

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 3 December 2014									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman Chris Barker Vice Chairman Andy Drummond</p> <table> <tr> <td><u>Conservative Members (13)</u></td> <td>Michael Anderson Bill Bishop John Bloodworth David Bowman Rona Burt Warwick Hirst</td> <td>Geoffrey Jaggard Carol Lynch Tony Simmons Eddie Stewart Tony Wheble</td> </tr> <tr> <td><u>Opposition Group Members (2)</u></td> <td>Simon Cole</td> <td>Tim Huggan</td> </tr> <tr> <td><u>Independent Members (2)</u></td> <td>Roger Dicker</td> <td>David Gathercole</td> </tr> </table>	<u>Conservative Members (13)</u>	Michael Anderson Bill Bishop John Bloodworth David Bowman Rona Burt Warwick Hirst	Geoffrey Jaggard Carol Lynch Tony Simmons Eddie Stewart Tony Wheble	<u>Opposition Group Members (2)</u>	Simon Cole	Tim Huggan	<u>Independent Members (2)</u>	Roger Dicker	David Gathercole
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<u>Opposition Group Members (2)</u>	Simon Cole	Tim Huggan								
<u>Independent Members (2)</u>	Roger Dicker	David Gathercole								
NO SITE VISITS ARE REQUIRED FOR THIS AGENDA										
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
Quorum:	Five Members									
Committee administrator:	Helen Hardinge Committee Administrator & FHDC Scrutiny Support Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk									

DEVELOPMENT CONTROL COMMITTEE AGENDA NOTES

Notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.

- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.

- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.

 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altere, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 - Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 8**

To confirm the minutes of the meeting held on 5 November 2014 (copy attached).
- 4. Planning Application DC/14/0585/OUT - Meddler Stud, Bury Road, Kentford** **9 - 120**

Report No: **DEV/FH/14/001**

Creation of a 20-box racehorse training establishment (with associated Trainer's house) and erection of up to 63 dwellings (including 19 affordable units) with associated access arrangements and open space provision. (Major Development and Departure from the Development Plan)
- 5. Planning Application DC/14/1985/ADV - 141/142 St Johns Close, Mildenhall** **121 - 128**

Report No: **DEV/FH/14/002**

Application for Advertisement Consent - Display of 3No. externally illuminated fascia signs; 1No. non-illuminated fascia sign; vinyl images to all glass areas on front elevation
- 6. Planning Application DC/14/1993/R3LA - 141/142 St Johns Close, Mildenhall** **129 - 134**

Report No: **DEV/FH/14/003**

Planning application - External works including renew roof covering, construction of high level cladding panels/fascia, render external walls and construction of fencing (demolition of existing canopy)
- 7. Urgent Business**

Such other business which, in the opinion of the Chairman, should be considered as a matter of urgency to be specified in the minutes.

Forest Heath District Council

MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 5 November 2014 at 6.00 pm.

PRESENT:

Councillors:

C J Barker (Chairman)	R Dicker
A Drummond (Vice-Chairman)	D W Gathercole
M J Anderson	W Hirst
J M Bloodworth	Mrs C F J Lynch
D W Bowman	W E Sadler
Mrs R E Burt	T Simmons
S Cole	A J Wheble

Also in attendance:

G Durrant, Principal Planning Officer – Major Projects
J Hooley, Lawyer
P Kelly, Principal Planning Officer – Major Projects
M Smith, Place Shaping Manager
S Turner, FHDC Cabinet Officer/Committee Administrator

APOLOGIES

Apologies for absence were received from Councillors W J Bishop, G Jaggard and E Stewart.

Councillor T J Huggan was also unable to attend the meeting.

SUBSTITUTES

Councillor W E Sadler attended the meeting as substitute for Councillor W J Bishop.

197. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 1 October 2014 were unanimously accepted by the Committee as an accurate record and signed by the Chairman.

198. **PLANNING APPLICATION DC/14/0585/OUT – MEDDLER STUD, BURY ROAD, KENTFORD (REPORT NO DEV14/141)**

The Lawyer explained that Councillor R Dicker had a disclosable pecuniary interest in this matter, as he was in ownership of the Post Office Stores in Kentford. In this instance, Councillor R Dicker had been granted a dispensation to participate in the discussion, but not to participate in the voting, on this matter.

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

This application had been deferred at the Development Control Committee on 1 October 2014, to enable consideration of additional information provided by the planning agent, relating to equine issues.

Representations had been received in respect of the application and these were set out in paragraphs 50. to 55. of the report.

The Case Officer provided additional updates which had been received, since the publication of the agenda:

1. Two e-mails had been received from Mr William Gittus (The Jockey Club), expressing surprise and disappointment with regard to the Officer recommendation of approval for this application. The Officer then read out to the meeting, in full, the content of Mr Gittus's second e-mail, which had been received that afternoon.
2. E-mail correspondence had also been received from a local resident, which raised concerns regarding the safety of Bury Road and also issues with regards to the proposed access. The correspondence also referred to a recent accident which had taken place near to the site. The correspondence also stated that Suffolk County Council had established a local community speedwatch programme and a recent speed survey undertaken in Kentford (at the end of September 2014) had shown that at least 20% of the traffic which had passed through the village, had exceeded the 30mph speed limit, by 5mph.

The Officer confirmed that these specific issues of highway safety had been raised with the Suffolk County Council Highways Engineer, who had since confirmed that the proposed redevelopment of the site raised no significant highways issues and, therefore, had no objection to the scheme on safety grounds, subject to the undertaking of various mitigation works.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 agreement, as set out in paragraph 257. of Report No DEV14/141.

Councillor Mrs C F L Lynch proposed a motion, duly seconded by Councillor W E Sadler, that the application be 'minded to refuse', contrary to the Officer recommendation, for the following reasons:

1. The application was premature with regard to the adoption of Forest Heath District Council's Local Plan.
2. There was insufficient infrastructure to support further housing.
3. The use of the land for housing would be detrimental to the operation of the training yard.

After further discussion, Councillor S Cole then proposed, duly seconded by Councillor A Drummond, an amendment to the motion, that the application be 'deferred' for the following reasons:

1. Further information to be provided from the equine consultant (Mr T Kernon of Kernon Countryside Consultants Ltd) which led to his conclusions that this planning application would provide a viable racehorse training establishment.
2. To ascertain the views on the viability of a racehorse training establishment, as proposed by this planning application, from the Newmarket Trainers Association and The Jockey Club.
3. Further information to be provided from Suffolk County Council with regard to the expected capacity impact of this planning application on Moulton Primary School.

The amendment (for 'deferral') was then put to the vote and with 5 voting for the motion, 7 voting against and with 1 abstention, the Chairman declared the amendment lost.

The original motion (for 'minded to refuse') was then put to the vote and with 8 voting for the motion, 1 voting against and with 4 abstentions, it was resolved that:

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, on the grounds that:

1. The application was premature with regard to the adoption of Forest Heath District Council's Local Plan.
2. There was insufficient infrastructure to support further housing.
3. The use of the land for housing would be detrimental to the operation of the training yard.

The application was therefore **DEFERRED** to enable Officers to prepare a risk assessment report and appropriate formal reasons for refusal for consideration by Members at the next Committee.

Speakers: Mr Andrew Appleby (Newmarket resident) spoke against the application
Mr William Gittus (Newmarket Horseman's Group) spoke against the application
Mr Thomas Smith (agent for the applicant) spoke in support of the application

Following the conclusion of the Public Speakers, Councillors W E Sadler and Mrs C F J Lynch, both raised their concerns regarding these arrangements, where the time allowed was now divided between the speakers, if more than one person was registered to speak within a category. Councillor Mrs C F J Lynch explained that she had previously raised these concerns, as she considered the procedure to be entirely unsatisfactory and had asked for this to be reviewed. The Place Shaping Manager confirmed that a six month review of the single

operating procedures, which had been introduced in January 2014, was due and that the public speaking arrangements would be included as part of that review.

199. **PLANNING APPLICATION F/14/1335/FUL – LAND AT FORMER SPERRINKS NURSERY, THE STREET, GAZELEY (REPORT NO DEV14/142)**

Application for a residential development of 20 dwellings (including 6 affordable units).

This application had been referred to the Development Control Committee as it was a proposal for 'major development'. The proposal raised complex planning issues of a District wide importance.

A Member site had been held prior to the meeting.

Representations had been received in respect of the application and these were set out in paragraphs 24. and 25. of the report.

The Case Officer provided additional updates which had been received, since the publication of the agenda:

1. Gazeley Parish Council had stated that their comments on this application (as set out in paragraph 24. of the report), should not be considered as objections. The Case Officer confirmed these comments had been misinterpreted within the report and that the comments had been intended for consideration by the applicant, in hope that amendments would be made to the application.
2. In relation to paragraph 17. of the report, Suffolk County Council had now formally confirmed its comments, as contained within that paragraph.
3. In relation to paragraph 14. of the report, the comments from NHS Suffolk were still awaited.

The Case Officer explained, therefore, that the contributions required for health infrastructure, were unable to be confirmed at this time.

4. Three letters of support had been received, all of which stated that the development would be beneficial for the village.
5. Two letters had been received (from the landowner and from a relative of the landowner), expressing concern regarding the content of paragraph 11. of the report, with regard to the previous horticultural business on the site.

The Case Officer explained that these were the comments of the Planning Inspector in 2008, as part of the appeal at that time. However, it was acknowledged that these comments were not now particularly relevant to this application, but had been included within the report as part of the previous planning history on this site.

Officers were recommending that the application be refused, for the reasons set out in paragraph 202. of Report No DEV14/142.

It was moved by Councillor W Hirst, duly seconded by Councillor A Drummond, that the application be approved, contrary to the Officer recommendation.

The Place Shaping Manager explained that, in line with the Decision Making Protocol adopted in January 2014, the 'minded to' provisions would not be invoked in this instance and that the conditions for this application would be delegated to the Head of Planning and Regulatory Services, in consultation with the Chairman and Vice Chairman of the Development Control Committee and with the Portfolio Holder for Planning, Housing and Transport.

Members requested as to whether it would be possible for the conditions on this application to be determined by the Committee, rather than by delegated authority. The Place Shaping Manager then considered this request and confirmed that, at the request of Members, the 'minded to' provisions would be invoked for this application, to allow for Members to be able to determine the conditions which would be attached to this application.

Therefore, with the approval of Councillor W Hirst, his motion was amended that the application be 'minded to be approved', contrary to the Officer recommendation. This motion was then put to the vote and with 5 voting for the motion, 8 voting against and with 1 abstention, the Chairman declared the motion lost.

It was then moved by Councillor Mrs R E Burt, seconded by Councillor S Cole, that the application be refused, for the reasons as set out in paragraph 202. of the report. This motion was then put to the vote and with 8 voting for the motion, 5 voting against and with 1 abstention, it was resolved that

Planning permission be **REFUSED**, for the following reasons:

1. The proposals for the erection of 20 dwellings (including 6 affordable dwellings) at Sperrinks Nursery, The Street, Gazeley are contrary to national policies set out in the National Planning Policy Framework 2012 (the Framework). These state (inter alia) that the planning systems should (inter alia)
 - i) actively manage patterns of growth to make the fullest possible use of public transport, and cycling and focus significant development in locations which are or can be made sustainable,
 - ii) always seek to secure high quality design and address connections between people and places and the integration of new development into the built environment and,
 - iii) where development of agricultural land is necessary, seek to use areas of poorer quality land in preference to that of higher quality.

