C, they should be retained during the construction period and into the future. The indicative layout shows that there is the potential for impact on trees to the east of the site – this could be avoided if buildings are located outside of the root protection area of existing trees. *This could be conditioned. In addition details of tree protection fencing (for the reserved matters layout) to be submitted and implemented.*

SUDs

- The surface water and drainage strategy conflicts with the retention of trees shown to be located within the proposed tree protection fencing

Landscape and visual assessment

- The submitted layout will need to have regard to cycle and pedestrian circulation and connectivity with the adjacent footpath and cycle

network. The site is well placed for access to the town centre and pedestrians should be encouraged.

- Ideally the public open space should be placed more centrally within the development (as illustrated in the initial designs for the site p65 and 66 of DAS) so that it can benefit from natural surveillance (principal supported and promoted in the DAS p88) and so that all the residents can benefit from the amenity afforded by the area. The current space is in danger of becoming unused and less than attractive being located in a corner of the site with no surveillance and not on a through route or part of wider circulation of the site (see p6 of DAS). The leylandii hedge on the southern side of the site could contribute to this.
- Visually the site will have the greatest impact when seen from Worlington Road. The development will form a gateway into the town of Mildenhall when approaching from the south east. For this reason, properties along this road should be set well back from the road allowing for sufficient garden land to maintain the pleasant urban fringe feel to this area and to soften the development. This concept is identified in the DAS (p87) but not fully illustrated on the masterplan (properties located approx. 4m back from the pavements)
- The impact of the scheme on the approach from Barton Mills is also important, as the site occupies part of the river valley that forms the natural gap between the village of Barton Mills and Mildenhall town.
- *Recommend that a landscape strategy is conditioned to be submitted alongside the reserved matters master plan showing how these issues have been addressed.*
- *Detailed soft and hard landscaping to be submitted and implemented*

Ecology

Designated sites

- There are no designated sites within the application site however there are a number of statutory sites within the vicinity. These include Breckland Special Protection Area (SPA) (1.1km), Breckland Forest Site of Special Scientific Interest (SSSI) (1.1km) and Barton Mills Local Nature Reserve (LNR) (1.1km). There are also a number of non designated sites.

Habitats Regulations Assessment (HRA)

- 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). MKA Ecology Limited, on behalf of the applicant has submitted a 'Phase 1 Habitat Survey and Protected Species Scoping Survey Report' which provides some information to inform the HRA. The HRA is in table 1 below.
- The location, size and design of the POS/ Green Infrastructure and pedestrian circulation on site will need to accommodate exercising of dogs. *This would be demonstrated in the landscape strategy and the requirement to provide this on site could be included in the condition.* In

addition the developer will need to consider a means of educating dog walkers from the development going to the forest to ensure they have dogs on leads/under close control and keep to paths; perhaps by means of an information pack – *the detail will need to be conditioned.*

Protected Species

- The applicant has submitted a ‘Phase 1 Habitat Survey and Protected Species Scoping Survey Report’ and a Reptile Survey Report’. The reports assess the impact of the proposals on habitats and species and include recommendations to mitigate or safeguard against adverse effects. In addition the report proposes enhancements. The report has been assessed against NE standing advice (where appropriate). The recommendations of the reports should be conditioned to ensure protected species are safeguarded.
- *Condition all recommendations in the ecological reports and landscaping/habitat enhancement details*

Representations:

26. **Barton Mills Parish Council objects** to the planning application on the following grounds;

- It would create a suburb of Mildenhall in Barton Mills.
- It would link Barton Mills with Worlington
- There would be serious traffic issues
- There is no or insufficient pedestrian access
- It is outside the development line [*interpreted by officers as meaning the local plan settlement boundary*]

27. **Mildenhall Parish Council objects** to the planning application and supports the comments made by Barton Mills and Worlington Parish Councils. The following comments were received;

- Mildenhall Parish Council has grave concerns regarding access and egress to the site, at present only showing the one entrance.
- There does not appear to be the appropriate infrastructure in place to cope with the extra housing, i.e. education, schools etc.
- Members also feel that the present footpath is totally inadequate and feel that a new footpath should be created to enable pedestrian access from the site into Mildenhall town.
- Due to the high level of traffic movements that are already using the road a pedestrian crossing may also be required.

28. **Worlington Parish Council objects** to the planning application on the following grounds;

- Given the size and density of the plans submitted, Worlington Village will definitely be adversely affected should planning permission be granted.
- It is accepted that there is a need for additional housing provision within Forest Heath District Council and in the absence of a 5-year land supply it is difficult to argue against such developments even though building on agricultural / Greenfield sites should be avoided wherever possible.
- The over-riding issue as far as Worlington Village is concerned is the very significant impact of additional traffic that will be generated by building another 78 dwellings close to the village.
- There are a number of cumulative issues that have, over the last few years, resulted in a massive increase in vehicle movements through Worlington as vehicles drive to and from the A11 trunk road and through the village from Mildenhall to Fordham and beyond. These are:-
 - The massive expansion of Red Lodge which has resulted in 100's of additional traffic journeys through Worlington every day, with buses, lorries, vans and cars coming into the village via the C610 Newmarket Road.
 - The recent development at Bridge Farm Close, adjacent to the proposed development has also resulted in many more vehicles coming through Worlington to get to the A11 or continue along the B1102 to Freckenham and beyond.
- It is absolutely clear that any traffic wanting to join the A11 towards Newmarket, Cambridge and London will definitely turn left out of the new development onto the B1102, come through Worlington, then turn left at The Walnut Tree Pub and go down the C610 to join the A11 at Red Lodge. This additional traffic is unacceptable.
- If planning permission is granted the Parish Council is seeking assurances (conditions/S106 Agreement) as follows;
 - traffic calming measures on the B1102 coming into Worlington Village from Mildenhall and on the C610 from Red Lodge
 - A reduction of the speed limit along the B1102 from the new development into Worlington Village from the current 60mph to 30 mph. With the extended 30 mph zone coming out of Mildenhall along the B1102 past the new development beyond Sunnyside Nurseries. At the moment 75% of vehicles coming down the hill into Worlington along the B1102 are exceeding the 30 mph limit upon entering the village.
 - A comprehensive upgrading of the C610 Newmarket Road from Worlington to Red Lodge. This is a C-road that is now being used almost as an A-road due to the massive increase in traffic volume (as mentioned above). Put simply, this road is extremely dangerous and is very badly maintained. It also has no lighting whatsoever or any white lines along the verges or down the middle. This 60 mph road, which

floods regularly, has potholed verges on both sides and is completely inadequate in every respect.

