

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 OCTOBER 2014

DEV14/136

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

**PLANNING APPLICATION DC/14/0585/OUT - MEDDLER STUD, BURY
ROAD, KENTFORD**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No 01284 757382

Committee Report

App. No: DC/14/0585/OUT **Committee Date:** 01 October 2014

Date Registered: 09 April 2014 **Expiry Date:** 09 July 2014

Case Officer: Philippa Kelly **Recommendation:** REFUSAL

Parish: Kentford **Ward:** South

Proposal: Creation of a 20-box racehorse training establishment (with associated Trainer's house) and erection of up to 63 dwellings (including 19 affordable units) with associated access arrangements and open space provision. (Major Development and Departure from the Development Plan)

Site: Meddler Stud, Bury Road, Kentford

Applicant: Meddler Properties Ltd

BACKGROUND:

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

The application is recommended for REFUSAL.

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for residential development (up to 63 dwellings). In addition, the application proposes the creation of a 20-box racehorse training establishment (RTE) and an associated trainer's house. The existing buildings that currently form Meddler Stud would be demolished as part of the proposals.
2. The means of access only to the site forms part of the application. All other matters (details of scale, layout, appearance and landscaping) are reserved for consideration as part of any subsequent reserved matters applications.
3. The submitted plans indicate that the development will be served by a new vehicular access to be taken from the B1506 (Bury Road), to the west of the existing access which serves the site.

4. An illustrative indicative Masterplan accompanies the application. This demonstrates how the development proposals could be accommodated on the site. The Masterplan shows a new 2.2 ha racehorse training establishment located within the western part of the site. It is proposed that the RTE incorporates the following: 20 stables/boxes; a 2.18 furlong exercise ring; trainers house; barn and yard area, horse walker and lunge ring. The remainder of the RTE element will be left as paddock land (approximately 1.5 hectares).
5. With regard to the residential element, the indicative Masterplan identifies 63 dwellings situated in the eastern and northern parts of the site. An indicative schedule of accommodation is provided as part of the planning submission, which sets out the envisaged mix of units. It is proposed that on-site affordable housing provision of 30% is provided as part of the scheme.

AMENDMENTS:

6. During the course of the application, amendments and additional information were received. The illustrative Masterplan was amended to address concerns raised by the County Archaeologist. Additional correspondence was also received from the Planning Agent in respect of the sustainability merits of the scheme, the potential impacts on the equine industry, and infrastructure tipping points.

SITE DETAILS:

7. The application site is located in the centre of Kentford, to the south of Bury Road. It covers an area of approximately 7 hectares. It is currently in use as a race horse training establishment and livery associated with the Horse Racing Industry (HRI). The site lies outside of the defined settlement boundary for Kentford.
8. Meddler Stud was once part of a larger 100 hectare stud farm. It is understood that it was subdivided in the 1990s, with the majority of paddocks sold to adjoining land owners.
9. The site is bounded by residential properties and Bury Road to the north, which provides access to the site. The River Kennett runs along the western edge of the site, beyond which is a 1970s residential estate. Arable fields abut the southern side of the site, whilst a small paddock and residential properties are situated to the east.
10. The site is generally well screened by mature linear tree belts around the majority of the site boundary. There is an additional mature tree belt which runs through the centre of the site. The site contains several buildings associated with the historic use of the site, and a number of young trees.
11. The levels on the site vary significantly, rising from the river and Bury Road to the south and east. The site falls predominantly within Flood Zone 1, with a low risk of flooding. The north-eastern part of the site, along the bank of the River Kennett, falls within Flood Zones 2 and 3.

12. Kentford is designated as a Primary Village in Core Strategy Policy CS1, and is served by a number of basic local services and facilities. These include a post office and convenience store, two public houses, St Marys Church and employment areas at the eastern and western ends of the village. The village has a population of 1,184 (Source - Infrastructure and Environmental Capacity Appraisal, 2009)

APPLICANT'S SUPPORTING MATERIAL:

13. The application is accompanied by the following documents:
- a. Application form, drawings and plans, including illustrative Masterplan and sectional drawings.
 - b. Design and access statement.
 - c. Planning statement.
 - d. Land contamination assessment.
 - e. Arboricultural impact assessment.
 - f. Ecological risk appraisal and protected species survey.
 - g. Flood risk assessment.
 - h. Foul drainage strategy.
 - i. Cultural heritage assessment.
 - j. Horse racing impact assessment.
 - k. Residential travel plan statement.
 - l. Transport statement.
 - m. Statement of community involvement.
14. The Planning Statement which accompanies the application includes a planning appraisal of the development scheme against planning policy and guidance. It also sets out how the proposals respond to site specific issues, including potential impacts on the horse racing industry. The Statement places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land supply.
15. The Statement also draws upon the appeal decision for the previous planning application on this site (F/2012/0766/OUT), which is a material consideration in the evaluation of the development proposals. These matters are given further consideration within the Officer Comment section below.
16. Correspondence received from the planning agent dated 24 June 2014 was submitted in support of the scheme, and summarises the merits of the development proposals in the context of sustainable development. This notes that the development would not result in any notable adverse impacts.
17. Prior to the submission of the subject planning application, the applicant sought a separate formal screening opinion from the Council under the provisions of the Town and Country Planning 'Environmental Impact Assessment' (EIA) Regulations 2011. A formal Screening Response was issued by the Council on 28 April 2014. This takes the view that the development as proposed is not EIA development. As a consequence an EIA was not required as part of the planning application submission.

PLANNING HISTORY:

F/2012/0766/OUT

18. Prior to 2012 there was no material planning history relating to the application site. In December 2012, an outline planning application (all matters reserved other than access) was submitted for the erection of 133 dwellings (including 39 affordable units) with associated access arrangements and open space provision. This scheme was subsequently amended to 102 dwellings.
19. The key events relating to the determination of application F/2012/0766/OUT are summarised below:

19 December 2012: Application by Meddler Properties and Agora Developments Ltd registered.

April 2013: Non-determination appeal lodged by the applicant.

05 June 2013: Application taken to Development Control Committee with a recommendation that Members formally confirm that they would have refused permission, had a non-determination appeal not been lodged. At that meeting, Members resolved to support the recommendation.

Reasons for Refusal

1. Prematurity:

The application is considered to be premature to the proposed development and therefore would pre-empt the proper operation of the development plan process for the Single Issue Review relating to housing distribution and the Site Allocation process.

2. Impact on Horse Racing Industry:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the land is not required for an equine related use. In the absence of such information, and given the unique quality of Newmarket and its surrounding area which is dominated by the horse racing industry, the Local Planning Authority is of the opinion that development of the site in the manner proposed would lead to the permanent loss of land that is capable of being used in conjunction with a race horse training facility, or for purposes related to the local horse racing industry. The proposal is therefore considered contrary to the aims and objective of Forest Heath Local Plan Policy 12.2 and emerging Development management policies DM48 and DM49 which seek to safeguard the horseracing industry of the District.

3. Archaeological Issues:

The site has potential for the discovery of important unknown archaeological assets. It is located in a topographically favourable location for early occupation of all periods, immediately above the floodplain of the River Kennett. Insufficient archaeological field evaluation has taken place and therefore, the significance of any heritage asset (s) or the potential impact of the proposal on below-ground archaeological remains cannot be established, as required by paragraphs 128 and 129 of the National Planning Policy Framework. The application therefore fails to demonstrate that the proposed development

will not have a significant impact on archaeological remains and would be contrary to guidance contained within the National Planning Policy Framework 2012.

4. Section 106 Issues:

The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2012.

September 2013: Public local inquiry held.

November 2013: Appeal dismissed, on the basis that the development would have a materially harmful effect upon the Horse Racing Industry.

Link to the Inspector's report:

http://svr-plandms-02:8080/IDOXSoftware/IG_display/803373.pdf?docid=803373&appid=1002&location=volume2&ext=pdf&page=0&size=1&version=0&ftrString=&displayTextAsIs=false&code=JORWGTJXYE

Main Considerations of Inspector's Report

20. In determining the planning appeal, the Inspector's main considerations were as set out in Paragraph 6 of his report:
 1. The effect of the development upon the Horse Racing Industry,
 2. Whether there is a deliverable five year supply of housing land.
 3. Whether the proposals are sustainable development to which the presumption in favour (identified by Paragraph 14 of the NPPF) applies, and
 4. Whether the proposals are so premature as to require the withholding of planning permission.

Summary Of Relevant Main Conclusions of Inspector's Report

Impact upon Horse Racing Industry

21. The Inspector recognised the importance of the HRI to the long term economic, social and environmental sustainability of Newmarket and the District. In the specific context of the application site, he was of the view that *'the presented evidence does not show that the layout, size or make up of the site and the condition of the buildings contributed towards the historic failure of the enterprise'* (Paragraph 16).
22. The Inspector considered submissions in relation to the viability of a small scale 20 box RTE. He opined that: *'The presented evidence points to the probability that a 20 box RTE would have a reasonable prospect of success on the*

site.....On the other hand, the complete loss of the site to housing and associated infrastructure would result in the unjustified loss of a site used in connection with the HRI' (Paragraph 23).