The proposals also conflict with the adopted Development Plan for the area (comprised of the Core Strategy 2010 (as amended) and the saved policies of the 1995 Local Plan). In particular, the proposals are contrary to saved policies 4.15, 9.1 and 9.2 of the Forest Heath Local Plan (1995) and to policies CS1, CS5, CS6 and CS10 of the Core Strategy (2010). These policies classify Gazeley as a secondary village where nominal

development in the form of infilling within the defined settlement boundary is anticipated, urban extensions are not considered, and developments outside the settlement boundary are restricted to a limited range of uses, excluding speculative housing development (CS2, CS10 and 4.15). The policies also require all new development proposals to be of a high design quality reinforcing local distinctiveness confirming that design failing to enhance the character, appearance and environmental quality of an area will not be acceptable (CS5, 4.15 and 9.2). Furthermore, these Development Plan policies seek to prevent the unacceptable and unjustified loss of the best and most versatile agricultural land (9.1) and existing employment sites (CS6).

In this case, the application proposals are unsustainable, as defined by the Framework, insofar as they would result in an unacceptable form of development at an unsustainable location in the rural area (countryside outside of the defined settlement boundary), contrary to well established settlement boundaries. The development of the site which is poorly connected with and visually contained from the core areas of the village would be particularly harmful to the established character and pattern of existing development in the village. Furthermore the proposed residential development of the site would result in the unjustified and unqualified loss of an established employment site and Grade 2 agricultural land (the best and most versatile), contrary to the aforementioned national and local planning policies.

The Local Planning Authority considers the dis-benefits of this development it has identified, significantly and demonstrably outweigh the benefits such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole). Accordingly, the presumption in favour of sustainable development set out at paragraph 14 of The Framework does not apply to this development.

2. Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to (inter alia) educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of affordable housing provision and infrastructure improvements are required to mitigate the impacts of this development:

- 6(no.) units of affordable housing (30%)
- Developer contributions to be used towards extending the catchment primary school within the nearby village of Moulton.
- Developer contributions towards early years education (pre-school facilities for children aged 2-5)
- Libraries contribution
- Health Contribution (upon receipt of confirmation from the NHS Trust)
- Bus stop improvements (developer contribution)
- Off-site provision of public open space.
- Strategy for maintenance of the on-site public open space.

No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of affordable housing and infrastructure necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Speaker: Mr Robert Eburne (agent for the applicant) spoke in support of the application.

The meeting closed at 7.58 pm.

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 DECEMBER 2014

DEV/FH/14/001

Report of the Head of Planning and Regulatory Services

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

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No 01284 757382

Committee Report

App. No: DC/14/0585/OUT **Committee Date:** 3 December 2014

Date: 9 April 2014 **Expiry Date:** 9 July 2014
Registered:

Case Officer: Philippa Kelly **Recommendation:** APPROVAL

Parish: Kentford **Ward:** South

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

Site: Meddler Stud, Bury Road, Kentford

Applicant: Meddler Properties Ltd

Section A – Background and Summary:

- A1. This application was deferred from consideration at the Development Control Committee meeting on 5 November 2014. Members resolved they were 'minded to refuse' planning permission contrary to the officer recommendation of approval. Members were concerned that the proposal would result in:
1. Prematurity with regard to the Local Plan.
 2. Adverse impact on infrastructure provision in the village.
 3. Detrimental impact on the operation of the training yard, due to use of land for housing.
- A2. The previous officer report for the 5th November 2014 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.
- A3. This report sets out an update from the officer report presented to the meeting of Development Committee on 5th November, and includes a risk assessment of the three potential reasons for refusal.
- A4. The officer recommendation, which is set out at the end of this report, remains that planning permission should be granted.

Section B – General Information:

Application Details:

- B1. Please refer to Working Paper 1, Paragraphs 1 to 5 for a description of the application proposals.

Amendments:

- B2. Please refer to Working Paper 1, Paragraphs 6 to 8 for details of amendments made to the planning application.
- B3. Since the report was prepared for the 5th November 2014 meeting, the planning agent has provided correspondence relating to the potential Section 106 obligation in relation to the racehorse training establishment (RTE) element (letter dated 19th November 2014). This correspondence is attached as Working Paper 2.
- B4. The correspondence from the planning agent dated 19th November 2014 proposes the following:
- Construction and completion of the RTE element prior to any of the new dwellings being occupied.
 - No more than 35 new dwellings to be occupied until the RTE is either sold or rented to an equine operator.
 - The instruction of a reputable firm of estate agents/chartered surveyors, experienced in equine properties, to be instructed to offer the RTE on the open market, either for sale or rent, prior to any of the new dwellings being occupied.
 - Active marketing until such time as a suitable purchaser or tenant is identified.
 - Regular review if it proves difficult to attract a purchaser/tenant on the initial terms offered, including consideration of a discounted sale/rented price.
 - Maintenance of the RTE by the landowners, until such time as it is either sold or rented.

These matters are considered in further detail in Section F of this report.

Site Details:

- B5. Please refer to Working Paper 1, Paragraphs 9 to 14 for a description of the application site area.

Application Supporting Material:

- B6. Please refer to Working Paper 1, Paragraphs 15 to 19 for further details of the material submitted with the planning application.

Relevant Planning History:

- B7. Please refer to Working Paper 1, Paragraphs 20 to 33 for details of relevant planning history.

Consultations:

- B8. Please refer to Working Paper 1, Paragraphs 35 to 49 for details of consultation responses received.
- B9. Additional correspondence has been received from the Council's Equine Consultant, Tony Kernon (letter dated 19th November 2014). This correspondence is attached as Working Paper 3.
- B10. In summary, the correspondence from Mr Kernon dated 19th November 2014 advises the following:
- A 20 box yard is an appropriate size for this location.
 - It is probable that the yard would be viable.
 - It is likely that there will be a demand for this size of yard.

These matters are considered in further detail in Section F of this report.

- B11. Members are also asked to note that the Planning Service Manager, Marie Smith, has updated the Planning Policy position in the context of the adopted and emerging Local Plan (correspondence dated 20th November 2014). This correspondence is attached in full as Working Paper 7, and updates the Planning Policy consultation advice dated 21st October 2014 (Working Paper 1, Paragraphs 37).
- B12. In summary, the correspondence from the Planning Service Manager advises that the Policy position leans more towards a refusal of planning permission, in that the development proposals are contrary to the horse racing policies contained in the adopted and emerging Local Plan.

Any further consultation responses received will be reported verbally to the meeting.

Representations:

- B13. Please refer to Working Paper 1, Paragraphs 50 to 55 for details of representations received. Members should also refer to the additional representation received on behalf of the Jockey Club after the committee report to the 5th November meeting was prepared. This is attached as an Appendix to this report. Any further representations received will be reported verbally to the meeting.

Policies:

B14. Please refer to Working Paper 1, Paragraphs 56 to 75 for details of relevant policies.

Officer Comment:

B15. Please refer to Working Paper 1, Paragraphs 76 to 256 for a comprehensive officer assessment of the application proposals. The officer assessment remains unchanged following the Development Control meeting on 5th November.

Section C - Risk Assessment

C1. The main purpose of this report is to inform Members of the risks associated with the 'of mind' resolution to refuse planning permission for these development proposals, given that a refusal of planning permission would be contrary to officer recommendation.

C2. As set out in the Background section of this report, Members deferred their consideration of this planning application from the 5th November meeting of Development Committee. Members are 'of mind' to refuse planning permission on grounds of i) Prematurity with regard to the local plan, ii) lack of infrastructure to support more housing, and iii) use of land for housing being detrimental to the operation of the training yard.

C3. The subsequent part of this report discusses the potential reasons for refusal cited by Members, before discussing the likely implications of a refusal of planning permission on these grounds.

Section D - Potential Reason for Refusal 1 - Prematurity:

D1. Members should also refer to attached Working Paper 1, Paragraphs 94 to 105.

D2. What does the evidence say?

- The National Planning Policy Framework does not directly address the issue of prematurity. Advice about the approach the decision maker should take is set out in the National Planning Policy guidance which was published in March 2014. This states:

'Prematurity arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits'.

- The Authority is now at a relatively advanced stage in the preparation of its Development Management policies. At the time of writing this report, Proposed Main Modifications to the Joint Forest Heath and St Edmundsbury Development Management Policies Document are on consultation until 27 November 2014. Policies DM47 to DM50 are material to the consideration of the application proposals. Both Policy DM48 and DM49 have been modified, and the changes are substantive in nature. The full text of the amended policies is set out below:
- **DM48 – Development Affecting the Horse Racing Industry** Any development within or around Newmarket which is likely to have a

material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic, loss of paddocks or other open space and /or servicing requirements) or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted, unless the benefits would significantly outweigh the harm to the horse racing industry.

- **DM49 – Re-development of Existing Sites Relating to the Horse Racing Industry** The change of use of land and buildings, including associated residential accommodation, presently or last legally used as racehorse training yards, stud farms, racecourses, horse training grounds or other uses, directly related to the Horse Racing Industry (and including the sub-division of the yard or site from its associated residential accommodation) will only be permitted if allocated as a proposal in an adopted Local Plan.

The change of use of racehorse training yards, stud farms, racecourses and horse training grounds (including associated residential accommodation) to alternative uses directly related to the Horse Racing Industry will only be permitted if satisfactory evidence is provided that the specific benefits to the horse racing industry outweighs the loss of the existing use.

Permission will only be granted for schemes that conserve and/or enhance the character and appearance of the area and, where relevant and necessary, conditions will be imposed removing permitted development rights to prevent further changes of use.

- Policy DM48, including the Inspector's Modifications, is clear that any change of use of land within the horse racing industry will only be permitted if allocated in an adopted Local Plan. Policy DM49 states that alternative uses directly related to the horse racing industry will only be permitted in exceptional circumstances, if evidence is provided that the specific benefit to the horse racing industry outweighs the loss of the existing use.

D3. Have there been any further developments or changes in circumstances which Members need to consider?

- Yes. Members should note the following:
 - The Planning Service Manager has provided further consultation advice which updates the Planning Policy position.
 - The period of public consultation in respect of the proposed modifications to the Development Management Policies closes on 27th November.

D4. What is the officer view?

- The Council is now at an advanced stage in the preparation of its Development Management policies Local Plan. The weight which can be afforded to these policies is now seen as 'significant', given that an Inspector has considered the policies following an Examination in Public, and the proposed modifications to the Plan do not conflict with the NPPF.

- The application proposals are contrary to emerging Policy DM49, which only permits a change of use of land within the horse racing industry, if the land is allocated in an adopted Local Plan. The proposals also conflict with this policy by failing to demonstrate why more of the application site does not retain its existing, equine use. On this basis the proposals could be considered premature, and should be advanced through the Local Plan process.
- At the time of writing this report, there is a lack of clarity regarding how much weight may be afforded to the emerging horseracing policies. This is because the proposed modifications in respect of Policies DM48 and DM49 are substantive in nature. This suggests that there are unresolved issues. The Inspector, depending upon the weight of representations received, may make further amendments.
- Given the stage that the Council is currently at in the preparation of its Development Management policies Local Plan, Officers are of the opinion that it could be difficult to sustain at planning appeal a refusal of planning permission on the grounds of conflict with emerging policies DM48 and DM49. Members are asked to note that this is a fluid situation, and the weight to be attached to these policies could change.

Section E - Potential Reason for Refusal 2 – Infrastructure:

Primary Education - including cumulative impacts

- E1. Members should also refer to attached Working Paper 1, Background Section, Paragraphs 209 to 211, and Paragraphs 232 - 233.
- E2. **What does the evidence say?**
- Moulton Primary School is the catchment primary school for the proposed development. The nearest primary school is in Kennett, which is within Cambridgeshire.
 - Moulton Primary School has an existing capacity of 210 places. Evidence demonstrates that expansion of Moulton Primary school will be necessary to supplement further growth in the village (i.e. development that has previously received planning permission, and that proposed by this planning application). A new primary school will not be needed.
 - Moulton Primary School is not constrained. The expansion of the school is the agreed education strategy.
 - Suffolk County Council, as the Education Authority and statutory provider of school places, will seek to mitigate the impact of the proposed development by securing financial contributions. These contributions will be used to extend Moulton Primary School.
 - The application proposals (and any other growth) does not alter the basic requirement for the expansion of Moulton Primary School, but will ultimately influence how large the expansion will be.
- E3. **Have there been any further developments or changes in circumstances which Members need to consider?**

- There have been no changes in circumstances or further developments since the Development Committee meeting on 5th November.

