

Forest Heath District Council

**EXTRAORDINARY
DEVELOPMENT
CONTROL COMMITTEE**

22 MAY 2013

DEV13/065

Report of the Head of Planning and Regulatory Services

PLANNING APPLICATION F/2011/0541/HYB – GEORGE LAMBTON PLAYING FIELDS, FORDHAM ROAD, NEWMARKET

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.

Nicola Baker
Head of Planning and Regulatory Services
13 May 2013

CONTACT OFFICER

Rachel Almond (Case Officer)

Parish: Newmarket

Committee Date: 22 May 2013

App. No: F/2011/0541/HYB

Date Registered: 20 October 2011

Expiry Date: 19 January 2012

Proposal: Hybrid application - Full Application - Mixed development including a Sainsbury's Superstore (6,636sqm), petrol filling station, drive through restaurant and construction of new access roundabout and a new access point (Phase 1). Outline Application - Multiplex cinema, up to 3 non-food retail units (5,130sqm) and 2 restaurants (Phase 2) and erection of up to 90 dwellings including up to 27 affordable dwellings (Phase 3) (Major Development, Departure from the Development Plan and Development Affecting a Public Right of Way)

Site: George Lambton Playing Fields, Fordham Road, Newmarket

Applicant: Sainsbury's Supermarkets Ltd and The Trustees of the EG Lambton 1974 Settlement

Case Officer: Rachel Almond

This application is referred to the Development Control Committee due to the nature of the proposals and in order for it to be considered alongside the other three supermarket proposals under consideration in Newmarket.

In summary, the retail agents for this application have criticised the approach taken to their development in the SP report commissioned by the Council, particularly in relation to the sequential status of Waitrose, forecast DIY trade draw from the town centre and the treatment of the proposed cinema in relation to the sequential test. Alongside this, the applicant argues that this scheme will bring forward many benefits compared to the other retail proposals, including the provision of a cinema in Newmarket and the claw-back of customers who currently travel to Cambridge, Bury St Edmunds and Haverhill where the nearest cinemas are located, the enhancement of existing sports facilities at the college in the town and the re-provision of open space and playing pitches at Brickfield Stud, which has the potential to accommodate the relocated Newmarket Town Football Club in the future, the provision of additional housing, including 30% affordable housing and a number of infrastructure improvements secured through a Section 106 Obligation.

Weighing all of this in the balance, officers agree with the approach taken in the SP report and remain concerned that the critical mass of development on this site would be likely to significantly harm the vitality and viability of the town centre to the extent the proposals would be contrary to policy CS11 of the Core Strategy and the relevant sections of the Framework On this basis, the application is recommended for REFUSAL.

APPLICATION DETAILS:

1. This is a hybrid application for planning permission – the first phase of development is a full planning application and the second two phases have been submitted in outline form. The first phase of the proposed development would

bring forward a Sainsbury's supermarket (net sales area 3,770 square metres), petrol filling station, a drive through fast food restaurant, a new access and roundabout and car parking for 734 cars (which includes 199 spaces for the second phase). The supermarket would have 2,727 square metres of convenience floor space and 1,043 square metres of comparison floorspace. The supermarket would be located set back from the Fordham Road frontage, with the drive through restaurant located along the frontage of Fordham Road. The petrol filling station would be located just set back from the proposed new roundabout. A separate priority junction is proposed off Fordham Road to provide access to the fast food restaurant. The second phase of development which is submitted in outline provides for a 5 screen cinema, two restaurants and up to 3 non-food retail stores amounting to 3,414 square metres of comparison net floorspace. These units would be provided across the middle of the site and behind the Sainsbury's store and the car park which runs back from Fordham Road. At the rear of the site the third phase of the development is proposed – this is an outline application for up to 90 residential dwellings, including up to 27 affordable housing units.

2. The George Lambton Playing Fields (GLPF) is currently 8.12 hectares of public open space which support 4 full size football pitches, changing facilities, a skatepark and informal recreation and dog walking. The first phase of development would result in the removal of the existing car park and changing facilities and the provision of new temporary changing facilities and the provision of 3 pitches (2 under 18 pitches and 1 under 10 mini pitch) on the site identified for phase 3 residential development.
3. The proposed store has a length of 112 metres and width of 70 metres. It is designed with a flat roof at a height of 9.8 metres and the lower back storage area has a height of 5 metres. The front elevation of the building would be mainly glazed to the building's full height with a glazed wrap around the side elevation which faces the proposed car park and towards the road. Cedar panels are also proposed to intersperse with the glazing. The rest of the building is clad in vertical architectural cladding in Goosewing Grey (light grey). The proposed drive through restaurant would be single storey, flat roofed and clad in ribbed metal cladding panels with a low brick plinth.
4. Indicative plans have been submitted relating to the outline elements of the scheme. Size parameters have been given for phase 2 – max height of 10 metres for the cinema and non-food retail warehouses and 6 metres maximum height for the restaurants. For phase 3 an indicative layout has been presented showing 90 dwellings at a density of 28 dwellings to the hectare and an indicative mix of 2, 3 and 4 bed units.
5. This application is one of three related applications submitted by the applicant. The two other applications comprise:
 - Application F/2011/0562/FUL (Newmarket College): Landscaping to accommodate two new grass football pitches, one new 60 x 40m artificial pitch, refurbishment of tennis courts as a multi use games area and erection of new changing facilities. The application was granted consent on 18th December 2012.

- Application F/2013/0060/FUL (Brickfield Stud): Change of use to community football facilities to include 4 football pitches, changing facilities and car park. The application was to be taken to Committee on 1st May 2013 with an officer recommendation for approval. The application was, however deferred on the grounds that additional information was required in relation to trees, landscape and archaeology. This information is currently being progressed by the applicant.

6. The proposed phasing of the whole development would be as follows:

Phases 1 & 2 of the GLPF site:

- The redevelopment of 5.26ha of the GLPF site for development comprising the supermarket, the drive-thru restaurant, the PFS, cinema, non-food retail and restaurants, access and car parking.
- The laying out of new pitches and the provision of temporary changing facilities on the remaining GLPF land, identified for the proposed phase 3 development. These three pitches and temporary changing facilities would be delivered in advance of the phase 1 & 2 retail works.
- A financial contribution to Suffolk County Council to pay for new and improvements to existing facilities at the Newmarket College Playing Fields as detailed in application F/2011/0562/FUL.
- The provision of a management plan and a Community Use Agreement to provide community access to the Newmarket College facilities.

Phase 3

- The redevelopment of the remaining 3 hectares of GLPF land for housing.
- The provision of replacement playing field, changing facilities at Brickfield Stud as detailed in application F/2013/0060/FUL.
- The strategy envisages that no development would take place in respect of the phase 3 residential development unless suitable new replacement playing fields could be delivered at Brickfield Stud or an equivalent alternative site.

AMENDMENTS:

7. Amendments have been submitted during the life of the application to address minor layout changes, and responses to consultee comments including trees and landscape and highways.

SITE DETAILS:

8. The application site is located to the west of Fordham Road and south of Willie Snaith Road, some 1.8 kilometres from the nearest part of the town centre boundary. The application site comprises 8.1 hectares of playing fields. The applicant lists the uses of the field as 4 full size football pitches, changing facilities and car park, skatepark and informal recreation. The site is open and flat. There is a hedge fronting Fordham Road and mature trees along the southern boundary of the site with the former St Felix Middle School. The boundaries to the north and west are relatively open. To the north of the site are commercial and industrial units which front onto Willie Snaith Road. At the Fordham Road end of this boundary the site adjoins land owned by Tesco which is informally used as car parking. On the opposite side of Fordham Road northeast of the site is a small group of dwellings. To the south west of the site is the former St Felix middle school in the ownership of Suffolk County Council. The southwestern boundary of the site is adjoined by the footpath leading from

Studlands into the town centre – known as the “yellowbrick road”. At this end of the site there is also a footpath link across the Number 1 Drain which affords access to residential properties beyond in Lester Piggott Way. The skatepark is located at this end of the site.

9. The George Lambton Playing Fields (GLPF) is the subject of a 99 year lease to Forest Heath District Council dated 1 May 1973 and the land is currently licensed by the District Council to Anglia Community Leisure. The Council’s interest in the site is not relevant to the determination of this application.

APPLICANT’S SUPPORTING MATERIAL:

10. See Working Paper 1 and 2 attached to this report.

PLANNING HISTORY:

11.

F/75/426	Erection of Swimming Pool and Recreation Centre Layout for caretakers Lodge car park and outdoor recreational use	Deemed planning permission
F/75/428	Construction of temporary car park. New access onto Fordham Road. Temporary changing toilet facilities	Deemed planning permission
F/76/104	Residential development	Refuse
F/77/696	Erection of permanent changing facilities	Deemed planning permission
F/78/340	Skateboarding area	Deemed planning permission
F/78/768	Part of a new footpath intended when complete to provide a pedestrian walk between Exning and Newmarket	Deemed planning permission
F/87/917	Extension to sports pavilion	Approve
F/88/1080	Extension to sports pavilion	Deemed planning permission
F/98/111	Change of use of playing fields to occasional use for car boot sales on a temporary basis (Saturdays/Sundays and Bank Holidays)	Deemed planning permission
F/2000/163	Renewal: Change of use of playing fields to occasional use for car boot sales on a temporary basis (Saturdays/Sundays and Bank Holidays)	Deemed planning permission granted
F/2000/464	Provision of a wheeled sports area (development affecting a Public Right of Way)	Deemed planning permission
F/2004/1016/CCA	County Application: construction of 3m wide pedestrian/cycle path	No Objections
F/2005/0989/FU4	Change of use of land to create a temporary (3 years) long stay car park (272 spaces) (Departure from the Development Plan)	Withdrawn
F/2005/0990/FU4	Change of use of land to create a temporary	Withdrawn

	(3 years) long stay car park (269 spaces) (Departure from the Development Plan)	
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CONSULTATIONS: NB. The full comments of each consultee are available to view on the Council's website see following link:

<http://www.eplan.forest-heath.gov.uk/mvm/online/dms/DocumentViewerComments.aspx?PK=533752&SearchType=Comments>

12. **Environment Agency:** *We are satisfied that the applicant has considered options to underground fuel storage. Taking a pragmatic and 'yes, if' approach to this site, we therefore consider that the design of the underground fuel storage tanks, to ensure protection of the water environment, could be agreed as part of the planning process, and hence by condition. We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed – land contamination, verification report, contamination, no penetrative foundations, including piling without prior consent, no infiltration of surface water drainage into the ground, surface water drainage, details of fuel tanks.*
13. **SCC Rights of Way:** No objections, public footpath number 5 is adjacent to the development site but does not appear to be directly affected.
14. **Ramblers Association:** *"As you will know, this route was created, in stages, from the late 1970s onwards, to provide an off-road link between the Studlands Park development and the Town Centre, via the Phantom & Moreton Stud development. The section through the playing-fields was, initially, constructed as a surface-dressed hardcore route, but has since been upgraded and lit, now forming, I note, part of the Sustrans Route 51. To the best of my knowledge, the route has never been added to the Definitive Map for Newmarket and is, presumably, regarded as a highway cycleway/footpath under the control of Suffolk County Council.*

Nevertheless, the route is of great interest to my Association and is seen as a vital link with a future 'round Newmarket walk/ride', itself including a link between Fordham and Snailwell Roads, hopefully through the Hatchfield Farm application site.

The Riverside Walk route has been walked and it is noted that this is at a much lower level than the land now proposed for development, so much so that it appears unlikely that the buildings proposed on Phases 1 and 2 will be visible to users.

The Phase 3 proposals do, however, give greater cause for concern and it has to be asked whether this is really an appropriate site for housing? We would much prefer, having serious reservations as to the entire suitability of the alternative sites for playing-fields mentioned, for at least some of the overall site to remain for outdoor recreational use; i.e. omitting the dwellings. The latter comment is, of course, made in ignorance of the future of both the Hatchfield Farm and St Felix School sites, the latter, allegedly, closing next year, either or both of which could result in the provision of outdoor facilities, literally over the road or next-door.

Individuals will, of course, have their own views on the likely impact of the development, if approved, on Newmarket Town Centre, but we feel that this falls outside the remit of our Association."