23. The Inspector concluded that the site's loss to residential development would have a materially harmful effect upon the HRI, because it would involve the loss of a RTE or land used in connection with the HRI (Paragraph 25).

Five-year Supply of Housing Land

24. The Inspector acknowledged the undisputed evidence, that the Council cannot demonstrate a five-year supply of deliverable housing sites. In his view, the housing shortfall should be made up as soon as possible (Paragraph 32).
25. The Inspector considered that the Development Plan Policies which relate to the supply of housing are out-of-date, given that the Council cannot demonstrate a five year supply of housing land. In these circumstances, he attached significant weight un support of the development, given the Government's aim to boost the supply of housing and to stimulate the economy.

Sustainable Development

26. With regard infrastructure capacity within settlements such as Kentford, the Inspector recognised that the 2005 Infrastructure and Environmental Capacity Appraisal (IECA) is the best available evidence (Paragraph 37). He opined that *'when considered in isolation or cumulatively, the scale of the development would potentially have a negative effect upon existing infrastructure given that the existing facilities are already under serious pressure, irrespective of the improvements and contributions identified in the planning obligation'* (Paragraph 40). In his opinion, there were genuine planning concerns about the long term implications of the development on Kentford's infrastructure, because of the location and scale of the development (Paragraph 46).

Prematurity

27. The Inspector noted that the development is small in comparison to the District's overall housing requirement. He recognised that the scheme would contribute to the housing figures; provide affordable homes and other economic benefits. However, he raised concern regarding the scale and location of the development, given the findings of the IECA report. On this basis, he considered it reasonable to consider the prematurity implications of granting planning permission for the development within the context of Kentford itself (Paragraph 52).
28. The Inspector considered the need to plan infrastructure improvements for Kentford as a whole rather than in isolation. In his opinion, without proper investigation of the infrastructure improvements required in Kentford to accommodate its future expansion via the planning process, the development would potentially predetermine the location of new development within Kentford in an uncoordinated and unsustainable manner (Paragraph 54).
29. Having considered all the arguments about prematurity, the Inspector concluded that the development proposal would not just have an impact upon a

small area. The location and scale of the scheme would have a significant community effect given the potential impact upon existing local amenities, which are said to be already under severe pressure. He found that the scale of the development would be taken as having such a harmful and negative community effect so as to justify the refusal of planning permission on the grounds of prematurity (Paragraph 55).

Overall Conclusions

30. The Inspector concluded that the lack of a deliverable five-year supply of housing land weighed significantly in favour of the grant of planning permission for the development. However, he considered that the development would have a materially harmful effect upon the HRI. Additionally, given that evidence indicated Kentford's existing facilities to be already at tipping point, he considered that the sustainable location and scale of development should be properly and robustly tested through the local planning process.
31. On balance, the Inspector considered it to be of greater weight that the grant of planning permission for the scheme would materially harm the HRI and predetermine the location and scale of development within Kentford in an unplanned, uncoordinated and unsustainable manner. For these reasons, he concluded that the appeal be dismissed.
32. Officer Note: Members are asked to note that there have been several proposals for development in Kentford over the last two years, as summarised below:

PROPOSAL SITE	SIZE	STATUS	REFERENCE
Kentford Lodge	60 dwellings	Members resolved to approve subject to S106 (February 2014).	F/2013/0051/HYB
Gazeley Road	90 dwellings	Members resolved to refuse (February 2014).	F/2013/0221/FUL
Jeddah Way	16 dwellings	Members resolved to approve subject to S106 (May 2014).	F/2013/0355/FUL
Animal Health Trust	41 dwellings	Current planning application (submitted April 2014).	F/2014/0692/FUL

CONSULTATIONS:

33. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received.
34. **West Suffolk Strategic Housing – No objection. Comments.** The Strategic Housing Team in principle support the development of Meddler Stud, Kentford, as it is complying with our CS9 policy of 30% affordable housing. However, this is subject to an agreed tenure and mix which is to be approved at reserved matters stage and incorporated into the detail of the S106.
35. **West Suffolk Planning Policy – Comments.** The following is a summary of the comments received:

The preference would be to advance the allocation of this site via the Site Allocations Local Plan, (LP), process, in line with the requisite infrastructure planning and in order that the cumulative impact of development within the LP period can be properly considered. Indeed, this site lies outside of the development boundary of Kentford and as such, the principal of development is contrary to retained LP, (1995), Policy 9.1 that continues to form part of the Authorities local, (adopted), development plan.

However, the Authority can only demonstrate a 3.4 year supply of deliverable housing sites at this time. The NPPF, (para. 49), is clear insofar as policies for the supply of housing, (such as Policy 9.1), should not be considered up-to-date if a LPA cannot demonstrate a five-year supply of deliverable housing sites.

Importantly, within the context of the current application, in a recent appeal decision, (APP/H3510/A/2197077 – Meddler Stud, para. 7), the Planning Inspectorate found that LP, (1995), Policy 12.4 did not relate to the supply of housing. It is fair to assume that the reasoning provided by the Inspectorate applies to other retained LP, (1995), chapter 12 horse-racing related policies and indeed the emerging suite of 'Chapter 9' DM policies that seek to prevent 'harm' to the horseracing industry, (HRI). Nonetheless, in light of recent changes in national planning policy, the 'weight' afforded to such HRI related policies, (i.e. the degree to which they are consistent with national policy), will need to be carefully considered in the assessment of the current proposal.

Whilst the Authority continues to have a five-year land supply 'deficit', para. 14 of the NPPF, (the presumption in favour of sustainable development), must be a fundamental consideration in the assessment of any planning application for residential development that it receives. In terms of decision-making, this means granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- Specific policies in the NPPF indicate that development should be restricted.

In respect of the second bullet point, footnote 9, p. 4 of the NPPF would be applicable insofar as this site is located within the 1,500m Stone Curlew SPA constraint zone, (i.e. it is a site protected under the Birds and Habitats

Directive). Appropriate Assessment would be required that demonstrated no potential harm to the SPA qualifying feature, (Stone Curlew), before it could be considered for development.

Assessment of the Current Application

Subject to the outcome of the aforementioned Appropriate Assessment, there would appear to be five key considerations in the determination of this particular application, given the prevailing status of the 'local' Development Plan, (i.e. the stage the Authority has reached in the preparation of its various LP documents and the absence of a demonstrable 5 year supply of deliverable housing sites):

- 1) Would the 'benefits' of allowing development in this particular location outweigh any potential adverse impacts, (i.e. does the proposal pass the presumption in favour of sustainable development 'test')?
- 2) Does the settlement have the existing 'environmental capacity' to support the current proposal in a sustainable manner?
- 3) Would permitting the development prejudice the plan-making process, including the proper assessment of the cumulative impact of development over the plan period?
- 4) How does the proposal 'fit' within the context of the 'suite' of existing and emerging policies that afford protection to the HRI in and around Newmarket?
- 5) What is the potential viability of the current proposal?

1. Assessment of benefits 'versus' adverse impact(s)

The proposal offers clear 'benefit(s)' in terms of contributing to FHDC's objectively assessed housing needs, (and consequently having a positive bearing on the Authorities land supply status), and in making appropriate/proportionate provision for other infrastructure requirements associated with any development were it to be permitted. Further, the provision of 19 affordable units would bring further 'societal' benefit.

However, such potential 'benefits' will need to be balanced against the potential 'negatives'. Consideration needs to be given to the impact, (economic, environmental and/or societal), of the proposal both in isolation and cumulatively. For example, a net loss of land within or formally within HRI related use is likely to have implications for all three 'dimensions' of sustainability.

The potential environmental impact(s) of the current proposal and its 'fit' within the context of the Authorities HRI policies are afforded further consideration below.

2. Sufficiency of this settlement's 'environmental capacity' to deliver the current proposal in a sustainable manner

The emerging SIR of Policy CS7 allocations are broadly in line with those contained within the 'original' policy CS7, which in itself was deemed to be a 'sound' strategy at the examination stage. This would suggest that Kentford has the 'capability', (in broad terms), to support the current proposal for up-to 63

dwellings, (notwithstanding the fact that the 2009 IECA evidence base is dated and should be supplemented with appropriate subsequent information which may include other consultation responses to the current application).

The IECA identified a broad capacity range of some 240-420 new dwellings in the plan period to 2031, sufficient to cater for the requirements of this and other more 'recent' development(s) permitted subsequent to its publication. However, such levels of development would be subject to infrastructure improvements in line with growth that would need to be properly considered and planned for. Consideration is afforded to 'tipping' points and cumulative impact below.

3. Would allowing the development prejudice FHDC's plan making processes, i.e. is it 'premature'?

The recent suite of Planning Policy Guidance, (e-PPG), confirms that 'prematurity' arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits – taking account of the policies of the NPPF. Given the stage the Authority has reached in preparing its Site Allocations LP, (Regulation 18, Further Issues and Options stage), refusal of this application on the grounds of prematurity ought to be 'unlikely'. This is not to say that refusal cannot be justified on grounds of prematurity should you be able to demonstrate that the adverse impacts likely to arise from permitting the scheme, (in isolation or cumulatively), are so severe as to warrant this course of action.