E4. What is the officer view?

- Officers acknowledge that the demand for 16 additional pupils from this development on Moulton Primary School is a dis-benefit of these proposals.
- The development would mitigate the impact on primary education, by securing financial contributions which would be spent on extending Moulton Primary School.
- Evidence is clear that the impact of the development proposals will be adequately mitigated, such that the impact upon primary school provision at Moulton is not a constraint on this development.
- Officers consider that a refusal of planning permission on primary education grounds could not be sustained at appeal and would not be able to produce evidence to substantiate this reason for refusal.

Highways – including cumulative impact

E5. Members should also refer to attached Working Paper 1, Background Section, Paragraphs 125 to 144, and Paragraphs 212 - 214.

E6. What does the evidence say?

- The NPPF states that that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Vehicular access would be provided to the development via Bury Road. The Transport Assessment submitted with the planning application has demonstrated the development would be acceptable in highway terms. There is no evidence to hand to dispute these conclusions.
- Access arrangements were agreed with the Local Highway Authority at Suffolk County Council which has raised no objections to the planning application.

E7. Have there been any further developments or changes in circumstances which Members need to consider?

- There have been no changes in circumstances or further developments since the Development Committee meeting on 5th November.

E8. What is the officer view?

- Officers do not consider the development proposals would, in isolation or in combination, lead to severe transport impacts. Officers consider the development proposals would have suitable and safe vehicular access. This view is shared by the Transport Assessment accompanying the planning application and the Local Highway Authority which has scrutinised the planning application.

- Officers consider a refusal of planning permission on highway grounds could not be sustained at appeal and would not be able to produce evidence to substantiate this reason for refusal.

Section F – Potential Reason for Refusal 3 - Use of land for housing would be detrimental to the operation of the training yard:

F1. Members should also refer to the following attached documents:

Working Paper 1 - Committee Report from 5th November meeting of Development Control Committee.

Working Paper 2 – Letter dated 19th November 2014 from Mr Thomas Smith, URS Infrastructure and Environment UK Limited (planning agent).

Working Paper 3 – Letter dated 19th November 2014 from Mr Tony Kernon, Kernon Countryside Consultants Ltd (Council’s Equine Consultant).

Working Paper 4 - Planning Appeal Decision in respect of Planning Application Reference F/2012/0766/OUT (Meddler Stud, Bury Road, Kentford, Outline planning application for residential development).

Working Paper 5 - Letter dated 30th June 2014 from Mr Tony Kernon, Kernon Countryside Consultants Ltd (Council’s Equine Consultant).

Working Paper 6 – Email correspondence dated 22nd October 2014 from Mr William Gittus, Jockey Club Estates.

F2. **What does the evidence say?**

- In the context of the previous planning application for the residential development of the site in its entirety, it was the Planning Inspector’s opinion that:
 - The complete loss of the whole site to housing would result in the unjustified loss of a site used in connection with the horseracing industry.
 - A 20 box RTE would have a reasonable prospect of success.
 - The boxing, travelling and unloading of horses to central gallops and other facilities in Newmarket is not impractical.
 - The dependence of a future trainer upon central gallops and facilities does not show that a small-scale RTE would be unviable.
- The Council’s Equine Consultant, Mr Tony Kernon, has confirmed in his correspondence dated 30th June 2014 that the development proposal provides what could be a very good starter yard.
- Mr Tony Kernon, in his letter dated 19th November 2014, concludes the following:
 - A 20 box yard is an appropriate size for this location.
 - It is probable that such a yard would be viable.

- It is likely that there will be a demand for this size of yard.
- No objections have been raised on the grounds of conflict of potential uses by technical consultees.
- In relation to the detailed design of the proposals, Tony Kernon, William Gittus (Jockey Club Property Director and Managing Director) and Nick Patton (Jockey Club Training Grounds Manager) have considered the design of the RTE and commented as follows:
 - The RTE should be protected by a 2m high close boarded fence, particularly along its boundary with the highway, the access road to the proposed development and any public open space.
 - The horse walker should not be situated in the middle of the exercise track.
 - The exercise track will need to be built up in order to allow the drainage to work effectively.
 - The intended layout/design of the POS area should be clarified.
 - Consideration should be given to reducing the tightness of the bends on the exercise track.
 - Stables in a barn as opposed to a more traditional 'courtyard' design tend to be more efficient to operate which is critical for a small RTE.

F3. Have there been any further developments or changes in circumstances which Members need to consider? –

- Yes, additional correspondence has been received from the Council's Equine Consultant and the Planning Agent. This is reported at Paragraphs B3 – B5 above.

F4. What is the officer view? –

Design and Layout of the RTE

- The application proposals relate to the principle of the development and access arrangements only. The detailed design and layout of the RTE are matters which would be reserved for subsequent planning applications. The specialist advice received in respect of the design and layout could be incorporated into relevant planning conditions and advisory informatives, should the scheme be approved.
- Officers consider that a refusal of planning permission on the grounds of the design and layout of the RTE could not be substantiated at appeal and would not be able to produce evidence to substantiate this reason for refusal.

Delivery of RTE

- Members will note from the 5th November Committee Report (Working Paper 1, Paragraphs 119 – 122) that the delivery of the RTE is

considered by officers to be an essential part of the planning process.

- The recommendation of approval was based on ensuring the delivery of the proposed RTE - with build out and operation of the RTE to be secured through the Section 106 process. At the time of the November committee meeting, the finer detail of the Section 106 had not been agreed - although the planning agent had suggested a trigger point for the provision of the RTE being completed before the occupation of the tenth residential unit.
- Officers note from subsequent correspondence received from the planning agent dated 19th November 2014, that the applicant is agreeable to construction and completion of the RTE element of the development, prior to any of the new houses being occupied. This can be secured by way of a relevant clause in the Section 106 agreement.
- With regard to securing an operator for the RTE, the applicant has confirmed the acceptability of including provision for the marketing strategy to secure an operator, through the Section 106 process.
- In terms of the actual operation of the RTE, the applicant has proposed that no more than 35 new dwellings be occupied until the RTE is either sold or rented to an equine operator.
- The proposals which have been put forward by the applicant to secure the delivery of the can be formalised through the Section 106 process. Officers consider that these proposals represent 'best endeavours' to secure the RTE, although acknowledge that this is not an absolute guarantee of its delivery.

Conflict of Uses

- There is no evidence to suggest that the use of land for housing in proximity to the training yard would cause material harm. In reaching this decision, officers are mindful of the current situation in respect of the proximity of residential properties to Meddler Stud.
- Officers consider that a refusal of planning permission on the grounds of conflict of uses could not be substantiated at appeal, and would not be able to produce evidence to substantiate this reason for refusal.

Section G - Implications of a refusal of planning permission:

- G1. It is likely that should Members subsequently resolve to refuse planning permission the applicants will appeal that decision.
- G2. At the time of writing this report, Officers consider that it would be difficult to defend a refusal of planning permission on the grounds discussed above, given the weight of evidence demonstrating the development proposals would not be harmful in these respects and the absence of convincing evidence to the contrary.
- G3. A refusal of planning permission for any development on indefensible grounds is likely to lead to planning permission being granted at appeal. This outcome could have significant implications for the Council.

- G4. Firstly, the Council's reputation would be adversely affected by its inability to properly defend its reasons for refusal at appeal.
- G5. Secondly, if a Local Planning Authority experiences more than 20% of its major development appeals allowed in any two-year period, it is deemed a failing authority and would face Government sanction. This would include introduction of a right for applicants proposing major development to submit planning applications directly to the Planning Inspectorate, effectively taking the decision making power out of the hands of the Local Planning Authority.
- G6. Finally, the applicants would have the right to recover their appeal costs from the Council should the Inspector appointed to consider the appeal conclude it has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance (paragraph 49). Three of the numerous examples cited in the advice are as follows:

What type of behaviour may give rise to a substantive award against a local planning authority?

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- failure to produce evidence to substantiate each reason for refusal on appeal.
- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

- G7. In the absence of evidence to substantiate its reasons for refusal and the presumption in favour of sustainable development set out in the National Planning Policy Framework, officers consider it would be difficult to defend a potential claim for the award of costs at appeal. An award of costs against the Council is likely to have significant financial implications and when combined with its own costs is estimated to exceed £100,000.

Section H – Conclusions:

- H1. Members should also have regard to Paragraphs 248 to 256 of Working Paper 1 where officer conclusions and assessment of the 'planning balance' of issues are set out.
- H2. Officers are concerned that the Committee resolution that Members are 'of mind' to refuse planning permission for this development on grounds of prematurity, impact on infrastructure and conflict of uses, are ill-founded and not grounded in evidence. The evidence available to date demonstrates that these three matters of concern to Members would not be adversely

impacted by the development.

- H3. Officers consider that should planning permission be refused on one or a combination of the three grounds for refusal resolved at the last Development Control Committee meeting, the Council would find it difficult to defend the decision at a subsequent appeal and is likely to face a claim for award of cost against it (on top of having to fund its own defence).
- H4. In considering the merits of this planning application, Members are reminded of the requirements set out in the National Planning Policy Framework for the decision maker to balance the benefits of the proposed development against its dis-benefits and only where those dis-benefits would significantly and demonstrably out-weigh the benefits should planning permission be refused (reference paragraph 14 of the National Planning Policy Framework).
- H5. In this case, the weight of evidence is clear that the dis-benefits of development are significantly outweighed by the benefits of development proceeding and clearly points to the grant of planning permission in this case.

Section I – Recommendation:

I1. That outline planning permission is **APPROVED** subject to:

(1) The completion of a S106 agreement to secure:

- Affordable housing – 30% of the total dwelling units.
- Primary school contribution –£194,896.
- Pre-school contribution - £36,546.
- Libraries contribution - £13,824.
- Highways contributions - cycle improvements: £28,490; public transport infrastructure: £2,000.
- Healthcare contribution - £26,000.
- Open space contribution – TBC.
- The build out and operation of the RTE.

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

(2) And the following conditions:

1. Outline time limit.
2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping).
3. Compliance with approved plans.
4. Highways – details of proposed access.

5. Highways – details of bin storage.
6. Highways – details of surface water discharge.
7. Highways – details of carriageways and footways.
8. Highways - details of car parking and manoeuvring areas, including cycle storage.
9. Highways – details of turning space.
10. Highways – provision of visibility splays.
11. Highways – provision of pedestrian crossing.
12. Archaeology – implementation of a programme of work; site investigation and post investigation assessment.
13. Contamination – remediation strategy.
14. Contamination – further investigative work if necessary.
15. Details of surface water disposal.
16. No piling or investigation boreholes using penetrative methods.
17. Scheme to provide flood plain compensation.
18. Scheme of surface water drainage/surface water strategy.
19. Scheme for provision and implementation of pollution control.
20. Foul water disposal details.
21. Surface water drainage details.
22. Construction management plan.
23. Hours of construction.
24. Design code.
25. Details of boundary treatment.
26. Samples of materials.
27. Detailed scheme of hard and soft landscaping.
28. Arboricultural Impact Assessment.
29. Tree survey and management plan for tree belts, including planting details.
30. Tree protection details, including details of tree works for retained trees.
31. No development within RPA of existing trees.
32. Landscape management plan, including enhancements for biodiversity.
33. Recommendations of Ecological Risk Appraisal and Protected Species Survey to be implemented (including mitigation and enhancement plan).
34. Details of bat licence.

35. Details of lighting.
36. Provision of fire hydrants.
37. Waste minimisation and recycling strategy.
38. RTE – full details including boundary treatment.