15. **Suffolk County Council Highways Authority:** Summary of comments. (See Working Paper 3 for full comments):
- The local road network remains within capacity in the future assessment year with development traffic.
 - Should this development come forward alongside either the Asda or Morrison's site, Willie Snaith Road junction with Exning Road will require suitable improvements.
 - The accesses to the site are considered adequate.
 - Parking provision is just adequate as long as the obligations are met to encourage travel by foot, bicycle and bus.
 - A Travel Plan will need to be implemented to ensure the sustainability in transport terms of the site.
 - Two 3m shared facilities are provided as part of this development.
 - The widening of National Cycle Route 51 between Willie Snaith Road and the existing footbridge to the rear of the site is provided as part of this development.
 - Three cycle infrastructure improvements are required to ensure the sustainability in transport terms of the site (see Figure 5)
 - The horse crossings at Rayes Lane and Fordham Road / Snailwell Road should be improved.
 - Alternative and improved public transport provision linkages are required, which will make accessing the site by bus more attractive. This may involve an improved bus route along Fordham Road (shown in green in Figure 6), or improved pedestrian links to the existing (blue) route
 - Residual Concerns:
 - Final agreement on the level of S106 contributions has not been reached.
 - It is not good design practice to mix HGV with residential traffic.
16. **Highways Agency:** *"As you know, the Highways Agency had a number of concerns relating to trip generation and trip distribution information within the transport assessment submitted in support of the application. Our particular interest was the potential impact of the proposed development on the A14/A142 junction (junction 37).*
- Vectos, the transport consultants acting for the applicant, provided an addendum to their transport assessment in response to the specific matters of concern raised by the Agency. On the basis of that work, the Agency considers that those matters have now been resolved and accept that the proposed development would not have a material impact on the A14 trunk road. Accordingly, the Agency does not intend to offer an objection to the planning application."*
17. **Suffolk County Council Fire:** no adverse comments. Request fire hydrant condition.
18. **Suffolk County Council Archaeology:** No objection subject to evaluation prior to determination.

19. **Suffolk County Council Planning Obligations Manager:** contributions required in relation to education, pre-school provision, transport issues, libraries, waste.
20. **Jockey Club Estates (on behalf of the Newmarket Horsemen's Group (NHG)):** Application should be determined in accordance with the development plan policies. Development Plan has policies to protect horseracing industry, retail development should only be approved in places that will not adversely affect the horseracing industry, transport assessments have not dealt properly with the issue of traffic and horses, horseracing industry is key component of the Newmarket economy and the impact of such developments needs to be properly assessed. Concerned about the impact the development will have on the town centre and particularly the High Street. Cumulative impact of Sainsbury's and Tesco must be considered, peak periods for horse movements need to be considered by the Highways Authority, Sainsbury's will create more traffic than Tesco. Need for contributions towards horse walk/crossing improvements along Fordham Road.
21. **Suffolk Wildlife Trust:** No objections. Condition recommended regarding ecological enhancement as part of the landscaping scheme.
22. **Sport England:** See Working Paper 4 attached to this report for the full comments of Sport England. In summary, Sport England raise no objections to the application subject to a satisfactory S106 Obligation to secure the appropriate phasing of the replacement facilities at GLPF, Newmarket Collage and Brickfield Stud. Sport England emphasise that their support for the GLPF proposals is dependent on planning consent being granted and implemented for the Brickfield Stud proposals. Should planning permission be refused on Brickfield Stud, then Sport England would maintain its objection to this application as the proposal would not meet exception E4 of their playing fields policy.

Officer note: Since making these comments in April, the application for Brickfield Stud which was due to be considered by the Development Control Committee on 1 May 2013, was deferred for more information about archaeology and trees and landscape. The following comments have been received from Sport England given that no decision has been made on Brickfield Stud yet:

From Sport England's perspective our position with regard to the proposals on George Lambton Playing Fields remains the same – we support the proposals subject to the subsequent approval of the application at Brickfield Stud and the implementation of the Brickfield Stud proposals in line with a phasing plan, details to be agreed ,but following the principles contained within my letter dated 25 April 2013.

I understand that the Brickfield Stud application will hopefully be considered shortly by the FHDC planning committee, and that any decision made by the committee regarding the GLPF proposals will be in principle subject to the signing of a s106 agreement. As this s106 agreement will presumably require the delivery of replacement playing fields at Brickfield Stud in line with an approved phasing plan, I am satisfied at this stage that the GLPF proposals can be considered by the committee on 22 May 2013 ahead of the determination of

the Brickfield Stud proposals as any s106 agreement will not be signed before the consideration of the Brickfield Stud proposals. In effect, there is a need to ensure that the GLPF proposals cannot commence until the Brickfield Stud proposals are approved and the phasing plan approved and implemented.

For the above reasons, Sport England remains supportive of the proposals for the George Lambton Playing Fields as set out in my letter of 25 April 2013.

23. **NHS Services: Suffolk:** There is a capacity deficit in the catchment GP surgeries and a developer contribution of £28,800 is required to mitigate the capital cost to NHS for the provision of additional healthcare services arising directly as a result of the development proposals. NHS is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF and Section 122 of the CIL Regulations, which require the obligation to be 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. IN conclusion, NHS raises a "holding objection" on the grounds that the applicant has not assessed the likely healthcare impacts of the development or provided for appropriate mitigation of those impacts. Notwithstanding the above, the NHS would be content to lift its objection in the event that an appropriate level of mitigation is proposed by the applicant and secured through a Section 106 Agreement. In this respect, it is considered that a developer contribution of £28,800 would fairly and reasonably address the identified healthcare impacts.
24. **FHDC Cultural Services:** We note comments received from Sport England in their letter dated 25th April 2013 and agree with their summary in relation to the phasing of the development.. We endorse these comments and can not add anything further at this stage. Should the Brickfield Stud proposals or another suitable location not come forward then we would have to object to the development on the grounds of loss of Playing Pitches and Public Open Space. We would need to see the relocation of the skatepark currently on GLPF to either Brickfield Stud or another suitable location in Newmarket. Discussions would need to be had over the exact timings of this relocation but suggest that it could wait until Phase 3 comes forward as long as there was no gap in provision. FHDC would be keen to offer the applicant support in terms of community engagement on such a project to ensure the relevance and suitability of a new relocated skatepark. The public open space requirement appears to have been met by the proposals, in terms of children's play, informal and natural green space. However the design and access statement on page 52 makes a mention of the possibility that the breakdown of unit types could change, which would possibly affect the requirement. The contribution for parks and sport provision will need to be met off site.
25. **FHDC Trees and Landscape Officer:** Initial concerns related to the future of the mature trees along the southern boundary of the site in relation to the proximity of the proposed access road and concern about lack of new landscaping particularly for the supermarket and car park. Amended plans submitted and additional discussions took place – there is now more landscaping and tree planting around the site and details have been submitted to show how the trees along the southern boundary will be treated and protected. No objections subject to conditions.

26. **FHDC Economic Development:** I have looked at the following four proposals and conclude that the comments below are relevant to each:

Tesco – F/2012/0704/FUL
Morrisons – F/2011/0712/FUL
Sainsbury’s – F/2011/0541/HYB
Asda – F/2013/0102/FUL

From an economic development point of view the main consideration is the impact of each of the proposals upon the vitality and viability of Newmarket town centre.

The role of town centres as traditional shopping destinations as we know, has been changing for some years. Current thinking is that there are a range of factors that contribute to the “health” of a town centre and these include:

- (i) Range of retailers represented (“shopper offer”)
- (ii) Diversity of uses (cultural, leisure, etc)
- (iii) Quality of environment
- (iv) Accessibility (not just by the car)
- (v) Numbers of empty properties
- (vi) Availability of premises (affordable rents)
- (vii) Perception of safety

In reality, the strongest town centres seem to be those that promote competitive town centre environments; provide customer choice and a diverse retail offer; and which reflect the individuality of the town centre. Whilst Newmarket town centre is not suffering as badly as a number of other town centres in the UK, given the economic climate, it would benefit from an increase in the range of retailers/providers present. Increasing the retail offer would result in reducing the number of local shoppers/visitors who choose to shop outside of the town.

The number of vacant retail premises in Newmarket is consistently within the range (5-10%) considered healthy by the Association of Town Centre Management (ATCM) and car parking statistics show a healthy level of patronage. Visitors to the town centre are able to share trips to service providers (solicitors etc); banks; shops; cultural activities; local government services and a range of food and drink establishments. However, Newmarket does not provide for all the needs of every resident and therefore there will be leakage from the town to other centres nearby, notably Cambridge.

In general terms, the fact that the existing Tesco supermarket on Fordham Road has been “over trading” (trading above its benchmark level) shows that there is demand for additional foodstore provision.

As far as the town centre is concerned it would be preferable for such a food store provision to be located as close as possible to the town centre to enable shoppers to make linked trips. However, we often see food shopping trips being single purpose trips but this is especially the case when they are located on the edge of centres.

Of the four proposals considered, the Asda scheme has the closest relationship with the existing town centre and therefore the greatest potential to support the existing traders and service providers.

Beyond location, the most crucial factor in whether such developments would have an adverse impact on the town centre is the amount of non-food "offer" i.e. the comparison goods. These goods are titled "comparison" because of the traditional way that people would shop in a town centre, from shop to shop comparing the offer. Out of town shops are easily accessible, tend to benefit from free car parking and have the luxury of space/land. They are often cited as unfair competition for premises located in traditional town centres. This goes beyond retailers to include service providers and food/drink establishments.

Of the four proposals considered, the Morrisons proposal has the lowest percentage of floorspace dedicated to comparison goods and therefore the least potential for direct competition for existing traders.

In my view, the Sainsbury's proposal has the greatest likelihood of adversely affecting the town centre due in part to its scale and location but mainly to the inclusion of the cinema, restaurants and non-food retail floorspace. The Sainsbury's proposal is too far from the town centre to enable obvious linked trips and it is likely to provide a one stop shop for leisure activities that would be in direct competition with the town centre.

In conclusion, increased competition should not necessarily be viewed as a mortal threat to the existing town centre; it is essential for the health of the town in ensuring there is a diverse retail offer. However, there is a balance to be struck in ensuring that the competition does not overwhelm the existing shops/offer. And the location (proximity to the existing town centre) of the increased offer is important to enable shoppers/visitors to make linked trips. Of the proposals submitted, the Asda scheme would appear to support the town centre the most and the Sainsbury's scheme would appear to have the most detrimental potential.

27. **FHDC Environmental Services:** No objections raised subject to conditions relating to contaminated land, construction method statement, construction hours Mon-Fri 8am to 6pm and Saturdays 8am to 1.30pm, concrete pouring, no generators outside construction hours, dust and mud mitigation, hours of deliveries, roll cages, loading hours, details of all ventilation and extraction systems.
28. However, an objection is raised to the residential element of the proposed development. The northern part of the proposed residential development would be located adjacent to Contego Packaging, a company which supplies patient information leaflets for the pharmaceutical industry. Contego have objected to the application as they are concerned that the presence of residential development in close proximity to their factory could result in complaints of noise nuisance. A noise assessment was commissioned by the applicant to address this issue. Noise from machinery such as the shredder in the factory will cause noise nuisance to any dwellings located close to the factory. The applicant has put forward a condition to be appended to any forthcoming consent, and a set of measures which would attenuate the noise in terms of

physical barriers at the boundary of the site, trickle ventilation in bedroom windows and layout and design of the dwellings. The condition would require a detailed assessment of noise and attenuation measures to be submitted along with the reserved matters details for the housing element of this scheme. The Council's Environmental Services Officer raises no objections to this approach.

30. **FHDC Forward Planning Manager:**
Local Plan Policies

Forest Heath Local Plan 1995 saved policies: **4.14, 5.4, 10.4, 10.5**,
Forest Heath Core Strategy 2010:

- CS1 – Spatial Strategy**
- CS2 – Natural Environment**
- CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change**
- CS5 – Design Quality and Local Distinctiveness**
- CS7 – Overall Housing Provision**
- CS9 – Affordable Housing Provision**
- CS11 – Retail and Town Centre Strategy**
- CS12 – Strategic Transport Improvement and Sustainable Transport**
- CS13 – Infrastructure and Developer Contributions**

Emerging Local Plan Policies

These policies currently carry limited weight when determining a planning application but do provide a possible indication of the direction of policy.

The **Site Specific Allocations Issues and Options** document was agreed for consultation by Development Control committee on the 21st April 2010. Consultation never took place as the Core Strategy was subject to a High Court Challenge. Work has now progressed on this document and an updated Issues and Options consultation is expected September/October 2013.

Policy 25 SSAN18, the George Lambton Playing Fields site (and land to the north of the site owned by Tesco), is allocated for appropriate mixed use development, provided that appropriate alternative playing field and amenity space provision is developed elsewhere within the town. Development on the site shall include the following elements:

- 120 dwellings of mixed size and type at a minimum net density of 35 dwellings per hectare within the housing development area,
- A minimum of 1 hectare of employment land to include provision for B1 Office use,
- Construction of a new retail super-store encompassing 3,400 sq. metres of convenience floor-space and appropriate provision for other services to meet the requirements of the town as identified in Policy CS11 of the Core Strategy.