The current proposal does need to be considered alongside other 'recent' development(s) in Kentford and its surrounding area and in particular the approval of 60 dwellings, (including employment land provision), at Kentford Lodge, (Herringswell Road). This development alone constituted some 38% of the settlements allocation within the context of the emerging Site Allocations LP document, or some 36% of the emerging SIR LP Primary Village allocation of 168 dwellings in the plan period, (were all four Primary Villages to receive an 'equal share').

In a recent appeal decision, (issued prior to the approval of the aforementioned Kentford Lodge application), and arising from a previous application pertaining to this site, (APP/H3510/A/13/2197077, para. 39), reference was made to 'tipping points' for specific items of infrastructure, (as evidenced by the IECA). The Planning Inspectorate cited real concern that any physical expansion of Kentford without infrastructure improvements would have an impact upon existing facilities that are already at tipping point and referenced, (IECA), a benchmark lying in the range of 50-100 new dwellings, beyond which there would be a significant impact. The inspectorate found that on balance, the appropriate location and scale of housing development for this 'small primary village' was a matter that should, and would, be properly and robustly addressed through the local planning process, (APP/H3510/A/13/2197077, para.56). Clearly, the approval of the 'Kentford Lodge' application will have significantly 'depleted' any, theoretical, 'spare' capacity as envisaged by the Inspectorate at the time they issued their decision.

Were the current proposal to be permitted, the cumulative scale of development for both 'Kentford Lodge' and 'Meddler Stud' alone would amount to up-to 123 dwellings, (or 73% of the SIR 'even split' allocation). Consequently, although in isolation you may not consider that permitting 63 dwellings would prejudice the plan-making processes, you may yet consider that cumulatively it would.

Should you consider that 'sufficient harm' is likely to accrue if further development on this scale and in this particular location is permitted, (at this time), it can be refused on prematurity grounds. Your contention would be that future decisions on the scale and location of new development within this settlement would 'better', (properly and robustly), be achieved via the plan-making processes. After all, this was the conclusion drawn by the Planning Inspectorate even before the approval of the 'Kentford Lodge' application.

Conversely, you may consider that, on balance, the particular characteristics of Kentford are such that the settlement already has the capacity to accommodate the current proposal alongside other 'recent' development(s) sustainably. If you do reach this decision, then it should be informed by a thorough infrastructure appraisal that includes an assessment of the IECA findings and more recent and relevant information.

4. Assessment of the proposal within the context of the District's HRI related policies.

LP, (1995), retained Policy 12.2 states that change of use of stud land, (including buildings), shall not be permitted other than that which is essential to the horse racing industry. LP, (1995), retained Policy 12.4 states that change of use of racehorse training establishments, (RTEs), will not be permitted. Further, any development that will affect their operation will not be allowed.

The emerging Development Management, (DM), Policy DM49 states that change of use will not be permitted unless in exceptional circumstances where the proposed use relates directly to the horse racing industry and policy DM48 states that new development that would threaten the long term viability of the horse racing industry as a whole will not be permitted.

The emerging policies carry minimal weight in the assessment of the current application but they do offer a clear indication of the Authorities 'direction of travel', that has largely remained unaltered. However, the current proposal is clearly in conflict with LP, (1995), Policies 12.2 and 12.4 and indeed the emerging suite of DM policies as they relate to the HRI.

Saved policies 12.2 and 12.4 are 'framed' as an absolute prohibition on the change of use of stud land and RTEs to uses unrelated to the HRI. However, it was the contention of the Planning Inspectorate, (APP/H3510/A/13/2201646 – Land at High St. Nkt., para. 10), that such a unilateral approach cannot be supported – the benefits of a proposed development must be able to be weighed against its impacts in coming to a decision on its acceptability. On this point, the Inspectorate concluded that this 'conflict' with what is set out in para. 14 of the NPPF reduces the weight that may be afforded to it, (LP, 1995, Policy 12.4), in decision-making terms. You may consider that this applies equally to LP, (1995), Policy 12.2.

The Inspectorate in the aforementioned case, (APP/H3510/A/13/2201646 – Land at High St. Nkt., para.11), also found that the HRI contributes to all three of the 'roles' of sustainability as defined in para. 7 of the NPPF – economic, environmental and social. Accordingly, the loss of this site, (or perhaps more crucially in the assessment of this particular application, any part of it), ought to be considered in all three terms.

5. Viability of the Current Proposal

In the case of APP/HS510/A/13/2197077, (para. 17), the Inspectorate found it difficult to draw any conclusions that Meddler Stud is no longer viable as a stud or RTE due to 'lack of interest'. The appellant's argument was that the site had no future prospect as a stud or 40-box RTE, but the Inspectorate considered that a 20 box RTE, (as proposed), would have a reasonable prospect of success on the site, (para. 23). The Council's own table of capital costs, provided as evidence at the Inquiry, indicated that a small RTE would be viable, (para. 18).

On the other hand, it was also the Inspectorate's assertion that the complete loss of the site to housing and associated infrastructure would result in the unjustified loss of a site used in connection with the HRI, (APP/HS510/A/13/2197077, para. 23).

Conclusions

In common with all such applications for residential development received at this time, you need to consider/balance the benefits of the proposal against the adverse impacts, (in economic, environmental and/or societal terms). It has been demonstrated that there are clear **societal** benefits likely to accrue from this proposal as they relate to addressing local housing need. Further, it has been evidenced that a small scale RTE may well be viable and bringing the site, albeit partially, back into HRI related use could have **economic** benefit(s) for both the HRI and the wider economy.

Conversely and in terms of the 'negatives', should you consider that the cumulative impact of this and other recent permissions, (in light of a thorough infrastructure appraisal), would be of such significant detriment, (in economic, environmental and/or societal terms), that it justifies refusal, then you should take this course of action, (citing prematurity as your grounds). The contention would be that future decisions on the scale and location of new development within this settlement would 'better', (properly and robustly), be achieved via the plan-making processes.

As is often the case, the arguments would appear to be finely balanced. However and subject to the cumulative impact of development being considered acceptable, the fact that a potentially viable HRI element is being retained can weigh in favour of the current proposal, (when considered 'against' the loss of a HRI 'related' site in absolute terms), particularly when coupled with the potential wider societal benefits that could be accrued. In essence, the current proposal is less likely to threaten the long term viability of the HRI as a whole when compared with the proposal associated with the previous application pertaining to this site, (F/2012/0766/OUT).

36. **West Suffolk Environmental Health - No objection. Comments.** Recommends planning condition relating to the provision of a scheme for the investigation and recording of contamination.
37. **West Suffolk Ecology, Tree and Landscape Officer – No objection. Comments.** If this development is approved, full landscape details will need to be submitted and implemented and a management plan for the open space submitted – this should include enhancements for biodiversity. Detailed survey of trees within tree belts and a management plan for tree belts within the site including replanting to strengthen these planting would be required. No development within the RPA of existing trees should be encouraged. Where it is unavoidable, a method statement and details of no-dig surfacing will be required with the details. The recommendations of the ecology report should be conditioned to ensure protected species are safeguarded. Condition all recommendations in the ecological reports and landscaping/habitat enhancement details, in particular regarding lighting of the scheme, and the requirement for the applicant to demonstrate that a bat licence has been secured. In addition, a detailed mitigation and enhancement plan will be required.
38. **Suffolk County Council Planning Obligations – No objection. Comments.** Detailed advice received on a range of planning matters, including S106 developer contributions:
- Primary Education - Contribution of £194,896 sought in respect of primary school provision.
 - Secondary Education - No contribution sought.
 - Pre-school Provision – Contribution of £36,546 sought.
 - Transport issues - See separate SCC Highways consultation response.
 - Libraries – Contribution of £13,824 sought.
 - Waste – A waste minimisation and recycling strategy should be secured by planning condition.
 - Supported Housing – Sheltered housing provision may need to be considered as part of the overall affordable housing requirement.
 - Sustainable Drainage Systems (SUDs) – SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.
 - High Speed Broadband – All development should be equipped with high speed (fibre optic) broadband.
 - Fire service – Fire hydrant issues should be covered by appropriate planning conditions (see separate SCC Fire and Rescue consultation response).
 - Play space provision – Consideration will need to be given to adequate play space provision.
 - Legal costs - SCC will require reimbursement of its own legal costs.
39. **SCC Highways – No objection.** Recommends conditions/informatives relating to the highway detail of the scheme.

Advises that zebra crossings on Bury Road would be acceptable to the Highway Authority, and can be designed within the 278 agreement.

Seeks a S106 contribution of £28,490 for a cycle scheme that runs along Bury Road and £2,000 for bus stop improvements to the nearest bus stop on Bury Road.