Documents:

Application documents

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3AHSMPDJ1G00>

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

Other background documents

The following documents are attached to this report as background document:

- i) Email correspondence received on behalf of the Jockey Club after the committee report to the 5 November 2014 meeting was prepared (Appendix 1)
- ii) Committee report from 5th November 2014 meeting of Development Control Committee (Working Paper 1).
- iii) Letter dated 17th November 2014 from Mr Thomas Smith, URS Infrastructure and Environment UK Limited (Planning Agent) (Working Paper 2).
- iv) Letter dated 20th November 2014 from Mr Tony Kernon, Kernon Countryside Consultants Ltd (Council's Equine Consultant) (Working Paper 3).
- v) Planning Appeal Decision in respect of Planning Application Reference F/2012/0766/OUT (Meddler Stud, Bury Road, Kentford, Outline planning application for residential development) (Working Paper 4).
- vi) Letter dated 30th June 2014 from Mr Tony Kernon, Kernon Countryside Consultants Ltd (Council's Equine Consultant) (Working Paper 5).
- vii) Email correspondence dated 22nd October 2014 from Mr William Gittus, Jockey Club Estates (Working Paper 6).
- viii) Updated Planning Policy advice received 21 November 2014 (Working Paper 7).

Case Officer: Philippa Kelly.....Tel. No. 01284 757382

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Email correspondence received on behalf of the Jockey Club after the committee report to the 5 November 2014 meeting was prepared.

From: Gittus, William [<mailto:william.gittus@thejockeyclub.co.uk>]
Sent: 05 November 2014 15:29
To: Kelly, Philippa
Cc: Smith, Marie; Gallin, Ian; Wood, Steven
Subject: Meddler Stud

Dear Philippa

Thank you for your email. What I fail to understand is what of any material relevance has changed between now and your recommendation to refuse a few weeks ago.

Your summary shows that there are limited benefits to the scheme and given the actual loss and the risk of future loss, I find it impossible to see how you can consider that "on balance the development scheme constitutes sustainable development".

Your report highlights limited economic benefits - a few short term construction jobs (which would be created anyway if the same number of houses were built elsewhere in the district), local spending generated by proposed residents (same comment) and new homes bonus payments (same comment).

I would suggest that this pales into insignificance in relation to what you are putting at risk.

I have mentioned to you before the long running saga in the Hunter Valley, Australia where the thoroughbred breeding industry has been battling mining companies. The development the mining companies were seeking would have created many jobs and brought tens of millions every year into the local public purse through taxes and yet the government has recognised that in doing so they would put the breeding industry at risk, and have recently rejected the applications.

I attach determination report and a summary which I hope that you and your colleagues might read.

I very much hope that the Committee will see how damaging it would be to grant permission to this application, especially given the fact that it has been created by allowing intentional dereliction of the site.

Had your predecessors taken the same approach to Albert House in Newmarket (which has lain empty for 15 plus years) it would now be the site of very few houses and not being refurbished; protecting the built heritage and local distinctiveness of the district, bringing investment into the district and creating sustainable, long term employment.

Again, I very much hope that you are right and I am wrong. If it is the other way round, then today will be a very sad day indeed.

Regards

WAG

William Gittus MRICS

Group Property Director and
Managing Director, Jockey Club Estates Limited
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-----Original Message-----

From: Kelly, Philippa [<mailto:Philippa.Kelly@Westsuffolk.gov.uk>]

Sent: 05 November 2014 10:25

To: Gittus, William

Cc: Smith, Marie; Wood, Steven

Subject: RE: Meddler

Hello William,

I can fully appreciate your concerns regarding the recommendation for approval of this planning application.

Officers have spent a significant amount of time considering the potential implications of the application proposals on the horse racing industry. This evaluation is set out in Paragraphs 106 - 124 of the report to Development Control Committee.

As you will be aware from our meeting with Marie Smith, a fundamental planning policy issue is whether the proposals will have a 'significant' impact on the horse racing industry. It is acknowledged that the loss of land which is currently in equine use represents a substantial proportion of an existing RTE. However, the development proposals provide for a RTE, which has the potential to make a greater contribution to the horse racing industry when compared to the existing facility. On this basis, the local planning authority is of the opinion that the loss of land would not cause significant harm to the racing industry as a whole - subject to securing the build out and delivery of the RTE as part of the Section 106 planning obligation process.

In accordance with the Council's standard practice, the 'finer detail' of the Section 106 agreement will be a matter for further discussion with the planning agent, should Members resolve to approve the planning application this evening.

Kind regards.

Philippa Kelly

Principal Planning Officer - Major Projects Planning

-----Original Message-----

From: Gittus, William [<mailto:william.gittus@thejockeyclub.co.uk>]

Sent: 05 November 2014 07:27

To: Kelly, Philippa

Subject: Meddler

Dear Philippa

As you can imagine I am surprised and disappointed by the recommendation for approval in your report on the above.

I would be grateful if you could let me know how you intend to ensure the creation and operation of the "new" RTE and its preservation for the long term to avoid a further loss of HRI assets and land resource through intentional degradation of existing facilities?

I will be speaking this evening, albeit 90 seconds seems an appallingly short amount of time in which to try and cover such a very important issue.

I look forward to hearing from you.

Regards

WAG

William Gittus

Property Director, Jockey Club Group

Managing Director, Jockey Club Estates

Tel: 07920 763492

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

5 NOVEMBER 2014

DEV14/141

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

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

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No 01284 757382

Committee Report

App. No: DC/14/0585/OUT **Committee Date:** 5 November 2014

Date Registered: 9 April 2014 **Expiry Date:** 9 July 2014

Case Officer: Philippa Kelly **Recommendation:** APPROVAL

Parish: Kentford **Ward:** South

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

Site: Meddler Stud, Bury Road, Kentford

Applicant: Meddler Properties Ltd

BACKGROUND:

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

The application was deferred from consideration at the 1 October 2014 meeting of Development Control Committee, to enable consideration of additional information provided by the planning agent. The additional information relates to equine issues, and is considered further in the Officer comment section of this report.

The application is recommended for APPROVAL.

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for residential development (up to 63 dwellings). In addition, the application proposes the creation of a 20-box racehorse training establishment (RTE) and an associated trainer's house. The existing buildings that currently form Meddler Stud would be demolished as part of the proposals.

WORKING PAPER 1

2. The means of access only to the site forms part of the application. All other matters (details of scale, layout, appearance and landscaping) are reserved for consideration as part of any subsequent reserved matters applications.
3. The submitted plans indicate that the development will be served by a new vehicular access to be taken from the B1506 (Bury Road), to the west of the existing access which serves the site.
4. An illustrative indicative Masterplan accompanies the application. This demonstrates how the development proposals could be accommodated on the site. The Masterplan shows a new 2.2 ha racehorse training establishment located within the western part of the site. It is proposed that the RTE incorporates the following: 20 stables/boxes; a 2.18 furlong exercise ring; trainers house; barn and yard area, horse walker and lunge ring. The remainder of the proposed RTE element will be left as paddock land (approximately 1.5 hectares).
5. With regard to the residential element, the indicative Masterplan identifies 63 dwellings situated in the eastern and northern parts of the site. An indicative schedule of accommodation is provided as part of the planning submission, which sets out the envisaged mix of units. It is proposed that on-site affordable housing provision of 30% is provided as part of the scheme.

AMENDMENTS:

6. During the course of the application, amendments and additional information were received. The illustrative Masterplan was amended to address concerns raised by the County Archaeologist.
7. Additional correspondence was also received from the Planning Agent in respect of the sustainability merits of the scheme, the potential impacts on the equine industry, and infrastructure tipping points.
8. In terms of issues relating to the equine industry, additional information provided by the Planning Agent includes the following:
 - Email dated 01st October 2014, which sets out the position in respect of the justification for the amount of land proposed to be used for the RTE element.
 - Letter dated 15th October 2014, which provides additional information relating to the following aspects of the proposed training yard: market; deliverability; viability; policy implications.

SITE DETAILS:

9. The application site is located in the centre of Kentford, to the south of Bury Road. It covers an area of approximately 7 hectares. It is currently in use as a race horse training establishment and livery associated with the Horse Racing Industry (HRI). The site lies outside of the defined settlement boundary for Kentford.

WORKING PAPER 1

10. Meddler Stud was once part of a larger 100 hectare stud farm. It is understood that it was subdivided in the 1990s, with the majority of paddocks sold to adjoining land owners.
11. The site is bounded by residential properties and Bury Road to the north, which provides access to the site. The River Kennett runs along the western edge of the site, beyond which is a 1970s residential estate. Arable fields abut the southern side of the site, whilst a small paddock and residential properties are situated to the east.
12. The site is generally well screened by mature linear tree belts around the majority of the site boundary. There is an additional mature tree belt which runs through the centre of the site. The site contains several buildings associated with the historic use of the site, and a number of young trees.
13. The levels on the site vary significantly, rising from the river and Bury Road to the south and east. The site falls predominantly within Flood Zone 1, with a low risk of flooding. The north-eastern part of the site, along the bank of the River Kennett, falls within Flood Zones 2 and 3.
14. Kentford is designated as a Primary Village in Core Strategy Policy CS1, and is served by a number of basic local services and facilities. These include a post office and convenience store, two public houses, St Marys Church and employment areas at the eastern and western ends of the village. The village has a population of 1,184 (Source - Infrastructure and Environmental Capacity Appraisal, 2009)

APPLICANT'S SUPPORTING MATERIAL:

15. The application is accompanied by the following documents:
 - a. Application form, drawings and plans, including illustrative Masterplan and sectional drawings.
 - b. Design and access statement.
 - c. Planning statement.
 - d. Land contamination assessment.
 - e. Arboricultural impact assessment.
 - f. Ecological risk appraisal and protected species survey.
 - g. Flood risk assessment.
 - h. Foul drainage strategy.
 - i. Cultural heritage assessment.
 - j. Horse racing impact assessment.
 - k. Residential travel plan statement.
 - l. Transport statement.
 - m. Statement of community involvement.
16. The Planning Statement which accompanies the application includes a planning appraisal of the development scheme against planning policy and guidance. It also sets out how the proposals respond to site specific issues, including potential impacts on the horse racing industry. The Statement places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land supply.

17. The Statement also draws upon the appeal decision for the previous planning application on this site (F/2012/0766/OUT), which is a material consideration in the evaluation of the development proposals. These matters are given further consideration within the Officer Comment section below.
18. Correspondence received from the planning agent dated 24 June 2014 was submitted in support of the scheme, and summarises the merits of the development proposals in the context of sustainable development. This notes that the development would not result in any notable adverse impacts.
19. Prior to the submission of the subject planning application, the applicant sought a separate formal screening opinion from the Council under the provisions of the Town and Country Planning 'Environmental Impact Assessment' (EIA) Regulations 2011. A formal Screening Response was issued by the Council on 28 April 2014. This takes the view that the development as proposed is not EIA development. As a consequence an EIA was not required as part of the planning application submission.

PLANNING HISTORY:

F/2012/0766/OUT

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

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

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

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

Reasons for Refusal

1. Prematurity:

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

2. Impact on Horse Racing Industry:

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

3. Archaeological Issues:

The site has potential for the discovery of important unknown archaeological assets. It is located in a topographically favourable location for early occupation of all periods, immediately above the floodplain of the River Kennett. Insufficient archaeological field evaluation has taken place and therefore, the significance of any heritage asset (s) or the potential impact of the proposal on below-ground archaeological remains cannot be established, as required by paragraphs 128 and 129 of the National Planning Policy Framework. The application therefore fails to demonstrate that the proposed development will not have a significant impact on archaeological remains and would be contrary to guidance contained within the National Planning Policy Framework 2012.

4. Section 106 Issues:

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

September 2013: Public local inquiry held.

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

Link to the Inspector's report:

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

Main Considerations of Inspector's Report

22. In determining the planning appeal, the Inspector's main considerations were as set out in Paragraph 6 of his report:
 1. The effect of the development upon the Horse Racing Industry.
 2. Whether there is a deliverable five year supply of housing land.

3. Whether the proposals are sustainable development to which the presumption in favour (identified by Paragraph 14 of the NPPF) applies, and
4. Whether the proposals are so premature as to require the withholding of planning permission.