- Worlington Parish Council is doing everything possible to mitigate the adverse affects of the huge increase in traffic volumes with a Community Speed Watch Initiative in place but it is now time for us to be helped centrally with meaningful and significant support from Suffolk County Council Highways Department. Any Developer proposing to build these new dwellings along Worlington Road will have to pay a significant Section 106 contribution and infrastructure improvements to the road network into and through Worlington Village MUST benefit from this.

29. **Local Residents** - Five letters of **objection** have been received from residents of the District. This issues and objections raised against the proposals are summarised as follows;

- The roads serving the development (including links via Worlington to the A11 at its Red Lodge junction) are not adequate to cater for the additional traffic generated.
- Traffic goes fast on this road meaning it would be difficult to access the site and difficult for residents to cross it.
- Incidents on the A11 leading to its closure means that traffic diverts along the Worlington Road passes the application site.
- Increase in traffic noise and air pollution as a consequence of this development.
- The traffic report for this site cannot be accurate as one of the wires that crossed the road was disconnected soon after installation and not re-connected prior to removal of the unit.
- If the access is provided in the location shown on the plans this will cause the driveway to our home (which does not appear on the plans) to become a crossroads.
- There is a footpath on one side of Worlington Road that is far too narrow – a pedestrian and child cannot walk side by side.
- The site location would necessitate the need for people to use their own transport to commute and much of this would be via Worlington village.
- The loss of agricultural (food producing) land is a concern.
- Would set a precedent for development on other greenfield sites in the area.
- Development of the site would have an adverse impact on the appearance and character of the area by encroachment towards Barton

Mills and Worlington. Character would be changed from countryside to overdeveloped urban area.

- The proposal for circa 80 dwellings is dense. Any development should be large detached dwellings on large plots to match those opposite.
- The [application site] boundary line is not accurate and includes land encroaching onto my property and felling of one of my trees.
- Vegetation/screening on my boundary should not be removed.
- Traffic through Worlington will be increased.
- Additional signage is needed to remind drivers of the speed restrictions in Worlington.
- This development would considerably de-value my property.

Policies:

Development Plan

30. The application site has a Barton Mills address, but would spatially read as an extension to the urban area of Mildenhall as opposed to the physical settlement of Barton Mills. Accordingly, it is considered that policies relating to Towns (and Mildenhall in particular) are relevant to the proposals and policies relating to rural settlements (including Barton Mills village) are less relevant. Policies relating to the countryside are relevant to this planning application given the location outside the settlement boundaries of both Barton Mills and Mildenhall.
31. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal:

Core Strategy

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

Visions

- Vision 1 – Forest Heath
- Vision 3 – Mildenhall (*nb. The application site is within the Parish of Barton Mills, but is effectively an extension of Mildenhall*)

Spatial Objectives

- Spatial Objective H1 – Housing provision.
- Spatial Objective H2 – Housing mix and design standard.
- Spatial Objective H3 – Suitable housing and facilities (life time homes).
- Spatial Objective C1 – Retention and enhancement of key community facilities.
- Spatial Objective C2 – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.
- Spatial Objective ENV2 – Climate change and reduction of carbon emissions.
- Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective ENV5 – Designing out crime and anti-social behaviour.
- Spatial Objective ENV6 – Reduction of waste to landfill.
- Spatial Objective ENV7 – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

Policies

- Policy CS1 – Spatial Strategy.
- Policy CS2 – Natural Environment.
- Policy CS3 – Landscape Character and the Historic Environment.
- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the Court Order).
- Policy CS9 – Affordable Housing Provision.
- Policy CS10 – Sustainable Rural Communities.
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport
- Policy CS13 – Infrastructure and Developer Contributions.

Local Plan

33. A list of saved Local Plan policies is provided at Appendix A of the adopted Core Strategy (2010). The following saved policies from the adopted Local Plan are relevant to these proposals:

- Policy 4.14 – Windfall sites – Towns [*Mildenhall*]
- Policy 4.15 – Windfall Sites – Villages [*Barton Mills*]
- Policy 9.1 – The Rural Area and New Development.
- Policy 10.2 – Outdoor Playing Space (new provision).
- Policy 10.3 – Outdoor Playing Space (as part of new development proposals).

- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.
- Inset Map 2 (Mildenhall Settlement Boundary)
- Inset Map 5 (Barton Mills Settlement Boundary)

Other Planning Policy

Supplementary Planning Documents

34. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (September 2013)
 - Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
 - Suffolk Advisory Parking Standards (2002)

Emerging Development Plan Policy

35. The Council is currently finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document) and both will soon be placed on public consultation before submission for examination and, ultimately, adoption.
36. Forest Heath District and St Edmundsbury Borough Council's have prepared a 'Joint Development Management Policies Document' (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate in December 2013 following public consultation. The dates for the examination took place in July 2014.
37. With regard to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.
38. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so can be attributed very little weight

in this decision. The Development Management Policies document has been published, has been the subject of public consultation and has been examined. Accordingly some weight can be attributed to this plan in the decision making process.