40. **Suffolk Fire and Rescue Service – No objection. Comments.**
41. **Suffolk County Council Archaeological Services – No objection.** Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation.
42. **Anglian Water- No objection. Comments.** Recommends planning condition relating to foul water drainage strategy.
43. **Environment Agency – No objection. Comments.** Recommends planning condition relating to a contamination remediation strategy, surface water disposal and drainage, prevention of piling/penetrative methods of foundation design and floodplain compensation.
44. **NHS England (NHSE) – ‘Holding objection’. Comments.** Requests a developer contribution of £26,000, to be secured through the S106 process, to mitigate the healthcare impacts of the scheme.
45. **Suffolk Wildlife Trust - No objection. Comments.** Requests that the recommendations made within the ecological survey report and implemented in full via a condition of planning consent, should permission be granted. Suggests that the detailed mitigation and enhancement plan includes a management strategy for the proposed open space, including enhancements for biodiversity.
46. **Natural England – No objection. Comments.** The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified. Natural England therefore advises that an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives is not required.
47. **RSPB – No objection. Comments.** The proposal lies within the stone curlew protection buffer of the Breckland Special Protection Area (SPA) as set out in Policy CS2 of the Forest Heath Core Strategy, which requires new development to be accompanied by a project level Habitats Regulations Assessment. We note that the proposal would be screened by the presence of existing built development in all directions towards the SPA. We therefore have no further comments to make on this outline application.

REPRESENTATIONS:

48. **Moulton Parish Council –Objects** to the application. Summary of comments made:
 - The Parish Council unreservedly supports the Suffolk Preservation Society response to the District Council on 12th May.

- The Parish Council unanimously resolved at their meeting on 19th May 2014 that these new proposals for Meddler Stud were premature, contrary to the ideals of sustainable development, and to both national and local planning policy, and should therefore be refused.

49. **Suffolk Preservation Society – Comments.** Summary of comments made:

- The current application is in line with the recommendation of the Inspector in respect of the previous application (F/2012/0766), and the Society would support the continued use of this site as employment land within the horse racing industry.
- The Society is concerned that the infrastructure improvements required to support a new development of this size has yet to be put into place. The Society considers that the proposed development of housing is unsustainable and contrary to Core Strategy Policy CS13.
- In order to assess whether this application can be accommodated, it is imperative to assess it in tandem with other new housing developments in Kentford. Until such time that adequate infrastructure improvements are in place, proposals for new housing should be resisted on the grounds of prematurity.
- The cumulative effect of these applications would be so significant that they have the potential to be prejudicial since the strategic element of plan making would be removed in favour of ad hoc decisions.
- The Society would remind the LPA that a development of 93 dwellings at Gazeley Road in Kentford (D/2013/0221) was refused on the grounds that it would predetermine the location and scale of development within Kentford and the Inspector's decision to dismiss the previous application for housing on Meddler Stud was also in part due to any decision being premature.

50. **Newmarket Horsemen's Group (NHG) – Comments** raising the following issues:

- Contrary to planning policies which seek to safeguard the horse racing industry in Newmarket.
- The development would materially harm the horse racing industry.
- No justification for the residential element of the proposed scheme.

51. **Pegasus Group on behalf of Bloor Homes Limited – Object with comments** raising the following issues:

- The development proposals will result in unnecessary and unjustified loss of stud land, contrary to local planning policies.
- The site is not one of the preferred sites identified in the latest version of the emerging Sites Allocation Local Plan Document and should not be considered favourably.

52. At the time of writing this committee report, 12 third party representations had been received, raising the following issues:

- The site should be restricted to use for the equine industry.
- Development too large for the village.
- Impact on existing residential amenity.
- Traffic Issues – increased vehicular movements; access onto Bury Road; Bury Road already dangerous; cycle and pedestrian access.
- Noise.
- Insufficient paddock proposed for equine use.
- Increased risk of flooding to the area.
- Infrastructure Issues - Impact on Kentford; Lack of services, facilities and amenities in Kentford to serve the development.
- No existing public right of way from the site to either Moulton Avenue or Edgeborough close. This is marked as a route on the illustrative Masterplan.
- Capacity of existing pumping station.

POLICIES:

DEVELOPMENT PLAN

53. 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:

54. 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 partly 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 7** – Beck Row, Exning, Kentford, West Row

Spatial Objectives

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C1** – Retention and enhancement of key community facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **C4** – Historic built environment
- **ENV1** – Habitats and landscapes and improving biodiversity
- **ENV2** – Climate change and reduction of carbon emissions
- **ENV3** – Promotion of renewable energy and energy efficiency
- **ENV4** – Design and architectural quality respecting local distinctiveness
- **ENV5** – Designing out crime and anti-social behaviour
- **ENV6** – Reduction of waste to landfill
- **ENV7** – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development
- **T1** – Location of new development where there are opportunities for sustainable travel
- **T3** – Supporting strategic transport improvements

Policies

- **Policy CS1:** Spatial Strategy
- **Policy CS2:** Natural Environment
- **Policy CS3:** Landscape Character and the Historic Environment
- **Policy CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **Policy CS5:** Design Quality and Local Distinctiveness
- **Policy CS6:** Sustainable Economic Development and Tourism
- **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 CS13:** Infrastructure and Developer Contributions

55. Officer Note: – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.

Local Plan

56. A list of extant saved polices from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:
- **Policy 9.1** – The Rural Area and New Development
 - **Policy 10.2** – Outdoor Playing Space
 - **Policy 12.2** – Change of Use of Stud Land
 - **Policy 12.4** – Change of Use of Racehorse Training Establishments

Other Planning Policy

Supplementary Planning Documents

57. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (October 2013)
 - Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

Emerging Development Plan Policy

58. The Council is in the process of finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). These documents will be the subject of a Local Plan Working Group meeting in October 2014.
59. Forest Heath District and St Edmundsbury Borough Councils 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, and was the subject of an examination held in July 2014.
60. With regard to emerging plans, the National Planning Policy Framework ('the Framework') advises at Annex 1 that decision takers may give weight to relevant policies in emerging plans (unless material considerations 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.

Single Issues Review and Site Allocations Documents:

61. The Single Issues Review and Site Allocations documents were agreed by Members for consultation in November 2013. However, these documents have not been published for public consultation. On this basis, and in accordance with the advice offered in the Framework, they can be attributed limited weight in this decision.
62. Members are asked to note that, for the purposes of public consultation for the Site Allocations Document, the application site is not a 'preferred site'. However, this initial draft 'allocation' should not be attributed significant weight, given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for

examination.

Development Management Policies:

63. The Development Management Policies document has been published. It has been the subject of public consultation and has been formally submitted for examination. The policies were considered by an independent Inspector at an Examination which was held in July 2014. Accordingly, some weight can be attributed to this plan in the decision making process.
64. The following emerging polices from the document are relevant to this 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
 - **DM44** – Rights of Way
 - **DM45** – Transport Assessments and Travel Plans
 - **DM46** – Parking Standards
 - **DM48** – Development Affecting the Horse Racing Industry
 - **DM49** – Redevelopment of Existing Sites Relating to the Horse Racing Industry.

65. Following review of the emerging Development Management Policies, Officers consider that the following policy is determinative to the outcome of this planning application.

DM48 – Development Affecting the Horse Racing Industry:

Any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry, or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted.

66. Officers note that objections to DM48 have been received through the local plan process: these relate to the need to bring this Policy in line with the Framework.
67. The appeal decision in respect of the previous planning application on this site considered the relevance of DM48 in the evaluation of those proposals. At Paragraph 13, the Inspector opined that it was appropriate to attach some weight to DM48 - given that the direction of policy travel indicates that policies seeking to protect equine uses, similar to the aims and objectives found in LP Policy 12.4, will remain.

National Planning Policy and Guidance

68. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. [The National Planning Policy Framework](#) ('the Framework') is a material consideration for planning decisions and is relevant to the consideration of this application.
69. Paragraph 14 identifies the principle objective of the Framework:

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

 - *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies 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."*
70. This presumption in favour of sustainable development is further reinforced by advice within the Framework 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.*" The relevant parts of the Framework are discussed below in the officer comment section of this report.
71. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance

assists with interpretation about various planning issues, and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the Officer Comment section of this report.

OFFICER COMMENT:

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

Principle of Development

National Policy Context and Forest Heath's Five-Year Housing Supply

73. Paragraph 47 of the Frameworks states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
74. 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.
75. Paragraph 49 of the Framework is fundamental to the evaluation of this planning application:
- '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'.*
76. The surviving extant elements of Core Strategy Policy CS7 requires the provision of 6400 new dwellings in the period 2001 – 2021, and a further 3700 new homes in the period 2021 – 2031. As at March 2012, a total of 3089 dwellings had been completed since 2001. In order to meet the 6400 requirement, 3311 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.
77. It is acknowledged that the Council is currently not able to demonstrate a five-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 – or 3.4 years with a 5% buffer required by the Framework). There is little evidence of a significant recovery over the period since. The National Planning Practice Guidance advises 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) five-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.

78. In the light of the Council not being able to demonstrate a five-year supply of housing, any extant Development Plan policies which relate to the supply of housing must be considered as being out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Including the Inset Map for Kentford) and Development Plan policies which seek to restrict housing developments in principle. Such policies are therefore of little weight in the decision making process.
79. In such circumstances, planning applications for new housing development 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, advises in Paragraph 14 that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*
80. 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.
81. The Framework does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposals significantly and demonstrably outweigh the benefits, then planning permission should still be refused – even in areas without a five year supply of housing. This was demonstrated at the previous application appeal case in respect of this site, where a proposal for 102 dwellings was dismissed by the Planning Inspector (reference F/2012/0766/OUT and APP/H3510/A/13/2197077).
82. The absence of a five year supply of land lends significant weight in support of this development proposal, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, this does not mean that the absence of a five year supply of housing land is in itself sufficient justification to warrant the support of development elsewhere. The fundamental planning principle is that each case must be considered on its own merits.