Summary Of Relevant Main Conclusions of Inspector's Report

Impact upon Horse Racing Industry

23. The Inspector recognised the importance of the HRI to the long term economic, social and environmental sustainability of Newmarket and the District. In the specific context of the application site, he was of the view that *'the presented evidence does not show that the layout, size or make up of the site and the condition of the buildings contributed towards the historic failure of the enterprise'* (Paragraph 16).
24. The Inspector considered submissions in relation to the viability of a small scale 20 box RTE. He opined that: *'The presented evidence points to the probability that a 20 box RTE would have a reasonable prospect of success on the site.....On the other hand, the complete loss of the site to housing and associated infrastructure would result in the unjustified loss of a site used in connection with the HRI'* (Paragraph 23).
25. The Inspector concluded that the site's loss to residential development would have a materially harmful effect upon the HRI, because it would involve the loss of a RTE or land used in connection with the HRI (Paragraph 25).

Five-year Supply of Housing Land

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

Sustainable Development

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

Prematurity

29. The Inspector noted that the development is small in comparison to the District's overall housing requirement. He recognised that the scheme would contribute to the housing figures; provide affordable homes and other economic benefits. However, he raised concern regarding the scale and location of the development, given the findings of the IECA report. On this basis, he considered it reasonable to consider the prematurity implications of granting planning permission for the development within the context of Kentford itself (Paragraph 52).
30. The Inspector considered the need to plan infrastructure improvements for Kentford as a whole rather than in isolation. In his opinion, without proper investigation of the infrastructure improvements required in Kentford to accommodate its future expansion via the planning process, the development would potentially predetermine the location of new development within Kentford in an uncoordinated and unsustainable manner (Paragraph 54).
31. Having considered all the arguments about prematurity, the Inspector concluded that the development proposal would not just have an impact upon a small area. The location and scale of the scheme would have a significant community effect given the potential impact upon existing local amenities, which are said to be already under severe pressure. He found that the scale of the development would be taken as having such a harmful and negative community effect so as to justify the refusal of planning permission on the grounds of prematurity (Paragraph 55).

Overall Conclusions

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

PROPOSAL SITE	SIZE	STATUS	REFERENCE
Gazeley Road	90 dwellings	Members resolved	F/2013/0221/FUL

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		to refuse (February 2014).	
Kentford Lodge	60 dwellings	Members resolved to approve subject to S106 (February 2014).	F/2013/0051/HYB
Jeddah Way	16 dwellings	Members resolved to approve subject to S106 (May 2014).	F/2013/0355/FUL
Animal Health Trust	41 dwellings	Members resolved to approve subject to S106 (October 2014).	F/2014/0692/FUL

CONSULTATIONS:

35. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received.
36. **West Suffolk Strategic Housing – No objection. Comments.** The Strategic Housing Team in principle support the development of Meddler Stud, Kentford, as it is complying with our CS9 policy of 30% affordable housing. However, this is subject to an agreed tenure and mix which is to be approved at reserved matters stage and incorporated into the detail of the S106.
37. **West Suffolk Planning Policy – Revised comments dated 21.10.10.** The following is a summary of the comments received:
- The site is outside of any defined settlement boundary and is located in an area regarded as 'countryside'. Within the countryside, the Local Plan permits development only in exceptional circumstances, (see policies CS1, CS10 and retained LP Policy 9.1).
 - The NPPF, (para. 215), is clear insofar as due weight can only be afforded to relevant policies in existing plans according to their degree of consistency with the 'Framework'. This is important in respect of the current proposal as the aforementioned policies do not confer the 'softening' of restrictions as they pertain to the delivery of market housing within the 'countryside', (i.e. outside of any settlement boundary), as is evident within the Framework itself and the online suite of Planning Practice Guidance, (e-PPG), that accompanies it.
 - It is advisable to consider/balance the potential benefits of the proposal against the adverse impacts. The presumption in favour of sustainable development is the 'golden thread' running through plan making and decision-taking, (para 14 of the NPPF), and the Authority should be aiming to boost 'significantly' their supply of housing, (NPPF para.47).

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Further, one of the core planning principles of the NPPF, (para. 17), is to objectively identify and meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, (irrespective of whether or not the LPA has a 5 year supply of deliverable housing sites).

- Potential 'benefits' will need to be balanced against the potential 'negatives' or adverse impacts. Consideration needs to be given to the impact, (economic, environmental and/or societal), of the proposal both in isolation and cumulatively.
- Environmental Capacity

Footnote 9, (p. 4 of the NPPF), is applicable insofar as this site is located within the 1,500m Stone Curlew SPA constraint zone, (i.e. it is a site protected under the Birds and Habitats Directive). Appropriate Assessment would be required that demonstrated no potential harm to the SPA qualifying feature, (Stone Curlew), before it could be considered for development.

The emerging SIR of Core Strategy Policy CS7 allocations are broadly in line with those contained within the 'original' Policy CS7, which in itself was deemed to be a 'sound' strategy at the examination stage. This would suggest that Kentford has the 'capability', (in broad terms), to support the current proposal for up-to 63 dwellings, (notwithstanding the fact that the 2009 IECA evidence base is dated and should be supplemented with appropriate subsequent information which may include other consultation responses to the current application or, indeed, other applications within and/or around Kentford).

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

- Prematurity

The online suite of Planning Practice Guidance, (PPG), confirms that 'prematurity' arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits – taking account of the policies of the NPPF. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- (1) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan.

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- (2) The emerging plan is at an advanced stage but is not yet part of the development plan for the area. Importantly, the PPG notes that refusal of planning permission on grounds of prematurity will seldom be justified where a Local Plan has yet to be submitted for examination.

Given the stage the Authority has reached in preparing its Site Allocations LP, (Regulation 18, Further Issues and Options stage), refusal of this application on the grounds of prematurity ought to be 'unlikely'. This is not to say that refusal cannot be justified on grounds of prematurity should you be able to demonstrate that the adverse impacts likely to arise from permitting the scheme, (in isolation or cumulatively), are so severe as to warrant this course of action.

The current proposal does need to be considered alongside other more 'recent' development(s) in Kentford and its surrounding area and in particular the approval of 60 dwellings, (including employment land provision), at Kentford Lodge/site K10/15, (Herringswell Road), 41 dwellings at the Animal Health Trust/site K/11 and 16 dwellings on land at Kennett Park, (all subject to legal agreement). These developments alone constitute some 61% of the settlement's allocation within the context of the emerging Site Allocations LP document, or some 70% of the emerging SIR LP Primary Village allocation of 168 dwellings in the plan period, (were all four Primary Villages to receive an 'equal share').

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

Clearly, the approval of the aforementioned applications will have exhausted any theoretical 'spare' capacity as envisaged by the Inspectorate at the time of issuing their decision.

Were the current proposal to be permitted, the cumulative scale of development for the aforementioned applications and the current one would amount to up-to 180 dwellings, (or 107% of the SIR 'even split' allocation). Consequently, although in isolation you may not consider that permitting up-to 63 dwellings would prejudice the plan-making processes, you may yet consider that cumulatively it would.

Should you consider that 'sufficient harm' is likely to accrue if further development on this scale and in this particular location is permitted, (at

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this time), it can be refused on prematurity grounds. Your contention would be that future decisions on the scale and location of new development within this settlement would 'better', (properly and robustly), be achieved via the plan-making processes. After all, this was the conclusion drawn by the Planning Inspectorate even before the approval of the aforementioned applications.

Conversely, you may consider that, on balance, the particular characteristics of Kentford are such that the settlement already has the capacity to accommodate the current proposal alongside other 'recent' development(s) sustainably. If you do reach this decision, then it should be informed by a thorough infrastructure appraisal that includes an assessment of the IECA findings, in addition to more recent and relevant evidence. You may also wish to assess the extent to which the current proposal, alongside other recent permissions, address any existing shortfalls in infrastructure provision that might potentially bring the development in line with the principles of sustainable development.

- HRI Policies

LP, (1995), retained Policy 12.2 states that change of use of stud land, (including buildings), shall not be permitted other than that which is essential to the horse racing industry. LP, (1995), retained Policy 12.4 states that change of use of racehorse training establishments, (RTEs), will not be permitted. Further, any development that will affect their operation will not be allowed. The current proposal is clearly in conflict with these adopted Local Plan policies.

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

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

The emerging, (Submission version), Development Management, (DM), Policy DM49 states that change of use will not be permitted unless in exceptional circumstances where the proposed use relates directly to the horse racing industry. A 'post examination' modification to policy DM49, that is currently being subjected to consultation, identifies that the change of use of land and buildings presently or last legally used in

connection to the HRI will only be permitted if allocated as a proposal in an adopted Local Plan.

The emerging, (submission version), policy DM48 states that new development that would threaten the long term viability of the horse racing industry as a whole will not be permitted. Policy DM48 is also the subject of a proposed modification that identifies that new development that would threaten the long term viability of the racing industry as a whole will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.

The emerging policies carry minimal weight in the assessment of the current application, particularly given proposed amendments to the 'Submission' versions of the horseracing policies are only now being consulted upon for the first time. However, the policies, (including their proposed amendments), do offer a clear indication of the Authority's 'direction of travel'.

- Viability

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

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

- Summary

It has been demonstrated that there are clear **societal** benefits likely to accrue from this proposal as they relate to addressing local housing need. Further, it has been evidenced that a small scale RTE may well be viable and bringing the site, albeit partially, back into HRI related use might have **economic** benefit(s) for both the HRI and the wider economy. This must be balanced against the net loss of HRI related land and the potential for the proposal to limit any HRI related 'asset' from responding flexibly to changes in circumstance(s) in the future.

Irrespective of your conclusions on the above, should you consider that the cumulative impact of this and other recent permissions, (in light of a thorough infrastructure appraisal), would be of such significant detriment, (in economic, environmental and/or societal terms), that it justifies refusal you should take this course of action, (citing prematurity as your grounds). The contention would be that the development does not provide for infrastructure, (in isolation or when considered alongside other recent permissions), sufficient to bring it in line with the objectives

of sustainable development and that as a consequence, the future decisions on the scale and location of new development within this settlement would 'better', (properly and robustly), be achieved via the plan-making processes.

After-all, the cumulative scale of development would be, albeit marginally, beyond that envisaged for Kentford within the context of the emerging SIR LP, (up-to 107%).

38. **West Suffolk Environmental Health - No objection. Comments.** Recommends planning condition relating to the provision of a scheme for the investigation and recording of contamination.
39. **West Suffolk Ecology, Tree and Landscape Officer – Revised consultation response received 20 October 2014. No objection. Comments.** If this development is approved, full landscape details will need to be submitted and implemented and a management plan for the open space submitted – this should include enhancements for biodiversity. Detailed survey of trees within tree belts and a management plan for tree belts within the site including replanting to strengthen these planting would be required. No development within the RPA of existing trees should be encouraged. Where it is unavoidable, a method statement and details of no-dig surfacing will be required with the details. The proposals will not result in adverse impacts on the conservation status of species of concern. Briefly with regard to the further points and considering the information currently available, there is an established need for housing in the District and if the principal of securing houses on this site is acceptable alongside the retention of a RTE there would be no reasonable alternative; the proposals are proportionate and will allow the need to be met. The recommendations of the ecology report should be conditioned to ensure protected species are safeguarded. Condition all recommendations in the ecological reports and landscaping/habitat enhancement details, in particular regarding lighting of the scheme, and the requirement for the applicant to demonstrate that a bat licence has been secured. In addition, a detailed mitigation and enhancement plan will be required.
40. **Suffolk County Council Planning Obligations – No objection. Comments.** Detailed advice received on a range of planning matters, including S106 developer contributions:
- Primary Education - Contribution of £194,896 sought in respect of primary school provision.
 - Secondary Education - No contribution sought.
 - Pre-school Provision – Contribution of £36,546 sought.
 - Transport issues - See separate SCC Highways consultation response.
 - Libraries – Contribution of £13,824 sought.
 - Waste – A waste minimisation and recycling strategy should be secured by planning condition.
 - Supported Housing – Sheltered housing provision may need to be considered as part of the overall affordable housing requirement.
 - Sustainable Drainage Systems (SUDs) – SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.