39. Objections have been received to the vast majority of the policies set out in the policies document which, according to the guidance, reduces the weight which can be attributed to them given the degree of uncertainty that prevails. The policies have been reviewed but none are considered determinative to the outcome of this planning application so reference is not included in the officer assessment below.
40. The following emerging policies from the document are relevant to the planning application;
 - DM1 – Presumption in Favour of Sustainable Development
 - 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
 - DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
 - DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
 - DM12 – Protected Species
 - DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - DM14 – Landscape Features
 - DM15 – Safeguarding from Hazards
 - DM18 – Conservation Areas
 - DM21 – Archaeology
 - DM23 – Residential Design
 - DM28 – Housing in the Countryside
 - DM41 – Community Facilities and Services
 - DM42 – Open Space, Sport and Recreation Facilities
 - DM45 – Transport Assessment and Travel Plans
 - DM46 – Parking Standards

National Policy and Guidance

41. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
42. Paragraph 14 of the Framework identifies the principle objective:

“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 are 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.”
43. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework 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".
44. The relevant policies of the Framework are discussed below in the officer comment section of this report.
45. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review 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 NPPG are discussed below in the officer comment section of this report.

Officer Comment:

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

Legal Context

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

47. Given the scale of development proposed, the planning application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council’s formal Screening Opinion concluded that the proposal is not ‘EIA development’ and

an Environmental Statement was not required to accompany the planning application.

The Conservation of Habitats and Species Regulations 2010

48. Given the location of the designated nature sites in the vicinity of the application site (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an appropriate assessment of the implications for that site before consenting the plan or project.
49. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites.
50. At the time this report was prepared comments had not been received from Natural England (the statutory advisor under the Habitations and Species Regulations). Given the nature of consultation responses received from Natural England in relation to similar proposals elsewhere and having informally discussed these proposals with the body to inform the preparation of this report, officers do not anticipate Natural England will raise concerns about the potential impact of this development upon the Special Protection Area, including the potential impact of recreation (which has a wider area of influence than built form). Members of Committee will be updated verbally of comments received from Natural England.
51. Officers have concluded that, subject to no objections or other concerns to the contrary being received from Natural England, the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission. The Council will need to screen the proposals under Regulation 61 in advance of consenting to the planning application once comments have been received from Natural England.

Natural Environment and Rural Communities Act 2006

52. 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 later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

54. 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.

55. 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.

56. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form would not affect views into or out of the nearby Mildenhall Conservation Area (the boundaries of which are situated approximately 75 metres to the north and 100 metres to the east of the site). There is likely to be an increase in traffic using the main road through the Conservation Area into the town centre of Mildenhall following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Mildenhall Conservation Area.

Crime and Disorder Act 1998

57. 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.

Principle of development

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

58. Paragraph 47 of the Framework 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.
59. 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.
60. Crucially for this planning application the following policy is set out at paragraph 49 of the Framework;

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites".

61. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. As at March 2012 a total of 3,089 dwellings have been completed since 2001. In order to meet the 6,400 requirement 3,311 dwellings would need to be built to March 2021. This equates to around 367 dwellings annually or 1839 over the five-year period 2012-2017.
62. It is acknowledged that the Council is currently not able to demonstrate a 5-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 (or 3.4 years with the 5% buffer required by the Framework). Indeed the National Planning Practice Guidance confirms that any shortfall in the supply of housing should be made up as soon as possible (i.e. within the 5 year period). This means the adjusted (true) 5-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.
63. In the light of the Council not being able to demonstrate a 5-year supply of housing any extant Development Plan policies which affect the supply of housing must be regarded by the decision maker as out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan and Development Plan policies which seek to restrict (prevent) housing developments in principle. Such policies are rendered out of date and therefore carry little weight in the decision making process.
64. In circumstances where a Council is not able to demonstrate a 5-year supply of deliverable housing sites, planning applications for new housing development essentially fall to be considered against the provisions of the Framework 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 silent or out of date confirms that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
65. Since the Framework was introduced there have been numerous examples nationally (including some in the Forest Heath District) where planning permission has been granted at appeal for new housing developments contrary to the Development Plan because the need for housing to be delivered was considered to outweigh identified negative effects.
66. The absence of a five year supply of land lends significant weight in support of granting planning permission for these development proposals, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, whilst the various appeal decisions provide useful general guidance, the fundamental planning principle that each case is to be considered on its own merits prevails.

67. The Framework (advice set out at paragraph 14 of the document in particular) 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 proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused, even in areas without a 5-year supply of housing (as occurred at the recent Kentford appeal case where a proposal for 102 dwellings was dismissed by the Inspector (reference F/2012/0766/OUT and APP/H3510/A/13/2197077)).

What is sustainable development?

68. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
69. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
70. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.

Prematurity

71. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document both of which will subsequently form part of the Development Plan. Given the emerging status of these Development Plan Documents, consideration needs to be given to whether approval of this planning application would be premature and whether its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.

72. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

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.

73. In this case the development proposal for up to 78 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation and the outcome (final versions) is shrouded in uncertainty).
74. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that the Council has a shortage in its five year land supply, is already 13 years into the Plan period (2001 – 2031) and the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
75. 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.
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Development Plan policy context relating to the principle of development

76. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 3 confirms new development in Mildenhall will have enhanced the appearance, character and function of the town and aided regeneration. It also confirms that new housing will have been provided, together with employment development.
77. Core Strategy 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). Saved Local Plan Policy 4.14 states new housing development will be in the defined development boundaries.
78. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
79. Policy CS1 confirms Mildenhall is identified as a town and sets out that land will be allocated for employment, retail, and housing (the reference to greenfield urban extensions under sub-section 5 of the policy was quashed by the decision of the High Court)
80. Core Strategy policy CS6 states that economic and tourism growth at Mildenhall will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.

Officer comment on the principle of development

81. The absence of a 5-year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing (i.e. those discussed at paragraphs 76-80 above) are deemed out-of-date by the Framework and thus currently carry reduced weight in the decision making process. This means the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
82. 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) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework.
83. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion 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.