Development Plan Policy Context:

83. Kentford is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet local housing needs is generally supported in principle. The subject application site relates to land which is outside of the defined settlement boundary of Kentford and as such is classified as countryside. The proposed residential development would therefore be contrary to retained policies within the Council's existing local development plan - including Policy 9.1 of the Saved Local Plan (which allows residential development in rural areas in only certain specific circumstances).
84. The surviving elements of Core Strategy Policy CS7 provides for 11,100

dwellings and associated infrastructure in the plan period (2001 – 2031). The policy also confirms the phasing of development to ensure appropriate infrastructure is provided. Policy CS13 states that 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.

85. The Council's Planning Policy Officer, in consultation correspondence, confirms that the 'original' growth strategy in respect of the District's settlement hierarchy was found to be sound. This would suggest that Kentford has the environmental capacity to deliver the development proposal for up to 41 dwellings.
86. In terms of the potential environmental capacity of infrastructure in Kentford, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence.
87. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
88. The IECA report identifies a range of capacity in Kentford of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). This would suggest that there is environmental capacity to facilitate not only the quantum of development that is proposed by this planning application, but also the other residential developments that the planning authority has already permitted (subject to the completion of a Section 106 agreement) in Kentford: 60 dwellings at Kentford Lodge (F/2013/0061/HYB) and 16 dwellings at Jeddah Way (F/2013/0355/FUL). It would also suggest that there is capacity for the residential development proposed by the current planning application for the development of the Animal Health Trust site (the report for which is found elsewhere on this Agenda).
89. The IECA report suggests that, in broad terms capacity exists for the subject development. However, this is not to say that incremental infrastructure improvements/enhancements would not be required. Indeed, the Planning Inspector who considered the planning appeal in respect of the 2012 Meddler Stud planning application was informed by the evidence contained in the IECA report. It was his conclusion that given the pressure upon existing facilities identified in the IECA report as being at tipping point, there is a need to plan infrastructure improvements through the local planning process.
90. In terms of specific infrastructure issues, officers acknowledge that at the time of the planning appeal relating to the 2012 Meddler Stud application, the IECA report was found to contain the most up-to-date information. However, given that the IECA report was written approximately 5 years ago, Officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses, and additional information provided

as part of the planning application submission.

91. The supporting information which accompany the application proposals do not include evidence to update the findings of the IECA report with regard to infrastructure tipping points in Kentford. It does, however, refer to how the application proposals will address those areas of infrastructure which the IECA report found to be at 'tipping point'.
92. The information provided as part of the application submission considers that Kentford's local infrastructure is able to accommodate the proposed development, through mitigation. These matters are considered in further detail in the relevant sections of this report.

Sustainable Development

93. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing.
94. Parts 18 -219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. This includes reference to the three dimensions to sustainable development:
 - (1) **Economic** – contributing to building a strong, responsive and competitive economy;
 - (2) **Social** – supporting strong, vibrant and healthy communities; and
 - (3) **Environmental** – contributing to protecting and enhancing our natural built and historic environment.
95. The Framework explains at 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 locations.
96. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples 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 biodiversity 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

97. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. 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.

98. Some of the representations received during the course of the application raise concern that approval of this planning application would be premature - specifically that the development would prejudice the proper consideration of site options for development within Kentford - and that consideration of the application should await the adoption by the Council of an appropriate Local Policy Framework.
99. Officers note that in the context of the 2012 Meddler Stud appeal, the Planning Inspector made reference to policy guidance on prematurity contained within the 2005 document *'The Planning System: General Principles'*. Paragraphs 17 and 18 of this document state that a refusal of planning permission may be justifiable in some circumstances on the grounds of prematurity, where a Development Plan Document is being prepared or is under review, but has not been adopted. Such justifiable circumstances would be *'where a proposed development is so substantial, or where the community effect would be significant that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing, of new development which are being addressed in the policy in the DPD...A proposal for development which has an impact on only a small area would rarely come into this category...Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified...'*
100. Policy guidance on prematurity is not addressed directly by the Framework. However, more recent advice about the approach the decision maker should take is set out in the National Planning Practice Guide which was published in March 2014. This states:

'Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the content 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 it 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'.

101. In the circumstances of this planning application, the development proposal of 64 dwellings is considered to represent a small proportion of growth, when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process.
102. Officers acknowledge that each settlement has its own unique characteristic (for example infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage. Moreover, this development proposal needs to be considered cumulatively - with committed residential development on the Kentford Lodge and Jeddah Way sites (F/2013/0051/HYB and F/2013/0355/FUL respectively), and the current planning application for the Animal Health Trust site (DC/14/0692/FUL). The cumulative scale of development on these sites amounts to 171 dwellings.
103. Officers do not consider the cumulative scale of residential development proposed in Kentford to be substantial in comparison to the overall quantum of development to be provided across the District, 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).
104. Given the context of the current guidance as outlined above, officers consider that it would be difficult to justify any decision that approval of this scheme would be premature. This advice is further re-enforced by the fact that the Council has a significant shortage in its five-year land supply; is already 13 years into the Plan period (2001 – 2031); and that the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
105. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Summary

106. The absence of a five year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing are deemed out of date by the Framework and thus currently carry reduced weight in the decision making process. This means that the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
107. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by

the Framework.

108. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

Impact Upon the Horse Racing Industry

109. The local planning policy context for equine activities has remained constant over many years, with planning policy objectives seeking to safeguard the industry and its contribution to employment. The Forest Heath Local Plan dedicates an entire chapter to the horse racing industry (Chapter 12). The saved policies within this chapter seek to safeguard the industry itself, as well as the unique townscape which it has created in Newmarket.
110. Policy 12.2 of the Local Plan states that the change of use of stud land (including buildings) shall not be permitted other than that which is essential to the horse racing industry. Policy 12.4 relates to the change of use of racehorse training establishments, and states that such changes will not be permitted. This policy goes on to advise that any development which would adversely affect their operation will not be allowed.
111. The protective local planning policy context is continued through the 2010 Core Strategy. Vision 2 recognises Newmarket's position as the international home of horse racing, and states that this role will be preserved and enhanced. The direction of travel of the emerging Development Management Policy DM48 indicates that Policies seeking to protect equine uses, similar to the aims and objectives of Local Plan Policy 12.4, will remain.
112. The application submission considers the impact of the development proposals upon the horse racing industry, and includes a Horse Racing Impact Statement. The Statement advises that the site is not viable as either a stud farm or a training establishment, and concludes that the site makes a negligible contribution to the horse racing industry. On this basis, given the improvement over the existing arrangements, the Statement considers that the RTE proposed as part of the development would have a significant beneficial impact on the horse racing industry.
113. Officers note the Inspector's Report in respect of the previous application on this site. The Inspector observed that Policy 12.4 of the Local Plan carries significant weight insofar as it is consistent with the sustainable development theme of the Framework. In the specific context of the horse racing industry, it was the Inspector's view that the evidence presented did not show that the layout, size or make up of the site and the condition of the buildings contributed towards the historic failure of previous equine enterprises. The Inspector considered that the evidence pointed to the probability that a 20 box RTE would have a reasonable prospect of success on the site.
114. The Horse Racing Impact Statement submitted with the subject application states that the proposals were informed by the advice of an equine specialist, and driven by the optimisation of a 20 box race horse training establishment in terms of facilities and layout. On the basis that a RTE is to be retained, and

that the proposals include the provision of new equine facilities, the Statement concludes that the proposed facility will optimise the contribution that the site will be able to make to the horse racing industry in the future.

115. In evaluating these proposals, the Council has sought the professional advice of an equine consultant (Mr T Kernon of Kernon Countryside Consultants Ltd). Mr Kernon considers that the proposals would enable the continued use of some RTE element, and that the scheme has the potential to be a very good stable yard.
116. Officers note that the application does not include detailed information in support of the size of the proposed RTE, and does not justify the loss of existing land which is currently associated with the HRI. The applicant has confirmed that there is no suggestion that the application is 'enabling development' (i.e. development that would not normally be acceptable, but can be justified where there are overriding public benefits to be gained from the development scheme overall). On this basis, the suggested approach is that the application is considered on its own particular merits.
117. In evaluating the impact of this development proposal on the horse racing industry, Officers are concerned that the proposals would result in the loss of land which is currently associated with the HRI. This would be contrary to the provisions of Development Plan policies which seek to safeguard the HRI.
118. In this context, Members are reminded that in respect of the Planning Appeal associated with the previous application for the residential development of the entire site, the Inspector concluded that *'the site's loss to residential development would have a materially harmful effect upon the HRI, because it would involve the loss of a RTE; or land used in connection with the HRI'*.
119. On the basis of the above evaluation, Officers have come to the conclusion that the unjustified loss of land associated with the HRI would conflict with Local Plan Policy 12.4 and emerging Development Management Policy DM48.