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- High Speed Broadband –All development should be equipped with high speed (fibre optic) broadband.
- Fire service –Fire hydrant issues should be covered by appropriate planning conditions (see separate SCC Fire and Rescue consultation response).
- Play space provision – Consideration will need to be given to adequate play space provision.
- Legal costs - SCC will require reimbursement of its own legal costs.

41. **SCC Highways – No objection.** Recommends conditions/informatives relating to the highway detail of the scheme.

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

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

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

to be accompanied by a project level Habitats Regulations Assessment. We note that the proposal would be screened by the presence of existing built development in all directions towards the SPA. We therefore have no further comments to make on this outline application.

REPRESENTATIONS:

50. **Moulton Parish Council –Objects** to the application. Summary of comments made:

- The Parish Council unreservedly supports the Suffolk Preservation Society response to the District Council on 12th May.
- The Parish Council unanimously resolved at their meeting on 19th May 2014 that these new proposals for Meddler Stud were premature, contrary to the ideals of sustainable development, and to both national and local planning policy, and should therefore be refused.

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

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

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

- Contrary to planning policies which seek to safeguard the horse racing industry in Newmarket.

- The development would materially harm the horse racing industry.
 - No justification for the residential element of the proposed scheme.
53. In addition, further correspondence has been received on behalf of the Newmarket Horseman's Group (email dated 22 October 2014), requesting that the following concerns are reported:
- The site is a RTE and is HRI land. Any such change of use is contrary to both the adopted and emerging planning policies for Forest Heath.
 - The existing facility provides a useful starter yard facility. The NHG considers that there is a need to maintain such facilities in order to encourage new HRI businesses into the area. The applicant has not provided any evidence to suggest that this need does not exist.
 - The NHG considers that the whole site should remain in racing use.
 - The application is not supported by adequate evidence to justify the loss of part of this site for HRI use or evidence to show that the new RTE that will be created on approximately one third of the site is appropriate.
 - The application does not include any substantive evidence to provide that the residential development is necessary to safeguard the continuation of HRI uses on the site.
 - There is no evidence to show that the existing facility could not be redeveloped or refurbished to maintain HRI use on the whole of the site.
 - The emerging horse racing policies of the Joint Development Management Policies DPD continue to maintain protection for HRI assets.
 - The NHG is concerned that the RTE element of the proposal may not come forward. In the event that the application is approved the NHG would like to see an agreement in place that requires the delivery and occupation of this facility prior to the commencement of the residential development.
 - The proposed RTE has a number of design defects that must be addressed if the application is to be approved.
54. **Pegasus Group on behalf of Bloor Homes Limited – Object with comments** raising the following issues:
- The development proposals will result in unnecessary and unjustified loss of stud land, contrary to local planning policies.
 - The site is not one of the preferred sites identified in the latest version of the emerging Sites Allocation Local Plan Document and should not be considered favourably.
55. At the time of writing this committee report, representations had been received from 12 third parties, raising the following issues:

- Principle of Development:
Site should be restricted to use for equine industry.
Development too large for the village.
Kentford does not need additional houses.
- Equine Issues:
Site should be restricted to use for the equine industry.
Insufficient paddock proposed for equine use.
- Impact on Residential Amenity:
Noise and disturbance.
- Traffic Issues:
Impact of increased vehicular movements.
Bury Road already dangerous.
Access onto Bury Road is dangerous.
Cycle and pedestrian access.
No existing public right of way from the site to either Moulton Avenue or Edgeborough close. This is marked as a route on the illustrative Masterplan.
- Flooding/Drainage Issues:
River Kennett often floods the site.
Site will not cope with additional run off from proposed houses.
Increased risk of flooding to area.
Capacity of existing pumping station.
- Infrastructure Issues:
Impact on character of Kentford.
Lack of services, facilities and amenities in Kentford to serve the development.
Impact on schools, doctors, etc.

POLICIES:

DEVELOPMENT PLAN

56. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal:

Core Strategy:

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

Visions

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

Spatial Objectives

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

Policies

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

58. Officer Note: – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. A report taken to the Council's Local Plan Working Group on 16th October 2014 confirms that Forest Heath has a 5.1 year supply of housing land (including a 5% buffer). In accordance with the National Planning Policy Framework, Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, which relate to the supply of housing, can now be considered relevant to the evaluation of these proposals.

Local Plan

59. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:

- **Policy 9.1** – The Rural Area and New Development
- **Policy 10.2** – Outdoor Playing Space
- **Policy 12.2** – Change of Use of Stud Land
- **Policy 12.4** – Change of Use of Racehorse Training Establishments

Other Planning Policy

Supplementary Planning Documents

60. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (October 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

Emerging Development Plan Policy

61. The Council is in the process of finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). These documents were the subject of a Local Plan Working Group meeting in October 2014.

62. Forest Heath District and St Edmundsbury Borough Councils have prepared a 'Joint Development Management Policies Document'. The Document was submitted to the Planning Inspectorate in December 2013 following public consultation, and was the subject of an examination held in July 2014. Consultation on the final set of modifications runs from 16 October 2014 to 27 November 2014.

63. With regard to emerging plans, the National Planning Policy Framework ('the Framework') advises at Annex 1 that decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

Single Issues Review (SIR) and Site Specific Allocations (SSA) Documents:

64. The consultation draft Single Issues Review and Site Specific Allocations documents were agreed by Members for consultation in November 2013. However, as reported to Members at the 16th October 2014 meeting of the Local Plan Working Group, the consultations have been postponed to enable further work to be progressed. On this basis, and in accordance with the advice offered in the Framework, they can be attributed limited weight in this decision.
65. Members are asked to note that, in the context of the Site Specific Allocations Document, the subject application site is not a 'preferred site'. However, this initial draft 'allocation' should not be attributed significant weight, given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination.

Development Management Policies:

66. The Development Management Policies document has been published. It has been the subject of public consultation and has been formally submitted for examination. The policies were considered by an independent Inspector at an Examination which was held in July 2014, and consultation on the final set of modifications is currently underway. Accordingly, some weight can be attributed to this plan in the decision making process.
67. The following emerging policies from the document are relevant to this planning application:
 - **DM1** – Presumption in Favour of Sustainable Development
 - **DM2** – Creating Places – Development Principles and Local Distinctiveness
 - **DM3** – Masterplans
 - **DM4** – Development Briefs
 - **DM5** – Development in the Countryside
 - **DM6** – Flooding and Sustainable Drainage
 - **DM7** – Sustainable Design and Construction
 - **DM8** – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
 - **DM11** – Impact of Development on Sites of Biodiversity and Geodiversity Interest
 - **DM12** – Protected Species
 - **DM13** – Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - **DM14** – Landscape Features
 - **DM15** – Safeguarding from Hazards
 - **DM18** – Conservation Areas
 - **DM21** – Archaeology
 - **DM23** – Residential Design
 - **DM28** – Housing in the Countryside
 - **DM41** – Community Facilities and Services
 - **DM42** – Open Space, Sport and Recreation Facilities
 - **DM44** – Rights of Way
 - **DM45** – Transport Assessments and Travel Plans
 - **DM46** – Parking Standards

- **DM48** – Development Affecting the Horse Racing Industry
- **DM49** – Redevelopment of Existing Sites Relating to the Horse Racing Industry.

68. Following review of the emerging Development Management Policies, Officers consider that the following policies are determinative to the outcome of this planning application.

DM48 – Development Affecting the Horse Racing Industry:

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

DM49 – Re-development of Existing Sites Relating to the Horse Racing Industry

The change of use of land and buildings, including associated residential accommodation, presently or previously relating to racehorse training yards, stud farms, the racecourses, horse training grounds or other horse racing industry related uses, and including the sub-division of the yard or site from its associated residential accommodation will not be permitted, except in exceptional circumstances.

In exceptional circumstances, alternative uses directly related to the horse racing industry may be accepted and any proposal will need to demonstrate, to the satisfaction of the local planning authority, its specific benefit to the horse racing industry.

In approving any such proposal the local planning authority would need to be satisfied that there is a greater need for any particular racing related use, rather than continuing in its present use.

Any approval granted in exceptional circumstances would also be subject to the proposal positively enhancing the character and appearance of the unique heritage of Newmarket.

69. Objections to Policies DM48 and DM49 have been received through the local plan process: these relate to the need to bring these policies in line with the Framework. A 'post examination' modification to Policy DM48 (currently the subject of public consultation) identifies that new development that would threaten the long term viability of the racing industry as a whole will not be permitted - unless the benefits would significantly outweigh the harm to the horse racing industry. A similar modification to Policy DM49 identifies that the change of use of land and buildings presently or last legally used in connection to the HRI will only be permitted if allocated as a proposal in an adopted Local Plan.
70. The appeal decision in respect of the previous planning application on this site considered the relevance of Policy DM48. At Paragraph 13, the Inspector opined that it was appropriate to attach some weight to DM48 - given that the direction of policy travel indicates that policies seeking to protect equine uses,

similar to the aims and objectives found in LP Policy 12.4, will remain.

71. Officers are of the considered opinion that the emerging DM policies carry only limited weight for the purposes of assessing the application proposals - particularly given proposed amendments to the 'Submission' versions of the horseracing policies are only now being consulted upon for the first time

National Planning Policy and Guidance

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

73. Paragraph 14 identifies the principle objective of the Framework:

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

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

74. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "*approach decision taking in a positive way to foster the delivery of sustainable development*". Paragraph 187 states that Local Planning Authorities "*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.*"

75. The Government published its National Planning Practice Guidance (NPPG) in March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues, and advises on best practice and planning process. The relevant parts of the NPPG and the Framework are discussed below in the Officer Comment section of this report.

OFFICER COMMENT:

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

Principle of Development

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

77. One of the core planning principles of the Framework (Para 17) is to objectively identify and meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth - irrespective of whether or not the LPA has a 5 year supply of deliverable housing sites.
78. The Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements, with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under delivery of new housing) to ensure choice and competition in the market for land.
79. At the Council's Local Plan Working Group held on 16th October 2014, housing figures were ratified, and the Council can now demonstrate a five-year supply of deliverable housing sites. The supply was recorded at 5.1 years at March 2013 - including a 5% buffer as required by the Framework. This means that extant Development Plan policies which relate to the supply of housing are of relevance in the consideration of this planning application. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Including the Inset Map for Kentford) and Development Plan policies which seek to restrict housing developments in principle.
80. Officers are of the opinion that the demonstration of a five year supply of housing land is of limited weight in the evaluation of these planning proposals. This is because the Development Plan policies which relate to settlement boundaries date back to 1995. In those circumstances where Development Plans are out of date, the Framework advises, in Paragraph 14, that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*

Development Plan Policy Context:

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

82. The surviving elements of Core Strategy Policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031). The policy also confirms the phasing of development to ensure appropriate infrastructure is provided. Policy CS13 states that the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
83. The Council's Planning Policy Officer, in consultation correspondence, confirms that the 'original' growth strategy in respect of the District's settlement hierarchy was found to be sound. This would suggest that Kentford has the environmental capacity to deliver the development proposal for up to 64 dwellings.
84. In terms of the potential environmental capacity of infrastructure in Kentford, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
85. The IECA report identifies a range of capacity in Kentford of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). This would suggest that there is environmental capacity to facilitate not only the quantum of development that is proposed by this planning application, but also the other residential developments that the planning authority has already permitted (subject to the completion of a Section 106 agreement) in Kentford: 60 dwellings at Kentford Lodge (F/2013/0061/HYB), 16 dwellings at Jeddah Way (F/2013/0355/FUL) and 41 dwellings at the Animal Health Trust, Landwades Park (DC/14/0692/FUL).
86. The IECA report suggests that, in broad terms capacity exists for the subject development. However, this is not to say that incremental infrastructure improvements/enhancements would not be required. Indeed, the Planning Inspector who considered the planning appeal in respect of the 2012 Meddler Stud planning application was informed by the evidence contained in the IECA report. It was his conclusion that given the pressure upon existing facilities identified in the IECA report as being at 'tipping point', there is a need to plan infrastructure improvements through the local planning process.
87. In terms of specific infrastructure issues, officers acknowledge that at the time of the planning appeal relating to the 2012 planning application, the IECA report was found to contain the most up-to-date information. However, given that the IECA report was written approximately 5 years ago, Officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses, and additional information provided as part of the planning application submission.