Natural Heritage

84. 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.
85. 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. The policy states that proposals for development within 1500m of the Breckland SPA will require a project level Habitats Regulation Assessment and development that is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
86. 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.
87. The application is accompanied by two ecological reports; a Phase 1 Habitat and Protected Species Scoping Survey Report and a Reptile Survey Report.
88. The Scoping Survey Report reached the following conclusions;
 - *Overall it was considered that the site is of low ecological importance. However, some features of ecological interest with the potential to support protected species were identified and these should be taken into consideration.*
 - *Whilst a number of statutory designated sites designated for breeding Stone Curlew, Nightjar and Woodlark were located within 2km of the site, all of these designated areas were completely screened from the site by existing development associated with the town of Mildenhall. Furthermore, all of these designated sites were located in excess of 1km from the site and were therefore located outside the 400m zone of influence of developments on Nightjar and Woodlark. In addition, a RSPB desk study identified no known Stone-Curlew nests within 1.5km of the site. Therefore no significant adverse impacts were anticipated on any of these designated sites arising from development.*
 - *A range of habitats were identified on site including scattered broad-leaved trees, dense scrub, poor semi-improved grassland, arable, intact species-poor hedgerow with trees and fences.*
 - *In order to avoid potential impacts upon breeding birds, it was recommended that any vegetation clearance works should be undertaken outside of the breeding bird season. Where such timing is not possible a nesting bird check must be undertaken by an experienced ornithologist immediately prior to the commencement of vegetation clearance works.*

- *Due to the presence of areas of suitable habitat, further surveys for reptiles were also recommended.*
- *In addition a number of biodiversity enhancements are recommended for inclusion within the final landscaping designs for the development in order to meet the requirements of the NPPF. These include installation of a minimum of twenty bird boxes within the site and incorporating native plant species within the soft landscaping scheme for the site.*

89. The Reptile Survey Report found the site does not currently support reptile populations, but there are records for Grass Snake and Common Lizard within 2km of the survey site. The report concluded by stating that due to the risk of harm to reptiles during site clearance, recommendation have been made in order to reduce this possibility. These include clearance of suitable reptile habitat under a watching brief by a suitably qualified ecologist.
90. Natural England (statutory advisor under the Habitats and Species Regulations) is yet to formally respond to the planning application. In discussing the planning application with officers, Natural England has advised the development proposals would not have a significant impact upon the designated site, including potentially increased demands upon recreation in sensitive areas of the designated sites. Whilst formal comments are awaited, it is not anticipated that Natural England will express concerns about the proposals. Members will be informed of Natural England written comments at the meeting.
91. The applicant preparing any future submission of reserved matters for this development will need to ensure their proposals offer sufficient recreational opportunities for the residents of the development in order to minimise the likelihood of increased demands on local footpaths leading into the Special Protection Area. This is likely to entail high quality open space in sufficient quantity and dog walking routes (perhaps a linear park) within the development. The illustrative masterplan drawing is not satisfactory in this respect.
92. A condition could be attached to any planning permission granted to ensure a written public open space strategy is submitted with the planning application to explain how the development has been designed to minimise recreational impacts upon the designated sites. Any Reserved Matters submission would need to be screened again under the EIA and Habitats Regulations and is likely to be refused consent if the proposals are deemed unsatisfactory in this regard.
93. As discussed above, it is concluded that the proposed built development and potential increased recreational pressure arising from it would (subject to an appropriate recreation and public open space strategy and other measures) not impact upon the nearby European designated nature conservation sites. The applicants' ecological report supports this conclusion. The presumption in favour of sustainable development set out at paragraph 14 of the Framework is therefore material to this planning application.
94. Officers are satisfied that the development proposals in outline form would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of

acknowledged importance (protected or unprotected). A carefully designed development is likely to result in net ecological gains. The delivery of the enhancement measures set out in the Phase I Habitat Survey could be secured by means of an appropriately worded planning condition.

Transportation and accessibility

Policy context

95. 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. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
96. It is Government policy 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 confirms this policy needs to take account of other policies in the document, particularly in rural areas.
97. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. It goes on to state 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 transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
98. 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 partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.

Information submitted with the planning application

99. The applicants have submitted a Transport Statement with the planning application. The document begins by considering the proposals against local and national policy before going on to review the accessibility of the site by road, public transport, foot and cycle, to demonstrate that the application site is accessible via a range of alternative transport modes. It then sets out the proposed access and parking strategies and details traffic generation forecasts before concluding. The following points are made in summary and conclusion:

Summary

- *Automatic traffic counters revealed that the mean vehicular speed on Worlington Road at the speed limit boundary is circa 37mph and the 85th %tile speed is circa 42mph*
- *The recorded Worlington Road speed of circa 37mph suggests that the provision of visibility splays of 2.4 x 59m at the proposed application site*

access junctions would be a safe solution, concurring with advice within 'Manual for Streets 2'

- *Vehicular parking provision for the proposed maximum 78 dwellings will accord with relevant Parking Standards. It is envisaged that secure motorcycle and cycle parking facilities will be provided within garages or rear garden sheds.*
- *The latest version of TRICS database regarding 'Mixed Private/Non-Private Housing' forecasts that the proposed provision of a maximum 78 new dwellings on the application site will generate 26 trips during the AM peak and 35 trips during the PM peak. These new trips are within the normal daily variation of Worlington Road traffic volumes and will have no measureable impact upon vehicular turning movements or traffic flows on Worlington Road and the surrounding highway network.*

Conclusions

- *This Transport Statement demonstrates that a sustainable development of up to 78 dwellings may be accommodated on the application site without prejudicing the ability of the highway network to transport people and goods around the local and wider area.*
- *It is considered that there are no overriding transport or highway reasons why the proposed development should not be approved.*

Highway Safety

100. Whilst the application is for outline planning permission, the location within the frontage of the means of access to serve the development is included for consideration at this stage.
101. Vehicular access is to be taken from within the existing 30mph road speed limit. However, as the Transport Statement Acknowledges, average vehicle speeds past the site (and access point) have been recorded in-excess of the 30mph legal limit. The reasons for these average vehicle speeds being in excess of 30mph has been attributed to the site being situated only a short distance within the speed restriction so vehicles are likely to be decelerating late travelling into Mildenhall or accelerating early upon leaving the limit travelling out of Mildenhall.
102. The Highway Authority has expressed concern that vehicles passing the site access at these average speeds are likely to compromise the safety of vehicles using those accesses. In response, the applicants have successfully secured a Road Traffic Order to increase the 30mph speed limit westward with the effect that vehicle speeds past the site would be reduced to a level more in accordance with the legal limit. The Order has been confirmed and will be implemented during the course of the construction of the development proposals at the applicant's expense. The implementation of the order (and consequential reduction in vehicle speed past the site) means the applicants can achieve suitable visibility splays and provide safe vehicular access into and egress from their development.