Summary

120. Officers have carefully evaluated the impact of the proposals on the equine industry. The proposals will involve the loss of land currently associated with a RTE. The development proposals do not include a justification for this loss, nor provide a reasoned rationale for the size and configuration of the RTE which is proposed as part of the scheme. In the absence of this information, Officers have reached the opinion that the loss of land associated with the equine industry would be a significant 'dis-benefit' of the scheme.

Sustainable Transport/Impact upon the Highway Network

121. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.
122. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that

generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.

123. Paragraph 34 of the Framework states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However the Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
124. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments. Spatial Objective T3 seeks to support strategic transport improvements serving Forest Heath, especially the A14 and A11 road and rail corridors, in order to minimise the adverse impacts of traffic on communities, improve safety, improve public transport facilities and ensure the sustainable development of the area is not constrained.
125. In the specific context of Kentford, the IECA report considers that the village has a reasonable road network, although acknowledges that the difficult access to Kentford railway station means that the majority of journeys from the village would be by car. The report identifies local highway works as 'fundamental and essential infrastructure' required for the level of growth associated with 500 new homes.

Access Arrangements

126. The development site would be accessed from a single access road, to the west of the existing site access onto Bury Road. The existing access would be retained for use associated with the two neighbouring houses fronting Bury Road (a current arrangement).
127. The IECA report notes that junction works would be required to accommodate development beyond 50-100 residential units. The Transport Statement which accompanies the application confirms that a (new) single point of vehicular access from Bury Road will be provided will be provided to serve both the residential dwellings and the racehorse training centre. The new access point will be approximately 25m to the west of the access, which would be retained as an access to two existing properties.
128. The County Highways Engineer, in consultation correspondence, has raised no objection to the proposed access arrangements, subject to the detail of the scheme being provided by way of planning condition, should approval be forthcoming.

Impact on Highways Network

129. In accordance with the Department for Transport's best practice guidance, the Transport Assessment considers the impact of the proposed development on the existing highways network.
130. The proposed development will generate an increase in trip generation, with a 6.3% increase in daily traffic flows along Bury Road following the redevelopment of the site. The Highways Engineer has raised no objection to the level of trip generation. On this basis, the impact of the proposed development on the capacity of the surrounding highway network is considered acceptable.

Parking Provision

131. The proposed parking provision complies with the Suffolk Advisory Parking Standards (2002). The illustrative Masterplan provides suitable access for both servicing and emergency vehicles, in line with the guidance contained within the Department for Transport Manual for Streets. Cycle parking can be secured by planning condition, in accordance with the 2002 Standards. Relevant conditions have been recommended by the Highways Engineer, to secure this level of parking provision, should the scheme be approved.

Pedestrian and Cycle Access

132. The submitted Transport Statement confirms that the principal pedestrian and cycle access into the proposed development will be provided via the new site access junction on Bury Road. It is proposed that this access road will feature 1.8m wide footways on both sides.
133. A footway measuring 2m in width currently runs along the north side of Bury Road. A footway also runs along the south side of Bury Road, to the east of the existing access. However, this footway narrows down to 0.7m at various pinch points, and would be unsuitable for wheelchair users and pushchair users in its current form.
134. The submitted illustrative layout plan includes provision for an uncontrolled pedestrian crossing across Bury Road, to the west of the new access. This will enable pedestrians to cross to the northern side of Bury Road. The Highways Engineer has confirmed the acceptability of such a crossing, which can be designed within a separate highways Section 278 agreement, which is a legal agreement between the developer and the County Council as Highway Authority.
135. Officers note that the Highways Engineer, in consultation advice, has sought a developer contribution from this application, for a cycle scheme running along Bury Road. This will allow residents of this site to access the local amenities on their bicycle, and will be used to link this site to the centre of the village. This is discussed in more detail in the planning obligations section of this report.
136. The illustrative Masterplan which accompanies the application indicates that a pedestrian link to an existing footpath to the east of the site will be preserved as part of the proposals. Officers understand that this link is an existing informal right of way. However, the formalization of this route does not form part of the application proposals. Whilst an additional pedestrian link to the

village would be welcome, officers do not consider that its absence constitutes a reason to refuse the scheme on accessibility grounds.

Public Transport

137. The IECA report noted that Kentford had reasonable public transport provision, and that it had the potential to be better. It also acknowledged that physical links to Kennett railway station are poor. Officers understand that since the IECA report was published, a footpath to the railway station has been provided, linking Kentford to Kentford railway station. This link will facilitate better access by foot.
138. The submitted Transport Assessment advises that the closest bus stops to the site are approximately 380m from the centre of the proposed development (a walking time of approximately 5 minutes). The applicant has confirmed the acceptability of bus stop improvements on Bury Road, together with measures to be set out in a Travel Plan to encourage travel by modes other than the private car.
139. In terms of rail transport, the Transport Statement confirms that Kennett Railway station is located an approximately 12 minute walk from the development site access, and less than a five minute cycle ride. It is understood that cycle stands and lockers are available at the train station.

Summary

140. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers note that a number of third party representations have raised highway concerns, including issues of highway safety associated with the proposed access onto Bury Road. However, the County Highways Engineer has raised no objection to the proposal, subject to the recommendation of a number of planning conditions relating to the detail of the scheme, should approval be forthcoming. On this basis, the proposal is considered acceptable in highways terms.

Flood Risk, Drainage and Pollution

141. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
142. 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.
143. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency

Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk

144. The majority of the application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development. The western part of the site falls within Flood Zones 2 and 3 due to the presence of the River Kennett. The illustrative Masterplan indicates that all new buildings will be located outside of the flood plain. It is proposed that the access road would be located within the flood plain, although the application notes that it would be raised to ensure that vehicles could still access the site in a flood event.
145. The application submission includes a Flood Risk Assessment (FRA). The FRA includes calculations of the volume of development proposed within the flood plan, and the potential increase in surface run off across the site. It identifies mitigation measures including compensatory storage ditches, and attenuation pond and Sustainable Urban Drainage Systems (SuDS) to mitigate against and to ensure that the proposed development would not increase the risk of flooding elsewhere.
146. The Environment Agency, in consultation comments, has confirmed that the submitted FRA has been reviewed. Whilst the proposed development is considered acceptable in principle, further information is sought in respect of flood plain compensation, surface water drainage and surface water disposal, to ensure that the development does not cause an unacceptable increase in flood risk. In accordance with the advice offered, this information can be secured as part of the planning condition process, should the scheme be approved.

Foul Drainage

147. The foul drainage from the development is in the catchment of Newmarket Sewage Treatment Works (STW). Anglian Water, in consultation correspondence, has confirmed that this STW has the capacity to treat the flows from the proposed site.
148. No objection to the development proposals has been raised by Anglian Water, subject to the recommendation of a planning condition regarding to the details of the foul drainage strategy for the site, should the scheme be approved.

Groundwater and Contaminated Land

149. The application is accompanied by a Land Contamination Assessment. This assessment includes a review of historical information and site walkover, and identifies potential for contamination to be present.
150. The Environment Agency, in consultation advice, considers the previous land use to be potentially contaminative. Given the sensitivity of the site (which is located above Principal and Secondary Aquifers and adjacent a surface water course), the proposed development could present potential pollutant/contaminant linkages to controlled waters. On this basis, the

Environment Agency and Council's Environmental Health Officer have recommended a number of planning conditions relating to site remediation and contamination, which are necessary to prevent unacceptable risk to the environment, should the scheme be approved.

Pollution Control

151. The Environment Agency has advised that limited pollution prevention and surface water drainage information was provided as part of the application submission, specifically with regard to the RTE. Officers note the sensitivity of the site to pollution of the water environment. In accordance with consultation advice offered, conditions can be recommended relating to the provision and implementation of a scheme of pollution control to the water environment, including surface water drainage, should the scheme be considered for approval.

Summary

152. The third party comments relating to issues of flood risk and drainage are noted. The Environment Agency, Anglian Water Services and the Council's Environmental Health team have raised no objection regarding the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable.

Impact upon Trees and Landscape

153. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promote development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) and recognising the hierarchy of graded agricultural land. National policy stops short of seeking to protect the 'countryside' from new development in a general sense.
154. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
155. The Council's Landscape, Tree and Ecology Officer, in detailed consultation advice, welcomes the provision of public open space, although notes there may be compatibility issues given the relationship with the adjacent horse exercise track. Planning officers note that as the application submission is in indicative form only, the precise layout of the development will be a matter for the detailed reserved matters stages. In this respect, it is considered reasonable to include a planning condition which requires a design code to be submitted as part of the detailed design, should approval be forthcoming.
156. The paddock land fronting Bury Road and within Flood Zones 2/3 is open, and is considered to provide a visual amenity within the village, marking the river valley, and contributing to the overall village character. The Landscape, Tree and Ecology Officer has raised concern that the proposed use of this land as a horse exercise track could have a detrimental visual impact on the locality. It is

an expectation that the reserved matters applications will be supported by information to demonstrate potential visual amenity impacts of the proposals. Conditions relating to full landscape details, including a management plan for the open space, could be recommended to address this issue.