The development will be subject to preparation of a Development Brief in accordance with this policy to demonstrate a high quality and sustainable urban design for the whole area. The Planning Brief shall be prepared in consultation

with and approved by Forest Heath District Council as a supplementary design statement before planning permission is granted and any permission will conform to the Brief. The Brief will include appropriate phasing of provision in accordance with Core Strategy policy CS7, ensuring that each phase of development makes suitable provision for the community facilities and infrastructure requirements listed below and that the first phase provides for relocation of the playing fields at present on the site to an alternative location before development commences. The brief must also provide for the satisfactory integration of new development with existing development located to the South in particular.

The development will provide for or contribute to the following community and infrastructure requirements:

- a proportionate contribution to improvements to the A14/A142 junction to the North East of the site,
- traffic management and calming measures on Fordham Road and elsewhere within the town centre,
- provision of bus stops on the radial route serving the Town Centre,
- provision of pedestrian and cycle routes,
- educational needs,
- a proportionate contribution to improvements to the provision of horse lanes and equine facilities through the built up area of Newmarket,
- a proportionate contribution to provision of a non-pitch sports facility and play area provision within the town,
- the implementation of measures identified in a transport assessment and travel plan,
- any measures required as a result of a Flood Risk Assessment,
- a renewable energy facility.
- Suitable replacement of temporary Park and Ride facility should this still be required.

Standard requirements for residential development will apply and include:

- On-site provision of affordable housing in accordance with policy CS9.
- Energy efficient construction.
- Contributions towards meeting any other identified community needs not identified above.

Policy 27 SSAN21, Land south of Exning Road and adjacent to Hamilton Road, is allocated for development, only should an appropriate scheme for site SSAN18, known as George Lambton Playing Fields, first be approved. The site will be allocated for appropriate mixed use development to include a minimum of 9 hectares of recreational space.

Open space must be made available for use by the general public and include at least a replacement of the number of sports pitches required to be relocated from George Lambton Playing Fields site. Within the 9 hectares of recreational space, land should be made available to accommodate Newmarket Town Football Club and appropriate provision should be made for car parking and the Club's training facilities.

The development will be subject to the preparation of a Design Brief, in accordance with this policy, that will be prepared in consultation with and approved by Forest Heath District Council before planning permission is granted.

The development will provide for or contribute to the following community and infrastructure requirements:

- road traffic network improvements on the Exning Road and within the town more generally,
- provision of pedestrian and cycle routes,
- the implementation of measures identified in a transport assessment and travel plan,
- any measures required as a result of a Flood Risk Assessment.

The **Development Management Policies Proposed Submission** document was consulted upon in October 2012. This document maintains a higher degree of weight than the Site Specific Allocations as it is further along in the Plan making process. The proposed submission is considered the Councils final document prior to submission to the Secretary of State. Weight attached to the document is still limited but gives a good indication of policy direction.

Policies DM1 (Presumption in favour of sustainable development), DM2 (Creating Places – Development Principles and Local Distinctiveness) and DM7 (Sustainable Design and Construction), DM23 Residential Design, DM42 (Open Space Sport and Recreation Facilities), DM45 Transport Assessments and Travel Plans

General Comment

The site which is located to the North of the town centre comprises playing fields and a temporary Park & Ride facility in the North East corner. The site was previously allocated in the Local Plan, (adopted in 1995), for development as a 'business/science park', subject to satisfactory new amenity facilities being identified and provided elsewhere in the town Policy 5.4 and 10.4. There is existing residential development to the south west of the site and a school immediately to the South. Tesco supermarket lies to the North of the site.

There is a need to provide new housing in the District in accordance with Policy CS7 of the Core Strategy.

The allocation requires a requirement for a compensatory allocation elsewhere within the town with the loss of the George Lambton Playing Fields.

This proposal seeks to amend the adopted Local Plan allocation, which has not been implemented in 15 years with a scheme in accordance with the emerging Site Specific Allocations policy. The relocation of the George Lambton Playing fields is a key determining factor with this application. In accordance with the NPPF, if a suitable alternative location for the sport and open space facilities can be found (not necessarily Pinewood Stud – which could be 'halting development'). This would resolve this policy constraint.

The retail argument for the Sainsbury's proposal is set out within the Retail Report.

31. **FHDC Strategic Housing:** On the basis of the information provided we would be seeking the following affordable housing:

- 10 x 2 bed houses
- 8 x 3 bed houses
- 2 x 2 bed disabled adapted bungalows
- 1 x 3 bed disabled adapted bungalow
- 1 x 2 bed bungalow
- 5 x 4 bed houses

We would prefer a 30/70% split of social rented/shared ownership tenure with 5 x 2 bed and 3 x 3 bed being shared ownership. Depending on when phase 3 comes forward, these requirements may change – it would preferable to have a clause in the S106 Obligation which deals with the mix to be agreed in the future.

32. **FHDC Sustainability Consultant:** No objections subject to conditions regarding sustainability measures and BREEAM assessments

33. **FHDC Retail Consultant (Dr Steven Norris, Strategic Perspectives):** The Council appointed Dr Steven Norris of Strategic Perspectives to provide a report giving a review and appraisal of the proposed supermarket applications in Newmarket. Initially he assessed proposals submitted by Tesco, Sainsbury's and Morrison's and produced a report in May 2012. In May of 2012 the Asda proposals (now withdrawn) were submitted and Dr Norris produced his assessment of the Asda scheme, as it was, in July 2012. New submissions and representations from some of the retailers followed and given the time that the proposals were taking to consider, the Council asked Dr Norris to produce a consolidated review of all retail comments made, along with new submissions and taking into account up to date retail and population data. This updated appraisal has been prepared in the context of the Council's development plan and other relevant material considerations, principally the National Planning Policy Framework (NPPF) published in March 2012. It also draws on the advice set out in the Practice Guidance on Need, Impact and the Sequential Approach. Finally, this updated appraisal also takes account of the key findings and recommendations of the 2006 Retail and Town Centre Study (2006 RTCS) prepared for the Council by GVA, which informed the preparation of the adopted Core Strategy, along with the more recent Retail and Town Centre Study Update (2012, RTCSU) prepared by Strategic Perspectives for the Council.

34. In his report, Dr Norris describes the nature of the different proposals, including the scale and mix of their (food and non-food) floorspace, and their trading characteristics. This provides the context for both the sequential and impact assessments. He then sets out the national and local planning policy context against which the application proposals have been assessed. The retail context for the assessment is explained. This includes an update of the retail capacity assessment, a review of Newmarket's vitality and viability and a market share analysis of food and non-food shopping provision in the District and wider based on the household survey carried out in 2011 to inform the update of the Retail and Town Centre Study (RTCS) Update by Strategic Perspectives. An updated

review and appraisal of the sequential site assessments carried out by each applicant in compliance with the NPPF is provided. He reviews and critiques the impact approaches adopted by the applicants. Where necessary, their assumptions and forecasts are updated to reflect the key findings of Strategic Perspective's recent update of the 2006 RTCS. This provides the important technical background to his assessment of the impact of each proposal on in-centre turnover. Finally, there is an update of the assessment of the potential 'solus' impact of each application, and a consideration of the likely implications for any planned investment in Newmarket and the town centre's overall vitality and viability in compliance with the NPPF. There is also an assessment of the likely 'cumulative' impacts of allowing two stores in Newmarket.

35. Extracts from the Updated Review and Appraisal of Foodstore Planning Applications in Newmarket April 2013 :

Para 2.21: *"Based on the most recent published average sales densities for Sainsbury's, we consider that Indigo has under-estimated both the potential convenience and comparison goods turnover of the proposed store. In our judgement the store is capable of achieving an average convenience sales level of £12,500 per m², rather than the £11,105 per m² assumed by Indigo. For comparison goods we consider that an average sale level of circa £7,500 per m² is more appropriate in this case."*

Para 2.22: *"The table below shows the higher turnover figures for Sainsbury's based on our analysis. As the table shows, we forecast that the proposed store's total turnover will be £41.9m, which is some £6.8m higher than assumed by Indigo."*

Sainsbury's – Revised Forecast Turnover

	<i>m² (net)</i>	<i>Sales Density (£/m²)</i>	<i>Turnover (£m)</i>
<i>Convenience Floorspace:</i>	<i>2,727</i>	<i>12,500</i>	<i>34.09</i>
<i>Comparison Floorspace:</i>	<i>1,043</i>	<i>7,500</i>	<i>7.82</i>
TOTAL:	3,770		41.91

Para 2.23 to 2.30: *With regard to the "other" non-food retail floorspace (3,414m² net), Indigo assumed in the 2011 RLS that the non-food units would achieve a total turnover of £13.7m based on an average sales density of £4,000 per m² (Table 8, Appendix 6). Indigo explained that the average turnover figure for the total non-food floorspace was informed by the published company averages for the likely operators (paragraph 6.29); namely an electrical retailer (trading at circa £6,000 per m²), a furniture retailer (c.£4,000 per m²) and a carpet retailer (c.£1,000 per m²). Indigo stated that in the absence of specific occupiers this was a "robust assumption" (paragraph 6.29).*

In our May 2012 appraisal of Indigo's approach, we considered that the turnover estimate for the other non-food floorspace of £13.7m was a reasonable and robust assumption in this case.

Subsequent to this, Indigo confirmed in their August 2012 Supplementary Retail and Leisure Assessment (SRLA) that the applicant was prepared to accept a condition limiting the range of goods that can be sold from the other comparison (non-Sainsbury's) floorspace proposed for the GLPF site. Indigo (paragraph 2.21) proposed the following wording:

"The premises shall be used for the sale of the following goods and for no other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:

*DIY and gardening goods;
Furniture and furnishings;
Carpets and floor coverings."*

As Indigo state in the SRLA (paragraph 2.22), the range of goods identified have been specifically selected to avoid any material competition with town centre retailers. For example, a typical "bulky goods" condition would allow for the sale of electrical goods, but to avoid any impact on existing electrical retailers in the town centre (e.g. Hughes Electrical), they have excluded electrical goods from the suggested conditions.

In light of the proposed condition, it is appropriate to re-assess the likely turnover of the other non-food units. Indigo state that a more realistic sales density would be £2,000 per m², which would effectively halve the total turnover of the other non-food floorspace to £6.83m (down from £13.7m as originally assessed).

We consider that this is a reasonable assumption and approach in this case if the floorspace is conditioned by the Council as proposed. If this is the case then we advise the Council that such a condition would reduce the impact of the non-food element of the application on the town centre's overall turnover.

Subsequent to this, Indigo indicated in their most recent letter to the Council (dated 12th February 2013) that the non-food floorspace will now be occupied by a DIY store. Although no specific operator is mentioned in Indigo's letter (and we are not sure whether the Council is aware of a named operator), we advise the Council that they should now seek to condition the proposed floorspace for just DIY and gardening goods.

Overall, the total non-food turnover of the Sainsbury's and non-food retail units will be reduced to £14.6m, from the circa £21.5m we assumed in our original May 2012 appraisal (based on unconditioned floorspace)."

Para 5.33 to 5.35: "With regard to the cinema proposed as part of the hybrid application for the GLPF site, our 2012 appraisals referred to the potential to accommodate a cinema use in the current building occupied by TK Maxx, and

other potential sites in the town centre, assuming some flexibility in terms of format and scale.

"The building currently occupied by TK Maxx (and previously by Waitrose) is owned freehold by FHDC and is located outside of the Conservation Area. The SSA DPD also identified this site/unit (SSAN/26) for redevelopment for appropriate town centre uses, having regard to the Conservation Area and adjoining Palace House/Palace House Stables. As landowner of the site, we considered in our 2012 appraisals that the Council had the ability to either bring it forward for redevelopment, or to promote an alternative use (such as a cinema), subject to viability testing (including, inter alia, the consideration of the likely significant impacts of such a change upon the terms of its long term lease and the wider impact upon Council finances and operations). We concluded that it was for the Council to assess whether a new cinema could realistically be brought forward on this site within the development plan period.

"Subsequent to our advice, the Council has recently informed SP that although there is a desire to provide a cinema in the town centre, it is not possible for the Council to confirm at this stage that a site has been identified, planned or committed. As a result we now conclude that it is not currently available to meet the identified need. We are also not aware of any emerging plans by the owners of The Guineas to provide a potential new cinema on the site that currently has extant permission for an extension to the existing shopping centre."