Congestion

103. Concerns have been expressed that approval of this planning application will increase traffic on roads on-route to the A11 through local villages (Worlington in particular). The application proposals are not of a scale that would generate significant levels of traffic movements during the am and pm peak hours. Modelling used to inform the Transport Statement predicts there would be 26 movements during the am peak and 35 movements during the pm peak. These numbers would also be split between various routes (i.e. some of these vehicles will travel into/from the site from/towards Mildenhall, others will travel towards/from Worlington). Officers do not consider these additional movements would be significant and, in combination, would not be 'severe' as discussed in the Framework.

Accessibility

104. The site is on the edge of Mildenhall (in the parish of Barton Mills) and within a reasonable distance of the town centre where there is access to public transport and a range of facilities, including employment, retail and leisure. The application site is situated at a highly sustainable and accessible location.

Pedestrians

105. Given the absence of a footpath along the full length of Worlington & Mill Road into the town centre, residents of the proposed development would need to cross over the road at a point close to the application site in order to be able to walk safely into the town centre. The Highway Authority has requested the developer provides a pedestrian crossing of the Worlington Road at a suitable location. The contribution could be either financial (a sum of money sufficient to meet the costs of the crossing provided to the County Council) or 'in kind' (provided by the developer). Officers consider this is a reasonable request and is therefore included in the S106 package at the end of the report.

Car Parking

106. Details of the layout of the site, which includes car parking provision, are not included for consideration with this planning application. The level of car parking provision and the inclusion of car parking spaces into the design of the scheme are therefore matters to be submitted and assessed at Reserved Matters stage.

Travel Planning

107. A Framework Travel Plan has been submitted with the planning application and sets out the range of sustainable travel measures and initiatives that are to be brought forward as part of the planning application. These include measures to encourage and support walking and cycling, promotion of existing bus services to the new residents, a contribution towards car sharing initiatives, travel information provided to purchasers of the new dwellings (including a dedicated website) and facilitation of homeworking.
108. The developer would also appoint a Travel Plan Co-Ordinator to manage the implementation of the Travel Plan and compliance would be monitored by the Co-Ordinator and Suffolk County Council (at the expense of the developer). This Co-Ordinator would remain employed for 5-years following the occupation of the final dwelling. The Travel Plan includes an Action Plan

setting out the various steps that would be taken to implement, review and monitor the plan.

109. The proposals set out in the submitted Travel Plan are considered acceptable and proportionate to a development of this scale. The Travel Plan provisions and strategies could be formally secured by means of an appropriately worded clause in a S106 Agreement.
110. The Highway Authority has requested S106 contributions to be used towards bus stop enhancements at locations in the vicinity of the site. The Authority has been asked to provide further information about and justification for this request in order to ensure it could lawfully be secured. Should satisfactory information and justification be received in this respect, the contribution could be secured as part of the S106 package. The uncertainty surrounding this S106 request is reflected in the recommendation below. Members will be updated of any progress in this matter at the meeting.

Summary

111. With mitigation in place, vehicular access to the proposed development and pedestrian access into the town centre would be safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the proposed development would not lead to congestion of the highway network, including during am and pm peak hours.
112. The application site is at a sustainable and accessible location and a travel plan would be implemented for the development. The development proposals are considered sustainable with regard to transportation opportunities for its resident population.

Built Heritage

113. 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 historic interest.
114. 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.
115. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
116. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Mildenhall Conservation Area from increased traffic movement on the main road through the heritage designation.

117. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesigned heritage assets). This has been submitted with the planning application. The report explains the work that carried out to investigate the archaeological potential of the site and confirms that some artefacts of archaeological interest were encountered.
118. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertake prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works and recording is carried out.
119. Subject to the imposition of the archaeological condition, officers are satisfied the development proposals would have no significant impacts upon heritage assets.

Design discussion

120. 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.
121. 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.
122. Saved Local Plan policy 4.14 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality and saved Policy 9.2 requires development proposals in rural areas to be of a high standard of layout and design.
123. The application is submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
124. A design and access statement has been submitted with the planning application to explain 'potential' design strategies that could be implemented at the outline stage. Furthermore, an illustrative layout drawing has been submitted in order to demonstrate that it is physically possible to provide 78 dwellings on the site.

125. The illustrative drawing does contain a number of design weaknesses and may be short of the necessary levels of public open space to make the development acceptable. However, given that the development proposals are 'up to' 78 dwellings the Council, in granting planning permission for development, would not be held to that figure and a lower number of dwellings may actually be appropriate when greater thought is given to the layout of the site, including, provision of open space and surface water drainage and fully acknowledging the physical constraints of the site (including tree root protection zones and 'areas of influence' (no built development zones) around the munitions factory and treatment works which are both adjacent to and affect the developable area of the site).
126. Whilst not a reason for refusal at this stage given the planning application is seeking to establish the principle of development and position of access points only at this stage, a summary of the design weaknesses identified within the illustrative plans could be included on the decision notice to inform the preparation of later submission/s of reserved matters.

Impact upon local infrastructure (utilities)

127. 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."
128. These requirements are, however, tempered somewhat later in the document in circumstances where viability is threatening delivery of a development scheme. It confirms the costs associated with policy burdens and obligations (including infrastructure contributions) likely to be applied to development proposals should (when taking account of the normal cost of development and mitigation), provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
129. 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".
130. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.

131. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
132. Matters pertaining to highway, education, health and open space (including sport and recreation) 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 (specifically waste water treatment, water supply and energy supply).

Infrastructure and Environmental Capacity Appraisal

133. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which has informed preparation of the Development. The IECA report (commissioned jointly with St Edmundsbury Borough Council) 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.
134. The IECA report is the most up to date evidence base of the infrastructure capacity in the District unless it has been superseded/updated by more contemporary evidence. The IECA report was a key document proving an infrastructure evidence base to inform the recent appeal for new housing development at Kentford (referenced at paragraph 67 above). In that case (and in the absence of more up-to-date evidence) the Inspector relied upon the IECA's document.

Waste water treatment infrastructure

135. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the vicinity of the site. The development would be served by Mildenhall Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes west Mildenhall sites preferable for development otherwise upgrades to the network may be required.
136. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies there is significant capacity at the Treatment works to accommodate flows from new development. It confirms that up to 3,483 new catchment dwellings could be provided within its headroom.
137. The proposals are considered acceptable with regard to potential impact upon the local waste water infrastructure.

Water supply

138. IECA comments that the Water Cycle Study identifies that Mildenhall has large diameter strategic main to the west of the town. It concludes that the potable water supply network should not be a major constraint to development around Mildenhall (no tipping points are identified).

Energy supply

139. The development would be served by Mildenhall major substation. The IECA report states that EDF Energy has confirmed that Mildenhall Substation is registering high peak demand but that supply can be diverted from elsewhere. EDF have identified that there is no need to upgrade at this time. The report estimates that 500-2,500 new dwellings could be served from the substation which is in excess of this proposed development.

Flood risk, drainage and pollution

140. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. Its policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
141. The Framework states that to prevent unacceptable risks from pollution and land instability, 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.
142. 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.
143. The planning application is accompanied by a Flood Risk and Surface Water Drainage Assessment and a Phase I Geo-Environmental Assessment (contamination). After assessment, these documents reach the following conclusions:

Flood Risk and Surface Water Drainage Assessment

- *The site is not at risk of flooding on the Environment Agency's mapping data. We would not expect the site to suffer flooding in the future as a result of surcharge from drainage systems proposed within this sites strategy. As far as we have been able to establish there are no reports of significant historic flooding events which have directly affected the site.*
- *Consideration has been given to the impact the development may have on third parties, particularly with regard to surface water run off. Due to the underlying soils being suitable for infiltration drainage, it is proposed to adopt sustainable drainage systems as the method of surface water disposal. It is therefore anticipated that all water will be dealt with at source and there will be no run off from the site.*
- *It is intended the storm water drainage within public highways on site will be put forward for adoption. Drains serving highways only will be put forward for adoption by the local highway authority, and sewers serving houses and highways will be put forward for adoption by Anglian Water under the remit of their guidance for the adoption of SUDs.*

- *Pollution associated with run off from adopted highways will be controlled through the use of trapped gullies and discharge to soakaways which will filter the run off before entering the ground. Pollution associated with private parking courts will be controlled through the use of permeable paving that will filter the run-off before entering the ground water.*
- *Detailed design of the foul and surface water systems will be undertaken at a later date, specific to the development.*

Phase I Geo-Environmental Assessment

- *For the purposes of the planning application the findings of this study are sufficient to demonstrate the site's development would not constitute an environmental risk. A Phase II Geo Environmental Investigation may be required prior to construction to confirm ground conditions and to facilitate the foundation design. At this stage the potential sources of investigation identified shall be investigated.*
 - *The further investigations should include an intrusive geotechnical investigation including a Phase II qualitative risk assessment of the identified potential risks. Contamination testing of soil should be tailored to target potential residual contamination from previous site uses and migration onto the site from the industrial areas to the south west and from the pumping station immediately beyond the eastern boundary.*
 - *The Phase II investigations should also comprise testing of the sub soil materials to determine ground bearing pressures for foundation design and the presence/level of ground water.*
144. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from local rivers.
145. The flood risk assessment submitted with the planning application confirms that surface water will be managed via sustainable drainage systems. There are some matters with the SUDS strategy that will need to be resolved upon submission of the Reserved Matters (including potential conflict with tree root protection areas and capacity of the underground storage systems). There is no evidence to suggest these matters are not capable of resolution but they will need to be considered as a fundamental part of the design and layout of the reserved matters scheme development and may, ultimately, constrain (reduce) the number of dwellings that can be accommodated on the site.
146. The application is accompanied by a preliminary assessment of the site soil conditions. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary, all prior to the commencement of development.
147. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable

conditions upon any potential planning permission to secure appropriate mitigation.

148. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

Residential amenity

149. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
150. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
151. The application site abuts a relatively new housing estate to the east, fronts low density residential development to the north (on the opposite side of Worlington Road) and is adjacent to two dwellings to the west. The design and layout of the development at Reserved Matters stage would need to have particular regard to impacts upon these dwellings from positioning of buildings and window locations, but, no issues are envisaged.
152. The application site is adjacent to a pumping station which is situated adjacent to the north east corner of the site. This plant has a 'cordon sanitaire' around it where housing development should be avoided (because odour from the pumping station could give rise to amenity issues). This affects a small area of the application site at its north east corner and is a further constraint on the development that will need to be resolved at Reserved Matters stage and may ultimately affect the number of dwellings that could be constructed.
153. The granting of planning permission for a residential development of the application site does not raise residential amenity concerns at this outline stage.

Countryside and landscape impact

154. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
155. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.

156. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
157. The proposed development for residential development in the countryside is contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, those policies which restrict the supply of housing are deemed to be out-of-date by the NPPF given the absence of a five year supply of housing sites in the District.
158. The application site is categorised as 'Rolling Estate Chalkland' by the Suffolk Landscape Character Assessment (SLCA), and sits on the edge of this defined area. The assessment recognises that villages in this landscape form tight clusters in the river valleys, the traditional houses and other buildings are often flint-walled and thatched, but there is a strong presence of new large "prestige" homes that are suburbanising the feel of many villages. It goes on to state the deep free-draining soils found here mean that crop production is focussed on field vegetables supported with irrigation. This type of cropping has a significant visual impact on the landscape and is in clear contrast to the wooded chalk slopes to the south with their thinner soils on which cereals predominate.
159. The SLCA comments, in a general sense, the regular nature of this landscape means that it does have more potential capacity to accept significant settlement expansion than the ancient countryside of the claylands. The Rolling Estate Chalklands with its simpler and more modern land cover pattern and regular pattern of tree cover can be adapted to accept larger growth.
160. Unlike the Estate Sandlands this landscape does have a history of settlement. Therefore there is some capacity, in terms of landscape character, for the tightly clustered settlements to expand. However, it is important to integrate the settlement edge into the surrounding rural and sparsely settled countryside to minimise the impact on the character of the wider countryside. The SLCA recognises the European Nature site designations as (potentially) significant constraints to settlement expansion.
161. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
162. The impact of the development proposals upon the landscape qualities and character of the wider countryside would not be significant given the visually contained character of the site, its close its relationship to the Mildenhall urban area and the presence and softening influence of existing mature landscaping to the south, east and west site boundaries. The site benefits from existing built development which has a shielding affect along the east boundary and which would form a backdrop to new development at the site. Furthermore, there are opportunities to protect and enhance the best plant specimens about the boundaries to further soften the potential visual impact of the proposed development upon the local landscape (with particular regard to the winter period).

163. Concerns have been expressed in response to consultation that development of this site with housing would lead to coalescence of the town with the nearby village of Worlington. Officers consider that a suitable gap of undeveloped agricultural land would remain between the development site and the built up area of Worlington following construction of this development such that potential 'coalescence' is not regarded as a constraint to these particular proposals.
164. Whilst the development does intrude into the countryside, its impact upon the landscape is, on balance, considered acceptable with potentially significant adverse effects capable of mitigation via a carefully designed and maintained landscaping scheme (the precise details of which could be secured by means of condition).

Trees

165. There are no trees within the application site which is not surprising given its arable agricultural use. There are, however, trees and hedgerows to the east, west and south (rear) site boundaries.
166. The planning application is accompanied tree report being comprised of i) a tree survey, ii) a preliminary arboricultural impact assessment and iii) a tree protection plan. The report confirms its assessment that trees at the site should not be considered a constraint on the proposed development. It recommends that (if planning permission is granted) a detailed arboricultural method statement and tree survey should be provided.
167. Officers agree with the applicants assessment that the trees at the site should not be considered a constraint on the proposed development, but consider the reserved matters scheme (including its SUDs drainage scheme) will need to have due regard to the presence and importance of the existing boundary planting. Conditions could be imposed upon the planning permission to protect the boundary planting during the construction period (which is likely to entail the erection of fencing to protect the specimens and their root systems.)

Loss of agricultural land

168. The Framework states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
169. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed land (brownfield land) at appropriate locations to accommodate new development in this period.
170. The part of the application site intended for the housing development is classified as Grade 3 agricultural land (Good to Moderate) and its loss (in policy terms) is considered to be a significant a dis-benefit of the proposals. The loss of Grade 3 agricultural land to this housing development does not, by itself, amount to a reason for planning permission to be refused but needs to be taken into account when considering whether the dis-benefits of the development significantly and demonstrably outweigh its benefits (the NPPF, paragraph 14 'planning balance' test).

Sustainable construction and operation

171. 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".
172. The Framework confirms planning has a key role in helping shape placed to (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.
173. 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.*
174. 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. There are also emerging policies relating to sustainable construction set out in the Joint Development Management Policies document (DM2, DM7 and DM8), but these are the subject of currently unresolved objections which means the policies can be attributed only limited weight at the present time.
175. The planning application is accompanied by an Energy and Sustainable Design Statement confirms that the proposed development will be sustainable, by ensuring that sound design principles will be incorporated into the development - including measures to assist with adapting to and mitigating effects of climate change. Planning conditions could be imposed to secure these measures and to ensure a strategy, based on policies in force at the time the Reserved Matters are submitted, is secured. On this basis, the development proposals are considered acceptable with regard to sustainable construction and operation.

Other relevant considerations.

176. The applicants have identified that an 'exclusion zone' relevant to the munitions factory to the south of their site will affect the development of the application site. It is understood that no dwellings or other built form is permitted in the 'exclusion zone'. The applicants have illustrated this area (towards the south east corner of the site) as being set aside for public open space.

177. The Health and Safety Executive has been consulted to establish whether the 'exclusion zone' is accurately represented on the illustrative plans and whether the suggested use as public open space, is appropriate.
178. Whilst the comments of the Health and Safety Executive are not anticipated to preclude residential development at the application site, they could affect the subsequent application for Reserved Matters (i.e. the extent of the exclusion zone and acceptable uses within it). Members will be updated of the Health and Safety Executive comments at the meeting.

Planning Obligations

179. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- *be necessary to make the development acceptable in planning terms.*
 - *be directly related to the development, and*
 - *be fairly and reasonably related in scale and kind to the development.*
180. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
181. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
182. 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.
183. The developer has submitted a confidential viability report with the planning application, claiming the development would not be viable with the level of S106 contributions requested. The planning application is in outline form with the number, mix and type of housing uncertain at this time, officers therefore rejected the viability report as being premature at this point in the planning application process and advised that it should be withdrawn from consideration.
184. The applicants subsequently withdrew the viability claim on agreement that a clause would be inserted into any S106 Agreement to provide opportunity for development viability to be considered at the later Reserved Matters stage, should the economics of the development require it. Officers considered this to be a reasonable request given there would be no opportunity to consider the viability issue at reserved matters stage without the clause (other than via S106B of the 1990 Act whereby a reduction in the

level of affordable housing could be secured if development is deemed unviable).