Trees

157. The trees on the site are not currently protected by Tree Preservation Orders. A tree survey was submitted as part of the proposals, although the Landscape, Tree and Ecology Officer notes that this relates to the previous planning application and has not been updated to reflect the new proposals. The Arboricultural Impact Assessment (AIA) has also not been revised to take into consideration the subject development proposals. Relevant conditions could be recommended to secure updated information, should the scheme be supported.
158. Officers note that the proposed properties on the eastern edge and at the south western part of the site are situated in close proximity to existing tree belts. The Landscape, Tree and Ecology Officer has advised that the relationship between buildings and trees will need to be reviewed as part of the detailed design phase, to ensure that the layout of the development is compatible with tree retention. Retention of the tree belt outside of the gardens could be sought by planning condition, in addition to tree protection and mitigation (including replacement trees).

Summary

159. Officers have considered the submitted documentation, and visited the application site and surrounding area. On balance, the impacts of the development proposals upon landscape quality and character of the wider area are considered to be acceptable - subject to the provision of planning conditions as referred to above, should the scheme be recommended for approval.

Impact upon the Natural Environment

160. 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.
161. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.

162. There are no international, national or other statutory designations on or immediately adjacent to the application site. The application site is situated approximately 1.4km from the boundary of the Breckland Farmland Site of Special Scientific Interest (SSSI). This SSSI forms part of the Breckland Special Protection Area (SPA). Breckland SPA is of importance for three birds: Stone Curlew, European Nightjar and Woodlark.

Habitats Regulations Assessment

163. In accordance with Regulations 61 and 62 of the Habitats Regulations, the local planning authority has carried out an assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment.
164. The assessment has identified that the application site is screened in all directions by the presence of built development, and as such it is unlikely that the scale of development proposed is unlikely to have a direct effect on the SPA. In addition, the site is not considered suitable habitat for stone curlew, and there are no records within 2km of the site. On this basis, there is no requirement for the local planning authority to carry out an Appropriate Assessment as part of the Habitats regulations Assessment of the proposal. Natural England, in consultation correspondence, has confirmed this approach.

Protected Species

165. The impact of the development proposals on nature conservation is detailed in the submitted Ecological Risk Appraisal and Projected Species Survey. This report assesses the impact of the proposals on habitats and species, and includes recommendations to mitigate or safeguard against adverse effects. In accordance with consultation advice offered, the recommendation of the ecology report can be conditioned on approval, to ensure protected species are safeguard.
166. The development scheme has the potential to impact on bats in terms of loss of foraging and community habitat. The application sets out the measures to mitigate loss and ensure the identified bat population is maintained. The proposal has also been considered against the Habitats Directive in terms of potential impacts on bats. It is the view of the local planning authority that the proposals will not result in adverse effects on the conservation status of bats, subject to relevant conditions on approval in relation to the retention and protection of existing trees, woodland and plantation and landscaping at the new entrances, and the details of the lighting strategy proposed.

Summary

167. On the basis of the above evaluation, officers are of the opinion that the development proposals would not cause significant harm to any designated nature conservation sites, nor have an unacceptable impact on the nature conservation value of the application site. This conclusion is supported by the Council's Ecology Tree and Landscape Officer, Natural England, Suffolk Wildlife Trust and the RSPB.

Impact upon the Historic Environment

168. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas, and also various undesignated assets including archaeological sites and unlisted buildings which are of local interest.
169. The Framework advises that local planning authority's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.

Archaeology

170. The proposed development affects an area of archaeological potential. The site is located on the edge of the historic settlement core, recorded in the Suffolk Historic Environment Record. It is also located in a topographically favourable location for early occupation for all periods, above the floodplain of the River Kennett.
171. The County Archaeological Officer, in initial consultation correspondence, noted that an archaeological evaluation was undertaken in advance of previous applications on the site. This work defined important archaeological remains, the form of upstanding earthworks, in the southern paddock. The development proposals as originally submitted proposed (albeit as part of the indicative layout) the construction of horse-walker and lunge ring, as well as the trainer's house, on the northern third of this paddock. Concern was therefore raised that the scheme as initially submitted would have a significant negative impact on the archaeological remains in this area.
172. Following receipt of the initial consultation comments from the County Archaeological Officer, the indicative scheme layout was amended. The horse walker, lunge ring and trainer's house have been relocated to avoid the known area of archaeological interest. The County Archaeological Officer has considered the revised scheme, and advised that there are now no grounds to consider refusal of planning permission in order to achieve preservation in situ of any important heritage assets.
173. In accordance with the technical advice offered, a condition can be secured to ensure a scheme of archaeological investigation, should approval be recommended. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Summary

174. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate

archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

Design of the Built Environment

175. 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.
176. 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.
177. Saved Local Plan Policy 4.4 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality.
178. The Design and Access Statement which accompanies the application establishes a design vision and key principles for the development of the site. These include the provision of a high quality RTE, creation of links with the surrounding area; provision of accessible public open space and provision of a safe access.
179. An illustrative Masterplan demonstrates how the development could be accommodated on the site. Members are reminded that the detail of the layout would need to be submitted as part of a future reserved matters application. Officers consider it would not be unreasonable to request that a condition of any planning approval relates to the provision of a design code, in order to achieve the high quality development of this site.

Summary

180. Subject to planning conditions as described above being secured as part of any planning approval, the proposals are considered to comply with relevant Development Plan policies in respect of design.

Impact upon Local Infrastructure (Utilities)

181. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should *inter alia* identify and coordinate 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’.

182. 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’.

183. Policy CS13 lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time). It concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.

184. Matters relating to highways, education, health and open space infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

Potable Water Supply

185. Potable water supply to be a significant constraint to development in Kentford: it is understood that the village is well served by existing large diameter-mains.

Waste Water Treatment Infrastructure

186. Anglian Water, in consultation correspondence, has confirmed that there is capacity within Newmarket Sewage Treatment Works to cater for flows from the development. In addition, officers understand that the STW has capacity for the cumulative impact of additional flows arising from other development within the village.

Energy Supply

187. The IECA report indicates that substation works may be required in order to secure extra capacity for new development in Kentford. Officers are not aware that this would be a constraint to the development of this site.

Summary

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

Impact upon Residential Amenity

189. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim *inter alia* to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
190. 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.
191. This is an outline planning application, with only details of access under consideration. An indicative illustrative layout has been submitted to demonstrate how the different components of the development could be accommodated within the site.
192. Existing residential properties are situated immediately to the north and to the west of the application site. Given the relationship of the site with existing properties, your officers do not consider it unreasonable to control the construction activities in terms of the hours of operation. A relevant condition can be included should the scheme be approved.
193. Officers note that the Council's Ecology, Tree and Landscape Officer, in consultation advice, comments that the retention of the tree belt to the east within existing gardens is not compatible with the residential use. It is considered that the retention of the tree belt outside of these gardens is a matter which can be addressed as part of the detailed design stage.
194. Third party representations have also raised concern regarding the potential impacts of the proposed development on existing residential amenity. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the Framework to protect the interest of occupiers of existing residential properties.
195. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing properties will not be compromised by what is proposed.

Sustainable Construction and Operation

196. 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*'.
197. The Framework confirms planning has a key role *in helping shape inter alia secure radical* reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:

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.*

198. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
199. Documentation submitted in support of the application advises that the development will achieve Code for Sustainable Homes Level 3 for all proposed dwellings, and opportunities to incorporate sustainable construction features as the detailed design progress. Relevant conditions can be recommended should the scheme be approved.
200. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of sustainable construction and operation.

Cumulative Impacts

201. Members will be aware that there are currently two planning applications for residential development in Kentford, both of which are before the Committee for decision at this meeting. In addition, two residential development schemes have been approved in the village in recent months. In total, these schemes will provide 171 residential units.
202. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, no such assessments have been carried out with regard to the potential cumulative impacts of these planning applications.
203. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the two current planning applications on this Committee Agenda (references DC/14/0585/OUT and DC/14/0692/FUL), and the previously approved schemes at Kentford Lodge and Jeddah Way (reference F/2013/0051/HYB and F/2013/0355/FUL).

Education

204. The two current planning applications together (105 dwellings) would generate approximately 26 children of primary school age, once all dwellings have been built and occupied. The planning applications which have previously been approved would provide an additional 76 dwellings, which would generate additional children of primary school age.
205. The existing catchment primary school (Moulton Primary School) has reached capacity. By the time the construction of these developments is underway (if

all are granted and commence early), the school will have filled its pupil place capacity, and there will be no surplus places available

206. Suffolk County Council, in consultation correspondence, has raised no objection to the development proposals. The County Council has advised that, in view of there being no surplus spaces available at Moulton Primary School, a financial contribution will be sought to provide additional facilities. Officers understand that this will take the form of temporary classroom provision. It is understood that there are no apparent constraints to the expansion of this site, which would prevent such provision.
207. The third party comments raising concern regarding primary school education provision are noted. The application proposals would provide funding to mitigate the impacts of the development on primary school provision, in accordance with the consultation advice offered on behalf of Suffolk County Council. Accordingly, the applicants have done all they can do (and that they have been asked to do), to mitigate the impact of their developments upon primary school provision.