Para 5.47: "Both the Tesco and Sainsbury's are more remote from the town centre and it is not possible to distinguish between them in sequential terms. However, it is material to our assessment that Tesco is seeking a replacement store, whereas Sainsbury's is seeking a new store alongside other town centre uses on the adjacent GLPF site. The Sainsbury's store and the other mixed (town centre) uses proposed as part of the overall (hybrid) application would clearly increase the critical mass of retail and leisure uses in this location, and result in a significant alternative shopping destination to the town centre."

Para 5.53: "As for the cinema proposed as part of the hybrid application for the GLPF site, the Practice Guidance states that the issue of availability and the sequential approach have to be considered together with the impact of development occurring in edge or out of centre locations, and the long term consequences for town centres. It concludes that "...whether it is appropriate to assess availability over three to five years, or a longer time period will depend upon local circumstances" (paragraph 6.39). Although there is an identified need for a cinema in the town centre to help improve the town's daytime and particularly its evening economy, we have nevertheless been informed by FHDC that there are currently no sites and/or buildings that could accommodate as cinema, assuming flexibility in terms of its scale and format."

Para 10.5 to 10.7: "As the table shows, we accept that the proposed store will draw the majority (60% or £20.8m) of its total forecast turnover from the existing Tesco store adjacent to the application site. This would reduce Tesco's survey-derived turnover to £38.3m in 2018; although this would still be above its (survey-derived) potential turnover of £3.7m.

"We also forecast that the proposed Sainsbury's will draw 20% (£6.9m) of its turnover from Waitrose. Based on our updated turnover estimates, this level of trade diversion would reduce Waitrose's survey-derived turnover to £21.4m, which is broadly equivalent to its 'benchmark' turnover of £21.6m. The forecast impact on Waitrose's existing turnover would be -24.5%.

"Finally we forecast that Sainsbury's will draw 5% (£1.74m) of its convenience turnover from the town centre's other food and convenience stores. This would be equivalent to an impact on the town's other stores (i.e. excluding Waitrose) of -20.6%."

Para 10.8 and 10.9: "It should be noted that Indigo differs from SP in terms of their treatment of the Waitrose store. Specifically Indigo state that Waitrose should be treated as being an edge-of-centre store and therefore any impact on the store it is not a planning policy matter but "...purely a matter of competition" (RLS, paragraph 6.23). In response we maintain our view that any trade draw and impact on this important store, which effectively 'anchors' the town's overall food and convenience offer, is an important policy consideration for FHDC. The research shows that Waitrose generates significant linked trips, footfall and 'spin-off' expenditure to other shops and facilities in the town centre. The evidence from the Council's 2006 RTCS and the 2012 RTCS Update also confirm the importance of Waitrose to the town's overall vitality and viability. This was underlined by the findings of the 2006 RTCS which concluded that Waitrose:

"...is a strong pull in the District ... and the Council should aim to maintain its dominant position in the catchment area over the LDF period. The Council should monitor proposals for major food superstores within and beyond the district that may impact on the store's turnover and consequent health of the town centre".

"SP's 2012 RTCS further confirmed these earlier findings and recommendations. It concludes, for example, that Waitrose is "...well connected to the primary shopping area and provides significant benefits to other shops and facilities in the town centre through linked trips and spin-off expenditure". In this context, if Waitrose was to experience a significant adverse impact, possibly resulting in its closure for example, this would result in a significant adverse impact on the town centre's overall vitality and viability, as well as on market and investment confidence in the town as a shopping location. The importance of Waitrose to the town's overall shopping offer, and specifically its food and convenience offer, is reflected by the fact that FHDC propose to extend the town's primary shopping area and town centre boundary to include the Waitrose store. In our judgement this is fully in compliance with the requirements of the NPPF (paragraph 23) and the advice set out in the Practice Guidance, and reflects the fact that Waitrose is an integral part of the town centre. In conclusion we do not consider that it is appropriate or realistic in this case to simply "divorce" Waitrose from the rest of the town centre."

Para 10.19 and 10.20: "Overall we forecast that the proposals for new food and non-food retail on the GLPF site will divert some £11.5m from the town centre. Assuming a total (convenience and comparison) turnover for the town centre of £132.8m, this draw is equivalent to a forecast impact of -8.7% on Newmarket as a whole (including Waitrose).

"As for our assessment of the Morrisons and Tesco applications, we conclude that Sainsbury's will not generate additional new linked trips and expenditure to the town centre through 'claw back'. Furthermore, because the proposed store will divert shoppers and trade from the town centre to an out-of-centre location, it is likely that it will have an additional impact on the town's overall turnover due to the loss of expenditure arising from linked trips. Assuming that that 'linked trip' expenditure represents an additional circa 10% (£1.15m) of the total forecast trade draw from the town centre, then this would increase the total trade draw from the town centre to circa £12.6m and the forecast impact would rise to -9.5%."

Para 10.23: "We advise the Council that, by itself, the foodstore and separate non-food retail floorspace proposed as part of the hybrid application would increase competition and choice for Newmarket's residents as an alternative to the current Tesco and Waitrose, and would not harm the overall vitality and viability of the town centre."

Para 10.24 to 10.27: "Notwithstanding this, we are still of the view that allowing the scale and type of retail and commercial leisure uses on the GLPF site, which is adjacent to the existing Tesco store and close to Studlands Retail Park, does not represent the preferred option for meeting the identified need for a new foodstore in Newmarket. Allowing a second foodstore in this location would not result in the same positive benefits that would arise from either the Asda or Morrisons foodstore proposals in terms of, inter alia, creating an efficient and appropriate distribution of facilities, and meeting the needs of as wide a range of customers as possible; particularly those living in more deprived areas and the less mobile."

"Also, despite Indigo's representations on the matter, we are still concerned that the proposed 7-screen cinema and restaurant uses in this location, alongside the retail floorspace, would have a significant adverse impact on the town centre's overall vitality and viability. Although we now accept that there are no immediately available sequential sites in the town centre that could accommodate a cinema, the evidence shows that Newmarket town centre's leisure and entertainment offer is limited and of poor quality. As we stated in our 2012 Appraisals and in our letter to the Council (dated 28th September), we remain of the view that if a decision is taken to allow a cinema as part of the GLPF application, then it will effectively "blight" any opportunity to attract new investment from a cinema operator into the town centre in the future."

"Allowing a cinema, restaurants and other uses at the GLPF site would create a significant critical mass of retail and leisure uses in an out-of-centre location, trading "side-by-side" with Tesco. In our view this would have a significant impact on the town's wider evening and night time economy, and its overall vitality and viability. We consider that this would be contrary to Policy CS11 of the adopted Core Strategy, the Town Council's Vision and the findings of the Council's retail and town centre studies which identify the need for a cinema in the town centre."

"A decision to allow a cinema in an out-of-centre location is a decision that cannot and should not be taken lightly by the Council at the current time. Notwithstanding our advice, Indigo are correct where they state that it is for the

Council officers, Councillors and the public to "weigh-up the value of providing a cinema in Newmarket in assessing the competing retail schemes".

Para 10.28 and 10.29: "In summary, although we consider that the food and non-food retail floorspace proposed as part of the GLPF application site will not by itself have a significant adverse impact on the vitality and viability of the town centre, we still remain of the view that the proposed commercial leisure uses (specifically the 7-screen cinema) would result in a significant adverse impact on Newmarket town centre's overall vitality and viability.

"In our judgement the co-location of the proposed Sainsbury's, cinema, restaurants and non-food floorspace on the GLPF site adjacent to the existing Tesco and in close proximity to Studlands Retail Park would result in a significant critical mass of retail and leisure uses outside of the town centre. This would create a major alternative shopping and leisure destination to the town centre, and a "honeypot" for a wide range of shopping and leisure activities that would compete with the town centre for visitors, footfall and expenditure."

Para 12.1: "The hybrid application for a foodstore, non-food 'bulky goods' DIY retail unit, 7-screen cinema and restaurants on the GLPF site is the least preferred option."

See working paper 5 for Strategic Perspectives response to Indigo Planning's letter (Working Paper 2)

The full report from Strategic Perspectives and their previous assessments can be viewed on the Council's website using this link:

<http://www.eplan.forest-heath.gov.uk/mvm/online/dms/DocumentViewerComments.aspx?PK=533752&SearchType=Comments>

REPRESENTATIONS: NB. The full comments of each respondent are available to view on the Council's website see following link:

<http://www.eplan.forest-heath.gov.uk/mvm/online/dms/DocumentViewerComments.aspx?PK=533752&SearchType=Comments>

36. **Newmarket Town Council:** Object to the application on the following grounds:
- Loss of community open space
 - Increase of traffic
 - Detrimental effect on Newmarket's Horseracing Heritage
 - Detrimental effect on Newmarket's Rural Character
37. **Save Historic Newmarket Action Group (SHNAG):** Object to the application, no decision should be made until the Retail Study update has been published. Application should be refused.

38. **Newmarket Retailers Association (NRA):** Grave concerns about the longterm harm granting developments of this size would do to our town centre, against the scale of out of town development proposed on both Tesco and Sainsburys sites, Newmarket town centre is 13,650 square metres of comparison floorspace – Sainsburys development will be 4,457 square metres, development plan and national framework has policies to protect town centres, the retailers association are strongly against the massive expansion of Tesco and the new development including a new Sainsbury store due to its overwhelming size of these proposals and their inevitable impact on our town centre.
39. **Newmarket and District Chamber of Commerce:** “It is recognised that Newmarket has a thriving horse racing industry and is unique in this respect; however it is also important that we do not overlook the contribution that many other businesses make, both economically and socially, to the town. It is vital that we plan for and encourage all local new start-up and incoming companies as these will be the employers of the future, alongside offering support to established businesses that are already within the town and local area.

We are aware of the objections being raised to the various planning applications currently under review and we understand that some recommendations are in contravention of the longstanding Horse Racing Policy to protect racing land and also affect community open spaces. Although we do not aim to comment on these in depth we are keen to support the objections lodged by The Retailers Association to protect the vital town centre retail businesses and those lodged by Newmarket Horsemen’s Group, The Jockey Club and Save Historic Newmarket in support of the Horse Racing Policy which is in place to protect the buildings and land which fall within it.”

40. **Barton Willmore on behalf of Waitrose:** Waitrose object to the application on the basis that compliance with the sequential test has not been demonstrated, there are significant failings in the impact assessment which cannot be considered robust. The full effects on Newmarket town centre have not been fully and properly assessed, the proposed foodstore will result in a significant adverse impact on the town centre contrary to national and local retail policy. The potential cumulative impact of the four supermarket proposals also needs to be fully assessed. Capacity in terms of convenience floorspace could support an additional foodstore, Waitrose is a key town centre stakeholder with linked trips being very important to the town centre, important anchor store, reduction in market share is extremely important, cumulative impact of approving more than one store needs to be considered carefully. Given its falling market share and consequent vulnerability to further loss of trade, Waitrose is concerned about the potential cumulative impact that more than one store could have on the store and the wider town centre.
41. **Jones Lang Lasalle (on behalf of Newmarket General Partner Ltd – owners of the Guineas Shopping Centre):** Application site is allocated under saved Policy 5.4 of the local plan for employment/business use and therefore the proposals are contrary to that policy. We note the work regarding the Site specific Allocations but these can be afforded little weight at this point. The provision of a significant amount of retail space in this out of centre location would have a detrimental impact on existing and future investment in Newmarket Town Centre. The comparison retail floorspace proposed would be

in direct competition with, and divert trade/turnover from the town centre. The convenience retail floorspace proposed in this out of centre location would also have a negative impact on the health of the town centre, which is dependent on food being one of its key anchors. The application proposals which include leisure uses would have the effect of creating a competing out of town centre, not just for retail but also for leisure, which would be in direct competition with the town centre. This would strengthen the draw away from the town centre and threaten existing and future investment from complementary leisure operators. Forest Heath's employment land review of 2006 concludes that the site should be retained for employment use. The application should be refused.