185. Given that development viability is a material planning consideration and as the applicants have expressed a concern that, at this point in time, their development would not be viable, officers consider the inclusion of a viability clause in the S106 Agreement would allow the Council to retain control over any changes to the agreed S106 package should development viability be demonstrated. Otherwise (and in the absence of the viability review clause) the applicants could, under S106B, legitimately target a reduction in the level of affordable housing secured if adverse development viability is demonstrated.
186. With development viability deferred to the Reserved Matters stage, it is appropriate to secure a policy compliant S106 package from this development. The following developer contributions are therefore required from these proposals.

Affordable Housing

187. The Framework states that 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. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
188. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (up to 23.4 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
189. As the development is in outline form, it is appropriate to secure the percentage of units required by policy CS9. It is also appropriate to secure the housing mix requested by the Strategic Housing Team as this best fits the evidence of housing need. However, it is important that an element of flexibility is added into the agreement to allow the mix to be reviewed should circumstances change (i.e. numbers of dwellings) between the granting of the outline permission and reserved matters approvals (which could be as much as 3 years apart).

Education

190. The Framework states the Government attaches great importance to ensuring 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.
191. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to

accommodate the additional pupils forecast to be resident at the proposed development and has requested a financial contribution from this development that is to be used towards the construction of a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraph 20 above.

Public Open Space

192. 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.
193. 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.
194. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
195. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals (both for on site 'in-kind' provision and off site 'cash' contributions). Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. The precise areas of land and financial contributions would be secured via the formula at reserved matters stage.
196. In this case, and as discussed elsewhere in this report, it is likely that a policy compliant level of open space (other than formal sports) will be needed to be provided on site to serve this development in order to avoid recreational impacts from occurring within the SPA boundaries and to satisfy the strict requirements of the Habitats Regulations.
197. It is appropriate to secure public open space provision (on and off-site) at Reserved Matters stage by including a formula in the S106 Agreement such that any subsequent applicant for Reserved Matters is able to understand requirements for on and off site open space and recreation provision.

Libraries

198. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £16,848.

Health

199. The NHS Property Services has confirmed (paragraph 16 above) the development proposals would impact upon the delivery of health services at the catchment GP surgery. They have confirmed there is a capacity deficit in the area and a developer contribution of £13,000 would be required to mitigate the impact of development. This could be secured as part of any S106 Agreement.

Highways

200. The Highway Authority has requested developer contributions for a pedestrian crossing and bus stop enhancements. These requests are discussed above at paragraphs 105 and 110.

Summary

201. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 22 tests set out at paragraph 179 above.

Conclusions and Planning Balance

202. Development Plan policies relating to the supply of housing are out of date, by virtue of the fact that a five year supply of deliverable housing sites cannot be demonstrated.
203. With this background it is clear that 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 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 officers' consider this proposal represents.
204. In considering whether the dis-benefits of the proposed development would significantly and demonstrably outweigh the benefits, the three key components of sustainable development set out in the Framework (Economic, Social and Environmental) need to be considered together.
205. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. The development would provide additional infrastructure of wider benefit – including, education provision and public open space.
206. Officers have not identified any economic dis-benefits arising from the development proposals.

207. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. A financial contribution towards an extension to the catchment primary school would also be secured from the proposals. The development would rely on and enhance the provision and accessibility of existing local services (albeit at a minor level) – both within Mildenhall and further afield.
208. Officers have not identified any social dis-benefits arising from the development proposals.
209. The Environmental benefits of development proceeding include the provision of strengthened planting along the site boundaries and species enhancement at the site, secured by planning condition. The development proposals would have no significant effects upon the nearby Special Protection Area.
210. In relation to the environmental dis-benefits, it is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the District. Good design and the retention and strengthening of existing vegetation and provision of new planting would mitigate this effect to a degree.
211. Development would lead to the permanent loss of agricultural land deemed (in planning policy terms) the 'best and most versatile (Grade 3). This is a significant environmental dis-benefit of the proposals. Furthermore, the introduction of additional traffic on local roads would also be an environmental dis-benefit of the proposals, however, given the minor levels forecast, this is not regarded significant.
212. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early preparatory stages in the process with public consultation yet to be carried out. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
213. The lack of a five year supply of deliverable housing land, combined with the historic (but not persistent) under supply of housing, is an important material consideration. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of good to moderate quality agricultural land and minor traffic increases, these dis-benefits are not considered to significantly and demonstrably outweigh the significant benefits of development and points clearly towards the grant of planning permission in this case.

Recommendation

214. That, subject to no concerns, objections or new material planning issues being raised by Natural England or the Health and Safety Executive, outline planning permission be granted subject to:

The completion of a S106 agreement to secure:

- Affordable housing (30%)
- Education contribution (Primary School - £146,172)
- Pre-school contribution (£48,728)
- Libraries Contribution (£16,848)
- Public Open Space contribution (Formula to be included in the Agreement to secure policy complaint provision on site at reserved matters stage and appropriate off-site contribution)
- Health contribution (£13,000)
- Travel Plan
- Pedestrian crossing (either 'in-kind' or financial contribution – to be advised by the Local Highway Authority)
- Bus stop enhancements (if justified as CIL Regulation 122 compliant by the Local Highway Authority in advance of the completion of the Agreement)
- Viability review opportunity at Reserved Matter submission stage.

215. And subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (to be submitted with the Reserved Matters)
- Sustainable construction (further details to be approved and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space (strategy for future management and maintenance)
- Landscaping and tree protection (precise details of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows
- Ecology (enhancements at the site and strategy to retain recreational activity at the site)
- Construction management plan
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted with Reserved Matters)
- Noise mitigation
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

216. That, in the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 214 above, the planning application be returned to Committee for further consideration.

217. That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at paragraph 214 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons:

i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation, transport, health and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3).

ii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

Documents:

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MYAXV8PDHPP00>

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

Case Officer: Gareth Durrant (gareth.durrant@westsuffolk.gov.uk)
Tel. No. (01284) 757345