Highways

208. Third party comments have raised concern regarding the highway impacts of the development proposals upon Kentford. The Local Highway Authority has raised no objection to any of the individual planning applications (subject to the imposition of planning conditions as referred to in the relevant section above).
209. The third party concerns are not supported by evidence, or a considered analysis of the nature of the possible impacts. In this context, Members are reminded that the Framework advises that new development should only be prevented or refused on transport grounds, if the residual cumulative impacts of development are severed.
210. Officers are satisfied that the application proposals would mitigate the impacts of the development on the highways network, by way of both planning conditions and developer contributions, which can be secured through the Section 106 process. Accordingly, the applications will mitigate the impact of the development upon the highways network.

Healthcare

211. NHS healthcare services in the Kentford area is organised by the West Suffolk Clinical Commissioning Group (CCG). The IECA report identified that a GP surgery in Kentford would help to improve available services and would also support new development. Based on the suggested standards, the report suggests that a GP could be supported with a population of 1,700 (equivalent to 213 new homes). Officers note that the cumulative level of growth proposed by these applications would be below the suggested standards to support a GP and surgery.
212. With regard to dental provision, national standards for the provision of dental services recommend a ratio of one dentist per 2000 population. The IECA report suggests that Kentford could support a dentist after the completion of 337 dwellings. Officers note that this figure is in excess of the expected scale

of growth for the village.

Open Space

213. The IECA report did not quantify the provision of amenity open space in Kentford, and did not assess whether it affected capacity for growth. However it did note that provision was limited, and that 'tipping points' had been reached with regard to these infrastructure types. The report noted that any new development should incorporate amenity open space.
214. All of the development schemes incorporate provision for open space – both in terms of on-site provision, and contributions in respect of off-site provision (secured through the Section 106 provision). In this regard, the proposals are considered in accordance with Council's Supplementary Planning Document in respect of Open Space.

Landscape

215. Given the locations of these four housing development schemes around Kentford, no cumulative landscape impacts are anticipated.

Utilities

216. Anglian Water Services did not object raise objection to the development proposals, and has confirmed that there is adequate capacity within the system to accommodate the increased flows arising from the current planning applications. Officers are satisfied that the development proposals would not have adverse cumulative impacts upon the sewerage systems serving Kentford.
217. There is no evidence to suggest that there would be significant cumulative impacts upon water and energy (electricity) supplies to the village, given the respective capacities identified in the IECA report.

Summary

218. On the basis of the above evaluation, officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of utilities, landscape, open space, healthcare, transport and education) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused on these grounds.

Section 106 Planning Obligation Issues

219. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
220. These are the three principal tests set out in Paragraph 204 of the Framework

and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

221. 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.
222. 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 a target of 30% of the number of net new dwellings in residential schemes of 10 or more dwellings (or sites of more than 0.33 hectares) to be sought as affordable. This policy is supported by the Joint Affordable Housing Supplementary Planning Document (SPD), which was adopted by the Council in October 2013. This document sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and Section 106 arrangements).
223. An affordable housing provision of 19 units is proposed, which exceeds the 30% target set out in Core Strategy Policy CS9. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including location within the development, tenure mix and their transfer to a registered provider can be secured through the S106 planning obligation and the reserved matters process, should the scheme be approved.

Education

224. The Framework, in Paragraph 72, places significant emphasis on the need to provide school places. In particular, local planning authorities are required to take a '*proactive, positive and collaborative approach*' giving '*great weight to the need to create, expand or alter schools*'. This approach is supported by Policy CS13 of the Forest Heath Core Strategy, which establishes requirements for infrastructure in the District, with '*new development...[being]...required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath's communities*'.
225. The Section 106 Developer's Guide to Infrastructure Contributions in Suffolk sets out the process by which contributions to school infrastructure will be secured. Contributions are based upon an assessment of existing capacity. In line with the policy approach summarised above, developer contributions would usually be sought to provide additional places generated by new residential development.
226. Education provision in Suffolk is currently in the process of a major re-organisation. The information contained within the IECA report relating to

education is therefore out of date.

Pre School Provision

227. The consultation response from the Suffolk County Council Planning Obligation's Manager anticipates that the proposed development will yield six pre-school age children. A contribution of £36,546 has therefore been requested by the County Council, to mitigate infrastructure demands generated by the development proposal.

Primary Schools

228. The local catchment primary school is Moulton CEVP. The County Planning Obligation's Manager has confirmed that there is currently forecast to be no surplus available at Moulton Primary School.
229. Officers understand that there are no apparent constraints to the development of the Moulton Primary school site. This suggests that there is space for future building expansion. On this basis, full contributions have been sought by Suffolk County Council (£194,896), to provide additional facilities for the 16 pupils which the proposed development is anticipated to yield. The planning applicant has confirmed the acceptability of this request.

Upper Schools

230. The catchment secondary school for the proposed development is Newmarket College. Officers are advised that there are currently forecast to be sufficient surplus places available at this school. On this basis, Suffolk County Council is not seeking contributions in respect of secondary school provision.

Libraries

231. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development. A capital contribution of £13,824 has been requested. This can be secured through the S106 planning obligation.

Healthcare

232. NHS England, in consultation advice, advises that the healthcare impacts of the scheme should be mitigated by way of a developer contribution secured through a Section 106 planning obligation. A contribution of £26 000 has been requested.

Public Open Space Provision

233. 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.
234. Core Strategy Spatial Objective CS2 seeks to promote an improvement to 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.

235. 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. The policies also state that provision will be made for a wider area than just the development site. These policies are expanded upon via the Council's adopted SPD for Public Open Space, Sport and Recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
236. The indicative layout proposes approximately 9700 square metres of on-site public open space provision. In accordance with the Council's Supplementary Planning Document in respect of open space, off site provision can also be secured by way of S106 agreement.

Highway Improvements

237. The County Highways Engineer, in consultation correspondence, has requested that the S106 package include a number of highways elements. In terms of improvements to the local public transport infrastructure, £2000 is sought for enhancements to the bus stops in the immediate vicinity of the applicant site. A contribution of £28,490 has also been requested for a cycle scheme that runs along Bury Road.
238. The measures proposed are in the interests of the wider sustainability of the development, and would improve accessibility to alternative forms of transport usage, thus reducing reliance on the motor vehicle.

Summary

239. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Kentford - in terms of affordable housing, education, libraries, healthcare, highways and public open space - would be mitigated to the satisfaction of the consultee advice offered.
240. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
241. The planning agent has confirmed the acceptability of entering into a S106 planning obligation to secure these benefits. It is understood that this is currently in draft form.
242. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Kentford and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified.

OTHER ISSUES:

243. The third party comments have been dealt with above. In accordance with the consultation advice offered by the County Fire Officer, it is appropriate that fire hydrants are secured by way of planning condition, should the scheme be recommended for approval.

CONCLUSIONS AND PLANNING BALANCE:

244. The development proposal has been considered against the objectives of the Framework, and the government's agenda for growth, which identifies housing development as a key driver for boosting the economy – particularly given that the Council does not currently have a five year land supply.
245. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. In terms of the economic role of sustainable development, the proposed development would provide economic benefits – these relate to the creation of short term jobs in the construction industry, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments. The unjustified loss of land associated with an existing RTE is, however, considered to represent a significant 'dis-benefit' of the scheme.
246. With regard to the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations.
247. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered generally acceptable.
248. The infrastructure pressures generated by the proposed development have been carefully evaluated, with reference to the 2009 IECA report, and additional evidence (including consultation responses and information contained in the application submission). Officers are of the opinion that the infrastructure which has been identified within the IECA report as being at a 'critical and fundamental/essential phase' can be satisfactorily mitigated without significant harm to the village.
249. The absence of capacity at the catchment primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the scheme. The in-combination effects of this development with other planned developments in Kentford could have significant impacts on primary school education provision. However, in the absence of objections from the Local Education Authority, it would be difficult to robustly defend a reason for refusal on these grounds.
250. 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. 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.

251. The lack of a five year supply of deliverable housing land, combined with the historic under supply of housing, is an important material consideration. However, following a considered evaluation of the merits of the scheme, officers have reached the decision that the benefits of the scheme would not be outweighed by the potential dis-benefits arising from the loss of land currently used in connection with a Racehorse Training Establishment. For this reason, officers have come to the 'on balance' decision, that the proposal will not constitute sustainable development as set out in the Framework
252. Having regard to the Framework and all other material planning considerations, the proposal is considered to be contrary to the NPPF and Development Plan policy. The recommendation is one of refusal.

253. **RECOMMENDATION:**

254. That outline planning permission is **REFUSED** for the following reasons:

1. The application provides no justification for the loss of land currently used in connection with a Racehorse Training Establishment. In the absence of this information, the proposals are considered to be contrary to the aims and objectives of Forest Heath Local Plan Policy 12.4 and emerging Development Management Policy DM48 which seek to safeguard the horseracing industry in the District. The proposals would also conflict with the sustainable development principles as set out in Paragraph 14 of the 2012 NPPF.
2. The absence of a signed Section 106 agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained in the 2012 NPPF.

Documents:

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

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

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