42. **NJL Consulting (on behalf of the Co-operative Group):** concerned about impact of the development on the co-op at Elizabeth Parade, concerned about the prospect of more than one foodstore being approved could have a serious impact on smaller, local centre type shops, such as Elizabeth Parade.
43. **Save Historic Newmarket Action Group (SHNAG):** Object to the application, no decision should be made until the Retail Study update has been published. Application should be refused.
44. **Contego Packaging:** Concerned about the proposed residential development in phase 3 being located close to their factory. Concerned that their normal operation of noisy equipment may result in complaints from new occupiers of the site, which could, in turn, impact on the efficient operation of their business from the site.
45. **Unex:** the Asda site is a more sequentially preferable site to the other 3 supermarkets proposals.
46. **Letters of objection** received from 1,2 and 3 Hatchfield Farm Cottages Fordham Road, St Albans 47 Freshfields, 13 Doug Smith Close, 5 Engelhard Road, 9 Collings Place, 56 Leaders Way, Trainers House Moulton Paddocks and 1 email with no postal address given raising the following objections:
 - Loss of public open space in the right location
 - Impact on wildlife
 - Increased traffic
 - Too close to Tesco
 - Doesn't provide for better consumer choice
 - Improvements to the college don't go far enough in terms of compensating for the loss of public open space
 - Noise, light and odour concerns in relation to location of drive through restaurant close to existing dwellings on Fordham Road – Hatchfield Cottages
 - Need to ensure that the town has sufficient recreational facilities before approving other new development in the town
 - Question the need for a drive through restaurant
 - Need noise attenuation adjacent to Fordham Road
 - Impact of the development on the horseracing industry – particularly in relation to increased traffic
 - Dangerous access onto Fordham Road
 - Existing lack of pitches
 - Middle school playing fields not available anymore

- Where will the skatepark be relocated to – important community asset

Petition of 252 signatures received objecting to this application and the (now approved) improvements to Newmarket College

47. **Letters of support** received from 60 addresses in Newmarket and surrounding area and 8 emails with no postal address given making the following points:

- Will bring new facilities to the town
- Improvements to the college site are to be welcomed
- Will be good for Tesco to have competition
- Will boost the local economy
- Cinema is a great idea, especially for young people
- Will bring more employment
- Cinema is a need identified in the Vision for Newmarket document
- Whole package will result in better facilities for Newmarket Town football club and better facilities for youth football in Newmarket – most youth team play at Dullingham at present

DEVELOPMENT PLAN:

48. Local Plan Policies

Forest Heath Local Plan 1995 saved policies: **4.14, 5.4, 10.4, 10.5, 12.4**

Saved Policy 4.14 deals with residential development on windfall sites in towns:

Within the towns housing development in the form of estates will normally be permitted on sites allocated on the proposals map. There may also be opportunity for estate development on redevelopment sites, and groups of dwellings or infilling developments to be built. Such Proposals will normally be permitted provided that:

- A) they are within the development boundary as defined on the proposals map;
- B) they do not result in the loss of residential or visual amenity;
- C) they do not result in the loss of a valuable open space, a viable employment site or other important community use;
- D) they are not detrimental to significant nature conservation interests;
- E) their layout and design respects the established pattern and character of development in the locality.

Saved Policy 5.4 applies to the application site and states:

“A site of 8 hectares is allocated as a business/science park on the George Lambton Playing Fields as shown on the proposals map. No development will be permitted involving the use, storage or production of toxic or persistent materials. Surface water drainage will require special consideration. This proposal is dependent upon provision of satisfactory new recreation facilities elsewhere in the town.”

Saved Policy 10.4 relates to the site known as Pinewood Stud, south west of Exning Road and accessed off Hamilton Road:

"A site is allocated for recreation and sports facility development to the west of Exning Road."

Saved Policy 10.5 states: "Proposals which involve the loss of an existing or proposed public or private open space or recreational facility, identified on the inset maps as an important amenity area, will be judged against the overall needs of the community, the impact of the development on the local environment, adopted standards of provision, the availability of facilities elsewhere, and arrangements to provide suitable alternative provision. "

Saved Policy 12.4 states: The change of use of racehorse training establishments will not be permitted. Similarly, any development which would adversely affect their operation will not be allowed.

Forest Heath Core Strategy 2010: **CS1, CS2, CS4, CS5, CS7, CS9, CS11, CS12 and CS13**

In relation to retail policy and Newmarket specifically:

The Spatial Vision states:

'...the market towns of Forest Heath will have a viable and vibrant retail offering with a range of local and national outlets offering a wide range of goods. Smaller centres will have a sufficient retail offer to accommodate the needs of their respective local catchments.'

Newmarket Vision states

'...Newmarket's facilities and retail offerings will have been developed and expanded.'

The Spatial Objectives. ECO 4 states;

To deliver urban regeneration projects in Brandon, Mildenhall and Newmarket to develop and support thriving service centres in our market towns including appropriate retail development and provision of community and leisure services in order to reduce leakage of expenditure on these services and centres outside the District.

Forest Heath Core Strategy: Policy CS11 Retail and Town Centre Strategy:

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of towns, including the provision of additional retail floorspace as outlined in the table below:

Town	Net Convenience	New Comparison	Total Floorspace (net)
Newmarket	4500 sq metres	10500 sq metres	15000 sq metres

Developments that cumulatively exceed these levels may still be approved, provided that qualitative benefits result or it can be demonstrated that such development assists in clawing back leakage of expenditure that would be expected to support that centre. New development must not have an adverse impact on the highway network or on biodiversity/geodiversity. Where

appropriate the Council will seek to develop town centre management plans for the relevant centres in the District.

The vitality of the towns will be maintained and enhanced, in accordance with their identified role in the spatial strategy, through a combination of promotional or physical improvement measures:

New retail development in Newmarket should be of an appropriate scale to cater for the identified need, estimated to be around 15,000 square metres (net) between 2006 and 2021. The town's international cultural reputation as the headquarters of horse racing will be developed and links between leisure facilities and retail or other town centre facilities will be improved.

49. Emerging Local Plan Policies These policies carry limited weight when determining a planning application but do provide an indication of the direction of policy.

The **Site Specific Allocations Issues and Options** document was agreed for consultation by Development Control committee on the 21st April 2010. Consultation never took place as the Core Strategy was subject to a High Court Challenge. Work has now progressed on this document and an updated Issues and Options consultation is expected September/October 2013

Policy 25 SSAN18, the George Lambton Playing Fields site (and land to the north of the site owned by Tesco), is allocated for appropriate mixed use development, provided that appropriate alternative playing field and amenity space provision is developed elsewhere within the town. Development on the site shall include the following elements:

- 120 dwellings of mixed size and type at a minimum net density of 35 dwellings per hectare within the housing development area,
- A minimum of 1 hectare of employment land to include provision for B1 Office use,
- Construction of a new retail super-store encompassing 3,400 sq. metres of convenience floor-space and appropriate provision for other services to meet the requirements of the town as identified in Policy CS11 of the Core Strategy.

The development will be subject to preparation of a Development Brief in accordance with this policy to demonstrate a high quality and sustainable urban design for the whole area. The Planning Brief shall be prepared in consultation with and approved by Forest Heath District Council as a supplementary design statement before planning permission is granted and any permission will conform to the Brief. The Brief will include appropriate phasing of provision in accordance with Core Strategy policy CS7, ensuring that each phase of development makes suitable provision for the community facilities and infrastructure requirements listed below and that the first phase provides for relocation of the playing fields at present on the site to an alternative location before development commences. The brief must also provide for the satisfactory integration of new development with existing development located to the South in particular.

The development will provide for or contribute to the following community and infrastructure requirements:

- a proportionate contribution to improvements to the A14/A142 junction to the North East of the site,
- traffic management and calming measures on Fordham Road and elsewhere within the town centre,
- provision of bus stops on the radial route serving the Town Centre,
- provision of pedestrian and cycle routes,
- educational needs,
- a proportionate contribution to improvements to the provision of horse lanes and equine facilities through the built up area of Newmarket,
- a proportionate contribution to provision of a non-pitch sports facility and play area provision within the town,
- the implementation of measures identified in a transport assessment and travel plan,
- any measures required as a result of a Flood Risk Assessment,
- a renewable energy facility.
- Suitable replacement of temporary Park and Ride facility should this still be required.

Standard requirements for residential development will apply and include:

- On-site provision of affordable housing in accordance with policy CS9.
- Energy efficient construction.
- Contributions towards meeting any other identified community needs not identified above.

Policy 27 SSAN21, (Pinewood Stud site) Land south of Exning Road and adjacent to Hamilton Road, is allocated for development, only should an appropriate scheme for site SSAN18, known as George Lambton Playing Fields, first be approved. The site will be allocated for appropriate mixed use development to include a minimum of 9 hectares of recreational space.

Open space must be made available for use by the general public and include at least a replacement of the number of sports pitches required to be relocated from George Lambton Playing Fields site. Within the 9 hectares of recreational space, land should be made available to accommodate Newmarket Town Football Club and appropriate provision should be made for car parking and the Club's training facilities.

The development will be subject to the preparation of a Design Brief, in accordance with this policy, that will be prepared in consultation with and approved by Forest Heath District Council before planning permission is granted.

The development will provide for or contribute to the following community and infrastructure requirements:

- road traffic network improvements on the Exning Road and within the town more generally,

- provision of pedestrian and cycle routes,
- the implementation of measures identified in a transport assessment and travel plan,
- any measures required as a result of a Flood Risk Assessment.

The **Development Management Policies Proposed Submission** document was consulted upon in October 2012. This document maintains a higher degree of weight than the Site Specific Allocations as it is further along in the Plan making process. The proposed submission is considered the Council's final document prior to submission to the Secretary of State. Weight attached to the document is still limited but gives a good indication of policy direction.

Policies DM1 (Presumption in favour of sustainable development), DM2 (Creating Places – Development Principles and Local Distinctiveness) and DM7 (Sustainable Design and Construction), DM23 Residential Design, DM42 (Open Space Sport and Recreation Facilities), DM45 Transport Assessments and Travel Plans

OTHER PLANNING POLICY:

50. National Planning Policy Framework 2012

The NPPF sets out clear guidelines to local authorities with regards to plan-making and the determination of applications for sustainable economic development. At its heart is the presumption in favour of sustainable development, which is seen as "*a golden thread running through both plan-making and decision-taking*" (paragraph 14). In summary, the NPPF reinforces the Government's key commitment to ensure that the planning system does everything it can to support economic growth and sustainable development.

Paragraph 12 states:

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 22 states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The NPPF (paragraph 23) requires local planning authorities to meet the scale and type of retail, leisure and other town centre uses in full over the development plan period, and it states that this should not be compromised by limited site availability.

Paragraph 24 states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 25 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Paragraph 74 seeks to protect existing open spaces, sports and recreational buildings and land, including playing fields unless it can be proved they are no longer needed or an appropriate alternative arrangement is being provided.

Paragraph 123 states that "Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development...."

OFFICER COMMENT:

51. Introduction:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plan documents are the 'saved' policies in the Forest Heath Local Plan, adopted in 1995, and the Council's Core Strategy which was adopted in May 2010 and amended in April 2011 following a successful High Court Challenge which quashed the majority of Policy CS7 (Housing Provision and Distribution). The Core Strategy sets out the vision, objectives, spatial strategy and overarching policies for Forest Heath District. It also guides the provision of new development in the District up to 2026, with retail targets until 2021 and looking ahead to 2031 for residential growth.

52. The starting point for the consideration of this application has to be the development plan and national policy set out in the National Planning Policy Framework (the Framework) as well as the advice from the Council's Retail Consultant, Dr Steve Norris of Strategic Perspectives. Other issues to consider in determining the application relate to the provision of alternative public open space and facilities, highways issues, impact on the horseracing industry, trees and landscape, and matters relating to the impact of noise from an adjoining factory on the proposed residential element of the scheme and other site specific matters
53. **Policy background:** The site lies within the development boundary of Newmarket and is allocated in the local plan under saved policy 5.4 for business/science park use. An allied saved policy in the local plan (saved policy 10.4) allocates open space on a site known as Pinewood Stud and the supporting text to that policy identifies it as a suitable site for the replacement open space proposed to be lost as a result of the redevelopment of the GLPF for business use. This proposal seeks , in effect, to amend the adopted Local Plan allocation, which has not been implemented in 17 years with a scheme in accordance with the emerging Site Specific Allocations policy. The relocation of the open space and facilities at the George Lambton Playing Fields (GLPF) is a key determining factor with this application. In accordance with the NPPF, if a suitable alternative location for the sport and open space facilities can be found (not necessarily Pinewood Stud – which could be 'halting development'). This would resolve this policy constraint relating to mitigation for the loss of public open space at GLPF.

Whilst very little weight can be afforded to the emerging Site Specific Allocations policy in this regard, it is not considered that a policy objection could be raised to the proposed use not being in compliance with Policy 5.4 – this policy has not come forward since the plan was adopted almost 18 years ago and paragraph 22 of the Framework states "*Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*" In this instance and in the context of the Core Strategy and the guiding principles of the Framework, the proposed mixed use would address policy CS11 (subject to appropriate testing) in relation to retail growth for Newmarket, would provide employment through the various retail and leisure uses proposed and would provide housing in the most sustainable settlement in the district at a time when the Council does not have a 5 year land supply. On this basis, it is not considered appropriate to raise an objection to the principle of the development based on the saved local plan policy 5.4 which allocates the site for business/science park.

54. Saved policy 4.14 of the local plan deals with windfall sites within towns. Phase 3 of this scheme proposes residential development and builds on the emerging Site Specific Allocation referred to in the policy section of this report. This element of the scheme falls to be considered under saved policy 4.14 which is a criteria based policy which states that residential development will normally be permitted subject to a list of criteria detailed in paragraph 48 of this report. In assessing the proposals, the site is located within the development boundary of Newmarket, it is not considered that the development would result in the loss of residential or visual amenity, it makes acceptable provision for the

replacement of public open space and other important community uses (subject to evidence of deliverability), it is not considered to be detrimental to significant conservation interests and the parameters laid down in the application are considered to respect the character and pattern of development in the locality. The only remaining criterion to address is that such a scheme would "not result in the loss of a viable employment site". The site has been allocated for business/science park use for some 17 years and the allocation has not come forward. The site is not considered to be a "viable employment site" in this context, as, although the site is allocated, there is no viable employment in existence on the site and paragraph 22 of the Framework states that "*planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*" In this regard the proposed housing element of this mixed use scheme is considered to comply with saved policy 4.14 of the Forest Heath Local Plan 1995.

55. **Policy relating to the replacement of public open space:** Saved Policies 4.14, 5.4, 10.4 and 10.5 of the Forest Heath Local Plan 1995 and paragraph 74 of the Framework are relevant to the consideration of the loss and replacement of public open space. In relation to the replacement of the lost playing pitches and facilities on the site, the application has proposed a phased approach which involves the provision of improved facilities at Newmarket College (qualitative improvements) and an interim provision of three pitches and temporary changing facilities on the area proposed for phase 3 of the development. The applicant would then provide for the full quantitative replacement of the open space at GLPF with a replacement site prior to the development of phase 3 of the proposals.
56. Previously the applicant has attempted to acquire Pinewood Stud off Hamilton Road for this purpose – in line with its saved policy 10.4 allocation. Without the certainty of knowing where the alternative provision was to be met, Sport England, a statutory consultee in this regard, had objected to the application, albeit they were supportive of the qualitative improvements proposed for the college. However, attempts to acquire the site at Pinewood Stud have not been successful and as a result, the applicant recently submitted an application for playing pitches on an alternative site in Newmarket, known as Brickfield Stud (Planning reference F/2013/0060/FUL). Sport England has confirmed their support for this application and has written to the Council to confirm that if planning permission was granted for Brickfield Stud, it would remove their objection to the GLPF proposals, subject to appropriate phasing being agreed through a Section 106 Obligation.
57. The Brickfield Stud site is currently in a horse related use, being used as a stud farm. The applicant argues that granting consent for this change of use to playing pitches would not result in any net loss of horseracing land as it would be an alternative to the allocation at Pinewood Stud, which the applicant claimed is not deliverable. Having seen evidence to support the claim that the site was not deliverable, officers considered that the proposed change of use was acceptable in principle, despite the protectionist horseracing policies of the

development plan, because it was viewed as an alternative to the allocated site which had not come forward. In policy terms, if a consent to develop Brickfield Stud for pitches was implemented, it would result in the saved policy 10.4 allocation falling away in the future local plan process as there would no longer be a need for it and on this basis there would be no net loss of land from the horseracing industry as the loss of Pinewood Stud to Public Open Space had already been agreed through the 1995 local plan process. It is not considered that this stance would set a precedent for other changes of use of horse-related land in Newmarket because of the very specific set of circumstances surrounding it and the undeliverable allocation at Pinewood Stud.

58. A report recommending that the application at Brickfield Stud be approved was due to be reported to the Council's Development Control Committee on Wednesday 1 May 2013 – however, the item was withdrawn from the agenda when it became clear that matters relating to trees and landscaping and archaeology (SCC have requested an evaluation prior to determination and the geophysical survey which has just been carried out indicates that there may be finds on the site of national significance – trial trenching now needs to take place before SCC Archaeology can make a recommendation on the proposals) were not fully resolved and could have implications for the proposed layout of the site.
59. Sport England has confirmed that they remain supportive of the Brickfield Stud application and that they would continue to raise no objections to the application, provided that Brickfield Stud is approved and that satisfactory phasing of the GLPF development secures its implementation. The applicant has confirmed agreement to the preferred phasing set out by Sport England (see working paper 4 for details in the Sport England letter). The views of Sport England are echoed by the Council's Cultural Services team.
60. Two other matters remain outstanding in relation to the re-provision of public open space and facilities. There is a skatepark on the site of the GLPF at present, it is located on land that would form part of phase 3 (housing) – this needs to be replaced elsewhere in Newmarket. The applicant has started discussions with the Council's Cultural Services team to look at alternative sites and is willing to agree that phase 3 could not come forward prior to relocation of the existing skatepark. The issue of cricket provision has also been raised in relation to the GLPF. Sport England understand that Newmarket Town Cricket Club moved from the GLPF to a new facility at The Severals in Newmarket in 2009 and cricket has not been played at GLPF since then. However, the original intention was that the Severals would be an additional facility for the town as opposed to a replacement of the facilities at GLPF and therefore cricket facilities should be part of the replacement package for the GLPF. Sport England have consulted with the relevant Cricket bodies who have confirmed that there is a need in the area for more facilities, particularly in regard to the growth of limited overs and "Last Man Stands" cricket and have suggested that the improvement works to the college site could incorporate an artificial wicket which would provide an entry level facility to add to the player pathway in the area. The applicant has agreed to investigate the prospect of providing a permanent artificial wicket at the college site (subject to obtaining planning permission). Sport England note that *"if it is not considered feasible to provide any compensatory cricket provision....it is not considered that Sport England could substantiate an objection on this ground alone given the time lapse of*

four years since cricket has been played on the GLPF site, and the development of the new facilities at The Severals.” In summary, it is considered that both these facilities can be secured through the appropriate phasing of the S106, should planning permission be forthcoming for this site but it is worth noting that the lack of re-provision of cricket facilities would not trigger an objection from Sport England. Subject to the approval of Brickfield Stud and the phasing of the development at GLPF in line with Sport England’s views, it is considered that loss and re-provision of public open space on this site is in compliance with the relevant policies of the development plan and the relevant sections of the Framework.

61. **Retail Policy and Advice:** The key policies at national and local level regarding retail development are detailed above. The Updated Review and Appraisal of Foodstore Applications in Newmarket produced by Strategic Perspectives (SP report 2013) for the Council contains an assessment of the retail context of Newmarket in relation to capacity, town centre health check and market share analysis. The revised forecast for new comparison goods floorspace of 4,282m² net up to 2026. For convenience goods the revised forecast is 3157 sq metres in 2026 The comparison figure is some 40% below the capacity (7,017m² net) identified by the 2011 RTCS Update and is largely explained by Experian’s lower expenditure growth forecasts and the higher growth in the market share of Special Forms of Trading for non-food sales. See table below:

Forecast Capacity	Net convenience floorspace (sq m)	Net comparison floorspace (sq m)
Policy CS11 - by 2021 (based on 2006 retail study) for Newmarket	4500	10500
SP Retail Study Update 2011 - by 2026 for whole District	3696	7017
SP Refresh 2013 - by 2026 for whole District	3157	4282

62. Overall the revised forecasts in the report confirm that there is potential for new convenience and comparison goods retail floorspace in the District over the development plan period. It should also be noted that the capacity forecasts are based on holding market shares constant over the study period. This is a standard approach for retail assessments, but it may under-estimate the commercial potential for new retail floorspace to ‘claw back’ shopping trips and expenditure that is ‘leaking’ out of catchment areas to less convenient and sustainable locations.
63. The updated health check on Newmarket town centre found that is a vital and viable centre. It provides its local shopping and rural catchment population with a good range of shopping facilities typically found in a centre of its size and position in the retail hierarchy. However, there are a number of weaknesses/threats to the centre’s overall attraction and performance including: the continued lack of investment, particularly in The Guineas; under-provision of larger modern units; lack of a cinema and a diverse leisure offer; decline in the street market; increasing competition from out-of-centre shopping facilities

both within and outside the District; and poor perceptions of the centre's evening offer.

64. In terms of market share, the report states that Newmarket town centre is achieving a market share of convenience goods of 29% (21% of the market shared being Waitrose) – this is a fall in market share from 42% in 2005/2006. In terms of comparison goods shopping the report indicates that the town centre is achieving a market share of 42.2%. The results in the report confirm the findings of the 2006 RTCS, namely that there is 'leakage', to varying degrees, of shopping trips for different types of comparison goods expenditure. The 2006 RTCS advised that Newmarket should strengthen its role as a comparison goods shopping destination, preventing any increase in leakage of trade from the District. Notwithstanding this, the 2006 RTCS also concluded that the centre is performing in line with its intended role as a market town.

65. The sequential approach is at the heart of the Government's main objectives to ensure the vitality of town centres, and promote new investment, sustainable development and economic growth in town centres first. The NPPF (paragraph 24) states that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

66. Taking account of all submissions and representations, the report concludes that none of the town centre sites identified are suitable, viable and/or available to meet the need for a foodstore of an appropriate scale to help anchor Newmarket's food offer, and increase competition and choice for the benefit of local residents: *"Most of the sites are either too small to accommodate the 'critical mass' of retail floorspace and car parking needed, or there are other policy, physical, environmental and/or land assembly 'barriers' to the delivery of a major foodstore in the town centre"* (paragraph 5.62 of May 2012 appraisal). In relation to potential sites for a cinema in the town centre, the Council has recently confirmed that although there is a desire to provide a cinema in the town centre, it is not possible for the Council to confirm at this stage that a site has been identified, planned or committed. The report concludes that there are currently no sites available in the town centre to meet the need of a cinema. It is not considered that there would be a site available to accommodate the non-food retail units within the town centre. Whilst there may be sites available in the town centre to meet the needs of a restaurant, it is the case that the proposed restaurants would be unlikely to locate in the town on their own as they invariably serve an ancillary function to the cinema – that being said, there is nothing to stop residents of Newmarket visiting these alternative restaurants, outside of the town centre, even if they are not visiting the cinema.

67. Looking at baseline information and convenience estimates in particular the report concludes that several foodstores in the District are trading at levels

equivalent to or just above the "benchmark" turnovers. The notable exceptions to this are the Tesco at Fordham Road, which is estimated to be trading some £24.2m (+78%) above its assumed 'benchmark'; and the smaller Asda at Studlands Retail Park, which is currently trading at almost half its forecast 'benchmark' level. Waitrose is also estimated to be achieving a survey-derived turnover of £26.4m, which is some £5.1m above its 'benchmark' turnover of £21.3m. It is apparent from this table that the strong trading performance of Tesco is effectively underpinning the capacity for new retail floorpace in the District and specifically in Newmarket. The report states that after taking account of the convenience turnover of new retail commitments in Lakenheath (Tesco) and Red Lodge, the residual expenditure capacity at 2013 is circa £13m.

68. Concerns have been raised by retail consultants representing other retailers within the town and representations have been received from the Newmarket Retailers Association (NRA) and Chamber of Trade. All raise concern about the impact of the proposed development on town centre trade and the vitality and viability of the town centre. The NRA state that they are strongly against the massive expansion of Tesco and the new development including a Sainsbury's store due to the overwhelming size of these proposals and their inevitable impact on the town. The Council's Economic Development Manager has commented on all four proposals and states, inter alia, *"In my view, the Sainsbury's proposal has the greatest likelihood of adversely affecting the town centre due in part to its scale and location but mainly to the inclusion of the cinema, restaurants and non-food retail floorspace. The Sainsbury's proposal is too far from the town centre to enable obvious linked trips and it is likely to provide a one stop shop for leisure activities that would be in direct competition with the town centre."* The conclusions of the assessment of the impact of tesco on the town centre is that, on it's own, it would have the least trade draw of all the proposals but this has to be balanced against the question of competition and choice which is another key factor identified in the Framework.
69. The Strategic Perspectives report concludes that the "solus" (individual) impact of the Sainsburys proposals on the town centre's total turnover (including Waitrose) will be -9.5%, which is slightly above that of Asda at -9.2%. The report acknowledges that the applicants have now confirmed the non-food retail use is likely to be a DIY store and have confirmed their acceptance of a condition to restrict the sales of goods to DIY, on this basis the report concludes that the non-food retail element of the scheme would not have an adverse impact on planned investment or market demand in the town centre. Moreover, the report states that the new supermarket, on its own, will not have an adverse impact on any planned investment in the town, and will not harm Newmarket's overall vitality and viability.
70. However, Dr Norris remains concerned that the proposed commercial uses (specifically the 5 screen cinema) would result in significant adverse impact on Newmarket town centre's overall vitality and viability. In his judgement, the co-location of the proposed Sainsbury's, cinema, restaurants and non-food floorspace adjoining the Tesco site and in close proximity to the Studlands Retail Park would result in a significant critical mass of retail and leisure uses outside of the town. This would create a major alternative shopping and leisure destination to the town centre, and a "honeypot" for a wide range of shopping and leisure activities that would compete with the town centre for visitors,

footfall and expenditure. This view is echoed by the Council's Economic Development Manager and representatives of other retailers in the town. With particular reference to the cinema proposals Members will need to weigh up the relative advantages of residents not travelling to other nearby towns to visit the cinema against the concern that the critical mass of the proposals at the GLPF will have an adverse impact on the vitality and viability of the town centre by creating an alternative hub and a destination in its own right, particularly taking into account the one dimensional nature of the leisure and night time economy of Newmarket as it exists at present.

71. The retail planning agent for Sainsburys (Indigo Planning) has raised concerns about the Strategic Perspectives report and some of the approaches taken by Dr Norris (see working paper 2 attached to this report) which in turn influence the final recommendations of the retail report. Principally concerns relate to the issue of the cinema and no site being available in the town centre through the sequential analysis, the amount of trade draw that a new DIY store would have on the town centre and the sequential status of Waitrose. These points have been carefully considered by Dr Norris, who does not change his stance in relation to them, taking into account development plan policies and national policy and guidance.
72. Sequential status of Waitrose: Officers agree with the stance taken by Dr Norris in relation to impact on Waitrose and the sequential status of Waitrose as being in the town centre – the store is located within the town centre boundary in the local plan 1995 and is identified as part of the primary shopping area in the emerging Development Management policies. This is because the store functions as a key anchor to the town centre and has good pedestrian links to the town centre, particularly taking into account paragraph 6.17 of the Government's extant practice guidance on need, impact and the sequential approach entitled "Planning for Town Centres" which states "*When judging whether such sites and proposals should be regarded as "in centre", it will be appropriate to consider the degree of integration and linkage between the proposals and the rest of the Primary Shopping Area (PSA), and whether they will genuinely function as part of the PSA.*" In addition, paragraph 6.4 of the practice guidance states that the presence of a key anchor store may help to identify the extent of the PSA. Moreover the case study in the practice guidance refers to a case in Huddersfield where a key issue was the sequential status of the application site. The case study is considered to provide a good example of the need to adopt a realistic interpretation of what constitutes "edge of centre", having regard to the nature of the proposal. Whilst this is not directly transferable to the consideration of the sequential status of Waitrose, because it was dealing with the sequential status of a proposal rather than an existing store, it points to the need to have regard to a site's physical and functional linkages with the rest of the primary shopping area, rather than the literal interpretation of what constitutes in-centre and edge-of-centre based on the currently defined primary shopping area. The Council's adopted development plan does not contain a defined PSA, just the town centre boundary, which includes the Waitrose site. Indigo Planning point to the determination of the Waitrose development when the site was considered as edge of centre. Indigo Planning have objected to the proposed PSA boundary contained in the emerging Development Management policies as the PSA includes Waitrose and they assert that it shouldn't. The policy has not been tested by an Inspector at this stage and so can not be afforded much weight. However, using the advice

contained in practice guidance, it is considered appropriate to view Waitrose as part of the town centre and therefore the impact of new retail development on the trade/turnover of Waitrose is a relevant factor when considering impact. Indeed, Barton Willmore representing Waitrose in commenting on this application states: *"Waitrose is a key town centre stakeholder and performs as an important anchor role for the Newmarket Town Centre. It generates linked trips with the rest of the town centre with consequent spin-off trade for other retailers....In terms of its performance, SP find that Waitrose's market share in the Newmarket zone has fallen from around 29% identified in the 2006 Retail Study to 21% in the 2011 Retail Study Update. As SP acknowledges, this indicates that Waitrose is vulnerable to further trade diversion/impact. The reduction in the market share is particularly important in assessing the solus and cumulative impact of the proposed foodstores."* Officers agree with Dr Norris that artificially "divorcing" Waitrose and its turnover from the rest of the town centre is not a compliant policy approach in this case and it is worth noting that the other three retailers do not dispute the sequential status of Waitrose attributed in the Strategic perspectives report.

73. Cinema: Indigo Planning assert that in the absence of an available site in the town centre or a cinema that is existing, planned or committed, an identified need should still be met and should not be compromised by limited site availability, they refer to paragraph 23 of the Framework in this regard and, rightly assert that Councillors will have to weigh up the value of providing a cinema in Newmarket in assessing the competing retail schemes. Whilst it is acknowledged that there is a need for a cinema in Newmarket (identified in the Town Council's document "A Vision for Newmarket" and 2011 retail study update) and that there are currently no sites available in the town to meet that need, it is still considered that the totality or critical mass of retail and leisure uses proposed on this site would have an adverse impact on the town centre's vitality and viability, particularly in relation to leisure uses and evidence which shows that Newmarket's leisure and entertainment offer is limited and of poor quality at present. In their latest letter (See working paper 5) Strategic Perspectives remain convinced that the cinema and other uses proposed in this out-of-centre location will create a major competing shopping and leisure destination that will result in a significant impact on the town centre's overall vitality and viability due to the loss of trips, expenditure and footfall. As was concluded in the most recent Retail Appraisal prepared for the Council: *"A decision to allow a cinema in an out-of-centre location is a decision that cannot and should not be taken lightly by the Council at the current time"* (paragraph 10.27). This is because in Newmarket's case there is only capacity for one cinema operator over the development plan period. Therefore a decision to allow a multiplex cinema on the GLPF site will be an acceptance by the Council that there is no prospect for providing a new cinema either in or on the edge of the town centre over the development plan period. As we concluded in the Retail Appraisal, it is therefore for the Council (as the decision-taker in this case) to carefully *"...weigh-up the value of providing a cinema in Newmarket in assessing the competing retail schemes"*. Officers agree with the SP report conclusions that allowing a cinema, restaurants and other uses at the GLPF site would create a significant critical mass of retail and leisure uses (including restaurants) in an out of centre location, trading alongside Tesco. It is considered that this would have a significant impact on the town's wider evening and night time economy, and its overall vitality and viability and it could work against ones of the aims of policy CS11, in that it would not help to

- improve links between leisure facilities and retail or other town centre facilities – it could actually have the effect of breaking down those linkages in creating an alternative hub of retail and leisure uses outside of the town centre to the town centre’s detriment, contrary to Policy CS11 of the Core Strategy and the relevant provisions of the Framework.
74. DIY trade draw: The applicant has now confirmed that a DIY operator is likely to take up the 3 non-food retail units in phase 2 of the development and Strategic Perspectives acknowledge the proposed condition limiting the sale of good to DIY only. This, in turn, has changed the forecast trade draw from these units compared to when they were originally submitted without a retail goods limiting condition proposed. Indigo Planning do not agree with the 10% trade draw from the town centre attributed by Strategic Perspectives in their report to the Council (see working paper 4 for details in the Indigo letter). Indigo accept that the estimation of trade diversion is a “matter of professional judgement”, but they consider that there assumption is more realistic as “the floorspace in the town centre selling DIY goods is limited” and the “competition between a new ‘heavy end’ DIY store and the town centre stores will be very limited”. In response, Indigo place no weight on the results of the household survey in this instance; even though the survey results do provide a robust evidence base for assessing the market shares for both food and non-food shopping in Newmarket and the wider study area. Indigo state that their lower trade draw assumption is justified as their audit of the town centre has identified that only Bathstore and QD have “any noteworthy range” that would compete with a DIY operator.
75. Although the SP report has previously accepted that a DIY retailer would compete “like for like” with similar DIY operators in Newmarket (principally Homebase at Studlands Retail Park), in the absence of a named operator it is not considered possible to justify a trade draw of less than 10% from the town centre. In this case it is material to consider the type of DIY operator that could be attracted to the proposed floorspace. B&Q is one potential occupier as the operator is not currently represented in Newmarket. Although B&Q is identified as a ‘bulky goods’ DIY operator, Members will no doubt be aware that the range and type of goods sold from a typical B&Q retail warehouse extend beyond typical (‘heavy end’ – as described by Indigo) DIY items. B&Q’s business model (as confirmed by reference to their website) is based on the sale of a wide range of goods ‘under one roof’. The wide range of home and garden items, include kitchens and bathrooms, indoor/outdoor furniture, large domestic appliances, soft furnishings, mirrors, picture frames, etc. These types of goods will compete “like for like” with a number of retailers in the town centre selling similar products including, for example, Argos, Kitchen and Things, Store 21 and Thing-Me-Bobs. It is SP’s judgement, therefore, that a draw of 10% from the town centre is a reasonable and robust assumption in this case. Dr Norris stands by the 10% trade draw forecast based on the evidence drawn from the updated retail study and the household survey and officers consider this to be a reasonable basis to consider the impact on the town centre.
76. Turnover assumptions: Indigo Planning question the alterations that the SP report made to the forecast turnover figures for the four competing proposals – SP agreed the turnover forecasts put forward by Asda and Tesco but increased the turnover figures put forward by Sainsbury’s and reduced the turnover figures put forward by Morrisons. In response to the concern raised by Indigo, it is a matter of fact that SP did not agree with Tesco’s original average

('benchmark') sales level of £11,727 per m² as set out in RPS's original February 2011 Retail Assessment Report (RAR). SP identified a higher sales level of £13,500 per m² based on their own assessment of average ('benchmark') turnover figures. Tesco's planning consultants – RPS – then adopted SP's higher turnover figure for the purpose of their 2012 Retail Assessment Update (RSU). RPS subsequently accepted in their 2012 RSU that this higher average sales level did provide a robust baseline position for assessing the potential impact of the proposed replacement store. Indigo's concern with regard to SP's approach stems from the fact that the SP revised convenience turnover estimate for the proposed Sainsbury's results in a higher sales figure of £34.1m, than the £30.3m assumed by Indigo. In turn, this results in a higher trade draw (-£8.7m) and impact (-23.6%) on the town centre (including Waitrose) than if SP had tested Indigo's lower turnover assumption. Notwithstanding Indigo's concerns, SP's average sales assumptions are considered to represent a robust baseline position for determining the 'benchmark' turnovers of different operators based on published information. Furthermore, to help ensure the robustness of these turnover assumptions for individual foodstore operators, SP consistently 'benchmark' their average sales estimates against those used by other consultants for the purpose of similar retail assessments, Officers agree with the approach taken by SP in this regard.

77. Walk-in populations regarding the sequential test: Indigo state that 'walk-in' catchments are not a relevant factor in the application of the sequential test and refer to the conclusions of the Inspector at the Newport Inquiry (ref: APP/C3240/A/11/2167505) to support their case. In response, SP refer to the Practice Guidance which states that:

"Where locations in existing centres or edge of centre locations are not available, preference should be given to out of centre sites well served by a choice of means of transport, which are close to a centre and have a higher likelihood of forming links with a centre" (paragraph 6.8). The NPPF also states that when considering edge of centre and out of centre proposals, "preference should be given to accessible sites that are well connected to the town centre" (paragraph 24). In this context SP revisited and reviewed their advice to the Council based on Indigo's most recent Briefing Note; the Newport appeal decision and other case law; and the recent letter (dated 9th May) prepared by Freeth Cartwright LLP in support of the Morrisons application.

78. Based on policy and the advice set out in both the NPPF and Practice Guidance, SP remain of the view that Asda is the preferred location for a new foodstore in Newmarket, followed by Morrisons. It is a matter of fact that both Asda and Morrisons are closer to the town centre than either the existing/proposed Tesco or the GLPF scheme. By virtue of its location closer to the town centre it is SP's judgement that the Asda store would provide the greatest potential positive benefits to the town centre as a whole through 'claw back' and 'linked trips'. Notwithstanding this, the Morrisons application site will be well served by a choice of means of transport and it will help to 'claw back' shoppers and trade from Tesco and other competing foodstores to a location that is closer to the town centre than the other competing foodstore proposals (apart from the Asda proposal). Its more central location, and the fact that the majority of the proposed store's sales area will be set aside for convenience goods retailing, will mean that shoppers at the Morrisons store would still have to visit the town centre on a regular basis to satisfy their wider non-food, service and leisure

needs. On this basis SP do therefore consider that the proposed Morrisons store has a higher likelihood of generating linked trips with the town centre than either Tesco or the GLPF scheme. As stated previously, SP also consider that Morrisons will generate a higher proportion of 'walk-in' trips to the store than either Tesco or Sainsbury's by virtue of its location. Their advice to the Council on the relative merits of the Morrisons foodstore is therefore based on wider considerations than just the fact that it has a higher number of people (3,600) and expenditure (£16m) within a walkable distance (circa 500m) than the other three foodstore application sites, and the existing Waitrose. Officers agree with the approach taken by SP in this regard and consider that it complies with the provisions of the Framework and associated practice guidance.

79. **Highways matters and impact on the horseracing industry:** Concern has been raised about the potential traffic implications of this application and particularly in relation to the impact of any traffic on the horseracing industry with particular reference to the Fordham Road corridor, its horsewalk and crossings, and specifically Rayes Lane close to the town centre. Suffolk County Council as Highways Authority has raised no objections to the application subject to conditions and a Section 106 Obligation to secure appropriate improvements to the network. The County Council as Highways Authority concludes that there is sufficient capacity in the road network and subject to conditions and a Section 106 Obligation to bring about specific improvements raises no objections to the application. In relation to alternative means of transport the Sainsbury's site is located close to 3 bus routes which an average of 2 to 3 buses per hour. The proposal, through conditions, would secure improved links to the existing services, located closer to Tesco or would include an enhancement of the existing bus service routes.
80. The NHG has made specific comments about the impact of the proposed retail development on the horseracing industry with particular regard to increased traffic and highway safety for all users of the highway. Saved Policy 12.4 of the Forest Heath Local Plan states that development will not be permitted if it is considered to adversely affect the operation of racehorse training establishments. There are a number of racehorse training establishments located along Fordham Road and Snailwell Road, closer to the town centre. These establishments use the Fordham Road horsewalk and crossings to gain access to the training grounds regularly and therefore this is considered to be a material consideration in the determination of this application. In response the Highways Authority have confirmed that additional traffic from this development is likely to affect the horsewalk and crossings on Fordham Road (specifically near Snailwell Road and at Rayes Lane) as follows: *In the Saturday Peak period, this development will result in approximately an additional 21 vehicles heading northbound and 25 heading southbound past both horse crossings. This is around 10% of the existing traffic levels, as such improvements at the crossings should be implemented. Improvements should be in line with the Newmarket Transport Policy Review.*
- *Rayes Lane: an improved uncontrolled horse crossing should be provided through a S106 contribution.*
 - *Snailwell Road: an improved horse crossing should be provided through a S106 contribution. It is possible that this may be in the form of a signalised junction."* Bearing in mind paragraph 204 of the Framework it is considered

reasonable and related to the development to require a contribution towards these horsewalk and crossing improvements.

81. The Highways Agency originally raised concern about the proposed development and its impact on the A14/A142 junction, particularly with reference to the east bound off-slip and potential for queuing back to the A14 carriageway at peak times. These concerns have been allayed by the GLPF Highway consultants and the Highways Agency raise no objections to the application. Suffolk County Council Rights of Way raise no objections to the application and do not consider that the right of way adjacent the western end of the site will be adversely affected by the development. The Ramblers Association query level changes and the amenity of the path if residential development is permitted adjacent to it. It is considered that this is a detailed design and landscaping issue which is capable of resolution through a subsequent reserved matters application following any forthcoming consent. Officers consider that there are no highways matters which would justify a refusal of planning permission in relation to this development.
82. **Trees and Landscape:** Concerns were raised initially with regard to the amount of landscaping proposed around the development, particularly in relation to boundaries of the site and tree planting within the proposed car park. Additional concerns were raised about the proposed access road which runs adjacent to the southern boundary where there is a tree line on the former St Felix Middle school boundary. However, amended plans have been submitted showing additional tree planting and additional information has been submitted in relation to the road and tree lined southern boundary such that no objections are raised to the scheme subject to conditions. An ecology report was submitted with the application and Suffolk Wildlife Trust has confirmed no objections to the application subject to ecological enhancements being included within the landscaping scheme for the site. It is considered that matters relating to trees and wildlife and nature conservation are acceptable on the site and in compliance with Policy CS2 and the relevant sections of the Framework.
83. **Design and Sustainability:** The main Sainsbury's building is modern and utilitarian in design, this is considered to be acceptable in the context of the adjoining employment and light industrial land to the north of the site and the building is set back from Fordham Road where there would have been an awkward juxtaposition with the domestic scale of the small group of dwellings on the opposite side of the road. The design of the drive through restaurant is also modern but is considered to be acceptable, even on the road frontage, given the single storey scale of it. The size parameters of the second and third phase of development are considered to be appropriate for the site and its surroundings. In relation to sustainability, a renewable energy and energy efficiency statement has been prepared for the Sainsbury's element of the proposals. This proposes the use of air source heat pumps, biomass boiler and sun pipes for lighting within the store. The report confirms that the foodstore will meet and exceed the requirements of supplying at least 10% of the total energy demand from decentralized and renewable sources. The Council's Sustainability Consultant has confirmed no objections to the application subject to conditions.
84. **Drainage and Pollution Control:** The Environment Agency originally raised objections to the application because it includes a new petrol filling station with

underground tanks. The site is located on the chalk principal aquifer which exhibits high permeability and provides a high level of water storage. The aquifer is protected with Environment Agency policies to prevent it being at the risk of pollution. The applicant supplied additional information to the Environment Agency showing tertiary containment around the proposed underground tanks such that the Agency were able to withdraw their objection to the application, subject to, amongst others, a condition to agree the precise detail of the tanks installation prior to development. Other conditions are recommended to secure satisfactory drainage of the site, adequate provisions for the possibility of contaminated land and conditions to ensure pollution of the site is prevented.

85. **Residential Amenity:** Concern has been raised by local residents on Fordham Road about the proposed drive through restaurant and potential noise, light and odour impacts on their amenities. Additional information about the proposed restaurant was submitted by the applicant and the Council's Environmental Services department has raised no objections to this element of the scheme subject to a suite of conditions. It is considered that matters relating to the residential amenity of existing occupiers can be satisfactorily mitigated by the imposition of appropriate conditions.
86. Contego Packaging, a factory to the north of the site, accessed off Willie Snaithe Road, has raised an objection to the residential development element of the scheme (phase 3) because they are concerned that noise emanating from their processes, including an external shredder plant, may have an impact on future residents of the housing scheme, which could in turn result in restrictions to the efficient operation of their facility. Paragraph 123 of the Framework states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of a new development. In this case, a material consideration is whether locating a noise sensitive development (proposed housing) adjacent to a factory which has noisy operations would have a significant adverse impact on the health and quality of life of the new residents of the proposed dwellings. In response to concerns raised by the Council's Environmental Services department in this regard, the applicant commissioned a noise report. The report illustrates how attenuation at the boundary of the site and the use of design techniques at the reserved matters stage, as well as the use of trickle ventilation in bedrooms will bring the noise down to acceptable standards. The Council's Environmental Services Officer remains concerned that, without appropriate mitigation to the noise sources, there would still be a problem of noise for the prospective occupiers of the residential element of the proposals. The applicants have suggested a condition to be appended to any forthcoming consent to ensure that detailed noise attenuation is submitted as part of any reserved matters proposals for the site. The Council's Environmental Services officer has raised no objections to this suggested condition.
87. **Section 106 Obligation Heads of Terms:** Should planning permission be forthcoming on this site the following heads of terms for a Section 106 Obligation would be applicable:
- Implementation of robust Travel Plan, including car sharing contributions, travel plan monitoring and a Travel Plan implementation bond

- Replace existing footbridge at the rear of the site with a cycle bridge to the satisfaction of Suffolk County Council
- Widen National Cycle Route 51 from its intersection with Exeter Road approximately 100 metres north
- Widen National Cycle Route 51 alongside the horsewalk between Exeter Road and Fred Archer Way (phase 3)
- Should the site be approved alongside either Asda and or the Morrisons development, there is an additional requirement to improve the junction of Exning Road with Willie Snaith Road for safety and capacity reasons. This requirement should be split equally between the development sites
- The Rayes Lane and Fordham Road/Snailwell Road horse crossing should be improved
- Contributions towards public realm/town centre improvements
- Affordable housing (phase 3)
- Education contributions (phase 3)
- Public open space contributions (phase 3)
- Pre-school provision (Phase 3)
- Libraries (phase 3)
- Waste (phase 3)
- NHS contribution towards GP Surgery capacity (phase3)
- Phasing of the proposed development in relation to Newmarket Community College (NCC) improvements, re-provision of the playing pitches and open space and re-provision of the skatepark and possible artificial wicket at NCC

CONCLUSION

88. The site lies within the development boundary of Newmarket and is allocated for business/science park use in the local plan. This application responds to the emerging site specific allocations documents, as well as the Core Strategy Policy CS11 and proposes housing which would also contribute to addressing the Council's 5 year land supply status. As such, it is not considered that the proposal could be refused on the basis of it not complying with saved policy 5.4 in the local plan, even taking into account the limited weight that could be placed on the site specific allocations, particularly when having regard to the policies contained in the Framework. The housing element of the scheme is also considered to comply with saved policy 4.14 of the local plan and the remaining part Policy CS7 of the Core Strategy not quashed by the High Court Challenge.
89. The proposals include a package of measures to ensure that the public open space and facilities on the GLPF will be adequately compensated for quantitatively and qualitatively elsewhere in Newmarket. Subject to the approval of the Brickfield Stud application (recommended for approval in principle by officers), the proposals and the agreed phasing of the re-provision are considered to satisfactorily address the relevant policies of the development plan and the relevant section of the Framework.
90. The site specific matters relating to this site are considered to be satisfactory and any potential adverse affects are considered capable of mitigation by conditions and through the Section 106 Obligation.
91. In relation to retail policy and advice, whilst the Sainsbury's store on its own is considered not to significantly harm the vitality and viability of the town centre and it has the advantage of referring competition and choice for the residents of Newmarket, Dr Norris's report highlights the concern that the combination and

totality of uses, including leisure uses, particularly in this location, would present itself as an alternative hub for retail and leisure from the town centre and as such could harm future and planned investment in the town as well as the town centre's vitality and viability. The proposals would also work against one of the aims of Policy CS11 to improve links between leisure facilities and retail and other town centre facilities. As such, the proposals are not considered to comply with Policy CS11 of the Core Strategy and the relevant sections of the Framework dealing with ensuring the vitality of towns.

92. In summary, the retail agents for this application have criticised the approach taken to their development in the SP report commissioned by the Council, particularly in relation to the sequential status of Waitrose, forecast DIY trade draw from the town centre and the treatment of the proposed cinema in relation to the sequential test. Alongside this, the applicant argues that this scheme will bring forward many benefits compared to the other retail proposals, including the provision of a cinema in Newmarket and the claw-back of customers who currently travel to Cambridge, Bury St Edmunds and Haverhill where the nearest cinemas are located, the enhancement of existing sports facilities at the college in the town and the re-provision of open space and playing pitches at Brickfield Stud, which has the potential to accommodate the relocated Newmarket Town Football Club in the future, the provision of additional housing, including 30% affordable housing and a number of infrastructure improvements secured through a Section 106 Obligation. Weighing all of this in the balance, officers agree with the approach taken in the SP report and remain concerned that the critical mass of development on this site would significantly harm the vitality and viability of the town centre to the extent the proposals would be contrary to policy CS11 of the Core Strategy and the relevant sections of the Framework. On this basis, the application is recommended for REFUSAL.

RECOMMENDATION:

93. Refuse Permission for the following reasons:

1. The totality and co-location of the proposed Sainsbury's, cinema, restaurants and non-food floorspace on the GLPF site adjacent to the existing Tesco and in close proximity to Studlands Retail Park would result in a significant critical mass of retail and leisure uses outside of the town centre. This would create a major alternative shopping and leisure destination to the town centre, and a "honeypot" for a wide range of shopping and leisure activities that would compete with the town centre for visitors, footfall and expenditure. It would also be contrary to the aim in Policy CS11 of improving links between leisure facilities and retail or other town centre facilities. This would have a significant adverse impact on the town centre's vitality and viability, which is recognised by the Council as the heart of the community and as such would be contrary to Policy CS11 of the Forest Heath Core Strategy 2010 and paragraphs 26 and 27 of the National Planning Policy Framework.

BACKGROUND PAPERS:

Planning application F/2011/0541/HYB including all associated forms, drawings/plans, supporting documentation and all representations and consultations received.