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

Sustainable Development

90. The objectives of the Framework and its presumption in favour of sustainable development are fundamental to the consideration of this planning application.
91. Parts 18 -219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. This includes reference to the three dimensions to sustainable development:
- (1) **Economic** – contributing to building a strong, responsive and competitive economy;
 - (2) **Social** – supporting strong, vibrant and healthy communities; and
 - (3) **Environmental** – contributing to protecting and enhancing our natural built and historic environment.
92. The Framework explains at Paragraph 9 that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable locations.
93. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples quality of life, including, but not limited to:
- Making it easier for jobs to be created in cities, towns and villages;
 - Moving from a net loss of biodiversity to achieving net gains for nature;
 - Replacing poor design with better design;
 - Improving the conditions in which people live, work, travel and take leisure; and
 - Widening the choice of high quality homes.

Prematurity

94. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The Council has yet to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination, whilst the formal process of preparing a Site Allocations Development Plan document is also at an early stage.

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

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

- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- (b) the emerging plan is at an advanced stage but it is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the

grant of permission for the development concerned would prejudice the outcome of the plan-making process'.

98. In the circumstances of this planning application, the development proposal of 64 dwellings is considered to represent a small proportion of growth, when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process.
99. Officers acknowledge that each settlement has its own unique characteristic (for example infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage. Moreover, this development proposal needs to be considered cumulatively - with committed residential development on the Kentford Lodge, Jeddah Way and Animal Health Trust, Landwades Park sites (F/2013/0051/HYB, F/2013/0355/FUL and DC/14/0692/FUL respectively). The cumulative scale of development on these sites amounts to 171 dwellings. This issue is considered in the 'Cumulative Impacts' section below.
100. Officers do not consider the cumulative scale of residential development proposed in Kentford to be substantial in comparison to the overall quantum of development to be provided across the District, over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation).
101. Given the context of the current guidance as outlined above, officers consider that it would be difficult to justify any decision that approval of this scheme would be premature.
102. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Summary

103. Development Plan policies which relate to the supply of housing are of limited weight in the decision making process, given that they are dated. This means that the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
104. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.
105. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

Impact Upon the Horse Racing Industry

106. The local planning policy context for equine activities has remained constant over many years, with planning policy objectives seeking to safeguard the industry and its contribution to employment. The Forest Heath Local Plan dedicates an entire chapter to the horse racing industry (Chapter 12). The saved policies within this chapter seek to safeguard the industry itself, as well as the unique townscape which it has created in Newmarket.
107. Saved Policy 12.2 of the Local Plan states that the change of use of stud land (including buildings) shall not be permitted other than that which is essential to the horse racing industry. Policy 12.4 relates to the change of use of racehorse training establishments, and states that such changes will not be permitted. This policy goes on to advise that any development which would adversely affect their operation will not be allowed.
108. The protective local planning policy context is continued through the 2010 Core Strategy. Vision 2 recognises Newmarket's position as the international home of horse racing, and states that this role will be preserved and enhanced. The direction of travel of emerging Development Management Policies DM48 and DM49 indicates that Policies seeking to protect equine uses, similar to the aims and objectives of Local Plan Policy 12.4, will remain.
109. Officers note that Saved Local Plan Policies 12.2 and 12.4 are an absolute prohibition on the change of use of RTEs and stud land to uses unrelated to the horse racing industry. However, it has been the contention of the Planning Inspectorate that such an approach cannot be supported (APP/H3510/A/13/2201646 – Land at High Street, Newmarket). In coming to a decision on the acceptability of a development proposal, the benefits of a proposed development must be weighed against its impacts. In this context, the Inspectorate concluded that the 'conflict' with what is set out in Para. 14 of the Framework reduces the weight that may be afforded to this policy. Whilst this was the approach taken in the context of Local Plan Policy 12.2, officers consider that it is equally relevant to Policy 12.4.
110. The application submission considers the impact of the development proposals upon the horse racing industry, and includes a Horse Racing Impact Statement. This advises that the proposals were informed by the advice of an equine specialist, and driven by the optimisation of a 20 box race horse training establishment in terms of facilities and layout. On the basis that a RTE is to be retained, and that the proposals include the provision of new equine facilities, the Statement concludes that the proposed facility will optimise the contribution that the site will be able to make to the horse racing industry in the future.
111. Further details in support of the size of the proposed RTE, and additional information in relation to the proposed training yard have been provided by the planning agent (email dated 01 October 2014 and letter dated 15th October 2014). Limited marketing information has been put forward which demonstrates the availability of a number of training yards in Newmarket, broadly in the range of 30-60 boxes (although officers note that no marketing exercise has been undertaken in respect of the proposed 20 box RTE). At 20 boxes, the proposed RTE is considered to provide a smaller facility which will appeal as a 'starter yard'. The applicant considers that this will provide an

attractive and relatively rare opportunity, which would complement the existing RTE facilities in and around the Newmarket area.

112. In evaluating these proposals, the Council has sought the professional advice of an equine consultant (Mr T Kernon of Kernon Countryside Consultants Ltd). Mr Kernon considers that the proposals would enable the continued use of some RTE element, and that the scheme has the potential to be a very good stable yard.

Viability

113. The Horse Racing Impact Statement submitted with the subject application advises that the site is not viable as either a stud farm or a training establishment, and concludes that the site makes a negligible contribution to the horse racing industry. On this basis, given the improvement over the existing arrangements, the Statement considers that the RTE proposed as part of the development would have a significant beneficial impact on the horse racing industry.
114. Officers note the Inspector's Report in respect of the previous application on this site. It was the Inspector's view that the evidence presented at appeal did not show that the layout, size or make up of the site and the condition of the buildings contributed towards the historic failure of previous equine enterprises. Whilst the appellant's argument was that the site had no future prospect as a stud or 40-box RTE, the Inspectorate considered that a 20 box RTE, (as proposed), would have a reasonable prospect of success on the site.
115. In further correspondence dated 15th October 2014, the planning agent puts forward the business plan for the proposed RTE. This is based on the Council's own table of capital costs which was provided as evidence at the Inquiry, and which indicate that a small RTE would be viable. Officers have no reason to dispute the figures put forward by the applicant in respect of the scheme viability

Loss of RTE Land

116. The application proposals will involve the loss of existing land which is currently associated with a RTE (approximately 70% of the existing RTE will be lost as a result of the development proposals). Such land loss would be contrary to the principles of Development Plan policies which seek to safeguard the horse racing industry.
117. Officers note that the loss of land which is currently in equine use is a substantial proportion of an existing RTE. This is a 'dis-benefit' of the scheme, which must be considered in terms of the significance of that loss, and the benefits that the scheme would bring about.
118. The development proposals include the retention of a viable small race horse training establishment, which has the potential to make a greater contribution to the horse racing industry (in terms of number of horses in training, staff employed, etc), when compared to the existing facility. On this basis, and subject to securing the delivery of the RTE as proposed, there is no evidence to

demonstrate that such a loss would cause 'significant' harm to the race horse industry in terms of potential economic, social and environmental implications.

Deliverability of RTE

119. Officers consider that the delivery of the RTE as proposed by the development scheme will be an essential part of the planning process. In this context, Members are reminded that a central premise of the Planning Inspector, who dealt with the previous application, was that the RTE would be ensured.
120. The planning agent, in correspondence dated 15th October 2014, acknowledges the need for a mechanism to ensure the delivery of the proposed training yard in a timely manner. A suggested trigger point for its provision (completion of the RTE before the occupation of the 10th residential unit) has been suggested by the agent, which would be secured through the Section 106 process.
121. Officers welcome the commitment to the delivery of the RTE by the planning agent, and have sought further advice on this matter. It is considered appropriate that the development proposals secure not only the build out of the RTE, but also an operator, and the operation of the site as a RTE. The planning agent has confirmed agreement 'in principle'.
122. Subject to ensuring the delivery and operation of the RTE through clauses within the Section 106 planning obligation agreement, the development proposals are considered acceptable with regard to the impact on the horse racing industry

Precedent

123. The third party representations which raise concern regarding the loss of RTE land, and which refer to the setting of unwanted precedents are noted. The issue of precedent cannot be considered as a material planning consideration in the evaluation of these development proposals, given that planning law requires each proposal to be considered on its own merits.

Summary

124. Officers have carefully evaluated the impact of the proposals on the equine industry. The proposals will involve the loss of land currently associated with an existing race horse training establishment. The application submission includes a justification for the loss of land, and provides a rationale for the size and configuration of the RTE which is proposed as part of the scheme. Officers consider that there is no evidence to demonstrate that the loss of this land would have a 'significant' impact on the racing industry as a whole - subject to securing the delivery and operation of the proposed RTE as part of the Section 106 agreement. On this basis, there would be no policy conflict with Local Plan Policy 12.4 and emerging Development Management Policy DM48.

Sustainable Transport/Impact upon the Highway Network

125. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, Paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.

126. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
127. Paragraph 34 of the Framework states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However the Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
128. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments. Spatial Objective T3 seeks to support strategic transport improvements serving Forest Heath, especially the A14 and A11 road and rail corridors, in order to minimise the adverse impacts of traffic on communities, improve safety, improve public transport facilities and ensure the sustainable development of the area is not constrained.
129. In the specific context of Kentford, the IECA report considers that the village has a reasonable road network, although acknowledges that the difficult access to Kentford railway station means that the majority of journeys from the village would be by car. The report identifies local highway works as 'fundamental and essential infrastructure' required for the level of growth associated with 500 new homes.

Access Arrangements

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

forthcoming.

Impact on Highways Network

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

Parking Provision

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

Pedestrian and Cycle Access

136. The submitted Transport Statement confirms that the principal pedestrian and cycle access into the proposed development will be provided via the new site access junction on Bury Road. It is proposed that this access road will feature 1.8m wide footways on both sides.
137. A footway measuring 2m in width currently runs along the north side of Bury Road. A footway also runs along the south side of Bury Road, to the east of the existing access. However, this footway narrows down to 0.7m at various pinch points, and would be unsuitable for wheelchair users and pushchair users in its current form.
138. The submitted illustrative layout plan includes provision for an uncontrolled pedestrian crossing across Bury Road, to the west of the new access. This will enable pedestrians to cross to the northern side of Bury Road. The Highways Engineer has confirmed the acceptability of such a crossing, which can be designed within a separate highways Section 278 agreement, which is a legal agreement between the developer and the County Council as Highway Authority.
139. Officers note that the Highways Engineer, in consultation advice, has sought a developer contribution from this application, for a cycle scheme running along Bury Road. This will allow residents of this site to access the local amenities on their bicycle, and will be used to link this site to the centre of the village. This is discussed in more detail in the planning obligations section of this report.

140. The illustrative Masterplan which accompanies the application indicates that a pedestrian link to an existing footpath to the east of the site will be preserved as part of the proposals. Officers understand that this link is an existing informal right of way. However, the formalization of this route does not form part of the application proposals. Whilst an additional pedestrian link to the village would be welcome, officers do not consider that its absence constitutes a reason to refuse the scheme on accessibility grounds.

Public Transport

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

Summary

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

Flood Risk, Drainage and Pollution

145. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
146. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe

development rests with the developer and/or landowner.

147. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk

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

Foul Drainage

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

Groundwater and Contaminated Land

153. The application is accompanied by a Land Contamination Assessment. This assessment includes a review of historical information and site walkover, and identifies potential for contamination to be present.
154. The Environment Agency, in consultation advice, considers the previous land use to be potentially contaminative. Given the sensitivity of the site (which is located above Principal and Secondary Aquifers and adjacent a surface water course), the proposed development could present potential pollutant/contaminant linkages to controlled waters. On this basis, the Environment Agency and Council's Environmental Health Officer have recommended a number of planning conditions relating to site remediation and contamination, which are necessary to prevent unacceptable risk to the environment.

Pollution Control

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

Summary

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

Impact upon Trees and Landscape

157. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promote development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) and recognising the hierarchy of graded agricultural land. National policy stops short of seeking to protect the 'countryside' from new development in a general sense.
158. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
159. The Council's Landscape, Tree and Ecology Officer, in detailed consultation advice, welcomes the provision of public open space, although notes there may be compatibility issues given the relationship with the adjacent horse exercise track. Planning officers note that as the application submission is in indicative

form only, the precise layout of the development will be a matter for the detailed reserved matters stages. In this respect, it is considered reasonable to include a planning condition which requires a design code to be submitted as part of the detailed design.

160. The paddock land fronting Bury Road and within Flood Zones 2/3 is open, and is considered to provide a visual amenity within the village, marking the river valley, and contributing to the overall village character. The Landscape, Tree and Ecology Officer has raised concern that the proposed use of this land as a horse exercise track could have a detrimental visual impact on the locality. It is an expectation that the reserved matters applications will be supported by information to demonstrate potential visual amenity impacts of the proposals. Conditions relating to full landscape details, including a management plan for the open space, could be recommended to address this issue.

Trees

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

Summary

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

Impact upon the Natural Environment

164. The Framework confirms the planning system should contribute to and enhance the natural environment by *inter alia* minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.

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165. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
166. There are no international, national or other statutory designations on or immediately adjacent to the application site. The application site is situated approximately 1.4km from the boundary of the Breckland Farmland Site of Special Scientific Interest (SSSI). This SSSI forms part of the Breckland Special Protection Area (SPA). Breckland SPA is of importance for three birds: Stone Curlew, European Nightjar and Woodlark.

Habitats Regulations Assessment

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

Protected Species

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

Summary

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

Impact upon the Historic Environment

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

Archaeology

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

177. In accordance with the technical advice offered, a condition can be secured to ensure a scheme of archaeological investigation. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Summary

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

Design of the Built Environment

179. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
180. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design. The Objectives are supported by Policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
181. Saved Local Plan Policy 4.4 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality.
182. The Design and Access Statement which accompanies the application establishes a design vision and key principles for the development of the site. These include the provision of a high quality RTE, creation of links with the surrounding area; provision of accessible public open space and provision of a safe access.
183. An illustrative Masterplan demonstrates how the development could be accommodated on the site. Members are reminded that the detail of the layout would need to be submitted as part of a future reserved matters application. Officers consider it would not be unreasonable to request that a condition of any planning approval relates to the provision of a design code, in order to achieve the high quality development of this site.
184. With regard the proposed race horse training establishment, the design and layout would be a matter for a future reserved matters application. Specialist advice received from the Council's Equine Consultant and on behalf of the

Jockey Club provides useful guidance in respect of the detail of this part of the scheme. This includes matters relating to the following: - the boundary treatment in respect of the RTE, the location of the horse walker and trainer's house; the layout and configuration of the stables and exercise track. Officers consider it reasonable to incorporate this advice into relevant planning conditions/informatives, should the scheme be approved.

Summary

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

Impact upon Local Infrastructure (Utilities)

186. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should *inter alia* identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should '*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*'.

187. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

'The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development'.

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

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

Potable Water Supply

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

Waste Water Treatment Infrastructure

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

Energy Supply

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

Summary

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

Impact upon Residential Amenity

194. The protection of residential amenity is a key component of good design. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim *inter alia* to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
195. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan Policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
196. This is an outline planning application, with only details of access under consideration. An indicative illustrative layout has been submitted to demonstrate how the different components of the development could be accommodated within the site.
197. Existing residential properties are situated immediately to the north and to the west of the application site. Given the relationship of the site with existing properties, your officers do not consider it unreasonable to control the construction activities in terms of the hours of operation. A relevant condition can be included should the scheme be approved.
198. Officers note that the Council's Ecology, Tree and Landscape Officer, in consultation advice, comments that the retention of the tree belt to the east within existing gardens is not compatible with the residential use. It is considered that the retention of the tree belt outside of these gardens is a matter which can be addressed as part of the detailed design stage.
199. Third party representations have also raised concern regarding the potential impacts of the proposed development on existing residential amenity. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage when

parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the Framework to protect the interest of occupiers of existing residential properties.

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

Sustainable Construction and Operation

201. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans '*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*'.
202. The Framework confirms planning has a key role *in helping shape inter alia secure radical* reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:

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

- *Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

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

Cumulative Impacts

206. Members will be aware that three residential development schemes have been approved in Kentford in recent months. In total, these schemes will provide 171 residential units.
207. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, no such

assessments have been carried out with regard to the potential cumulative impacts of these planning applications.

208. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the current planning application on this Committee Agenda, and the previously approved schemes at Kentford Lodge, Jeddah Way and Animal Heath Trust, Landwades Park (reference F/2013/0051/HYB, F/2013/0355/FUL and DC/14/0692/FUL).

Education

209. The existing catchment primary school (Moulton Primary School) has reached capacity. By the time the construction of this development is underway (if all are granted and commence early), the school will have filled its pupil place capacity, and there will be no surplus places available
210. Suffolk County Council, in consultation correspondence, has raised no objection to the development proposal. The County Council has advised that, in view of there being no surplus spaces available at Moulton Primary School, a financial contribution will be sought to provide additional facilities. Officers understand that this will take the form of temporary classroom provision. It is understood that there are no apparent constraints to the expansion of this site, which would prevent such provision.
211. The third party comments raising concern regarding primary school education provision are noted. The application proposal would provide funding to mitigate the impacts of the development on primary school provision, in accordance with the consultation advice offered on behalf of Suffolk County Council. Accordingly, the applicant has done all they can do (and that they have been asked to do), to mitigate the impact of their developments upon primary school provision.

Highways

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

Healthcare

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

Open Space

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

Landscape

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

Utilities

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

Summary

222. On the basis of the above evaluation, officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of utilities, landscape, open space, healthcare, transport and education) would be

acceptable. There is no evidence to demonstrate that the development proposal should be refused on these grounds.

Section 106 Planning Obligation Issues

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

Affordable Housing

225. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
226. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy Policy CS9 requires a target of 30% of the number of net new dwellings in residential schemes of 10 or more dwellings (or sites of more than 0.33 hectares) to be sought as affordable. This policy is supported by the Joint Affordable Housing Supplementary Planning Document (SPD), which was adopted by the Council in October 2013. This document sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and Section 106 arrangements).
227. An affordable housing provision of 19 units is proposed, which exceeds the 30% target set out in Core Strategy Policy CS9. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including location within the development, tenure mix and their transfer to a registered provider can be secured through the S106 planning obligation and the reserved matters process, should the scheme be approved.

Education

228. The Framework, in Paragraph 72, places significant emphasis on the need to provide school places. In particular, local planning authorities are required to take a '*proactive, positive and collaborative approach*' giving '*great weight to*

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the need to create, expand or alter schools'. This approach is supported by Policy CS13 of the Forest Heath Core Strategy, which establishes requirements for infrastructure in the District, with 'new development...[being]...required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath's communities'.

229. The Section 106 Developer's Guide to Infrastructure Contributions in Suffolk sets out the process by which contributions to school infrastructure will be secured. Contributions are based upon an assessment of existing capacity. In line with the policy approach summarised above, developer contributions would usually be sought to provide additional places generated by new residential development.
230. Education provision in Suffolk is currently in the process of a major re-organisation. The information contained within the IECA report relating to education is therefore out of date.

Pre School Provision

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

Primary Schools

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

Upper Schools

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

Libraries

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

Healthcare

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

Public Open Space Provision

237. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
238. Core Strategy Spatial Objective CS2 seeks to promote an improvement to the health of people in the District, by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
239. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. The policies also state that provision will be made for a wider area than just the development site. These policies are expanded upon via the Council's adopted SPD for Public Open Space, Sport and Recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
240. The indicative layout proposes approximately 9700 square metres of on-site public open space provision. In accordance with the Council's Supplementary Planning Document in respect of open space, off site provision can also be secured by way of S106 agreement.

Highway Improvements

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

Summary

243. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Kentford - in terms of affordable housing, education, libraries, healthcare, highways and public open space - would be mitigated to the satisfaction of the consultee advice offered.

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244. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
245. The planning agent has confirmed the acceptability of entering into a S106 planning obligation to secure these benefits. It is understood that this is currently in draft form.
246. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Kentford and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified.

OTHER ISSUES:

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

CONCLUSIONS AND PLANNING BALANCE:

248. The development proposal has been considered against the objectives of the Framework, and the government's agenda for growth, which identifies housing development as a key driver for boosting the economy.
249. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. Whilst the Council can now demonstrate a five year supply of deliverable housing land, Development Plan policies which relate to housing provision are dated. In accordance with the Framework, the proposals have been evaluated in the context of whether they represent sustainable development.
250. In terms of the economic role of sustainable development, the proposed development would provide economic benefits – these relate to the creation of short term jobs in the construction industry, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments.
251. The loss of land currently associated with an existing race horse training establishment is a potential dis-benefit of the scheme. However, there is no evidence to demonstrate that the loss of this land would have a 'significant' impact on the racing industry as a whole - subject to securing the proposed RTE through the S106 process.
252. With regard to the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations.

WORKING PAPER 1

253. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered generally acceptable.
254. The infrastructure pressures generated by the proposed development have been carefully evaluated, with reference to the 2009 IECA report, and additional evidence (including consultation responses and information contained in the application submission). Officers are of the opinion that the infrastructure which has previously been identified within the IECA report as being at a 'critical and fundamental/essential phase' can be satisfactorily mitigated without significant harm to the village. On this basis, officers do not consider that it would be reasonable to refuse the application proposals on the grounds of prematurity.
255. The absence of capacity at the catchment primary school to cater for the pupils emerging from this development on a permanent basis is one dis-benefit. The in-combination effects of this development with other planned developments in Kentford could have significant impacts on primary school education provision. However, the developer contribution secured as part of the S106 process will mitigate the impact of the development.

Summary

256. Following a considered evaluation of the merits of the application proposals, officers have come to the 'on balance' decision, that the development scheme constitutes sustainable development as set out in the Framework. The recommendation is one of approval.

RECOMMENDATION:

257. That outline planning permission is **APPROVED** subject to:

(1) The completion of a S106 agreement to secure:

- Affordable housing – 30% of the total dwelling units.
- Primary school contribution –£194,896.
- Pre-school contribution - £36,546.
- Libraries contribution - £13,824.
- Highways contributions - cycle improvements: £28,490; public transport infrastructure: £2,000.
- Healthcare contribution - £26,000.
- Open space contribution – TBC.

- The build out and operation of the RTE.

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

(2) And the following conditions:

1. Outline time limit.
2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping).
3. Compliance with approved plans.
4. Highways – details of proposed access.
5. Highways – details of bin storage.
6. Highways – details of surface water discharge.
7. Highways – details of carriageways and footways.
8. Highways - details of car parking and manoeuvring areas, including cycle storage.
9. Highways – details of turning space.
10. Highways – provision of visibility splays.
11. Highways – provision of pedestrian crossing.
12. Archaeology – implementation of a programme of work; site investigation and post investigation assessment.
13. Contamination – remediation strategy.
14. Contamination – further investigative work if necessary.
15. Details of surface water disposal.
16. No piling or investigation boreholes using penetrative methods.
17. Scheme to provide flood plain compensation.
18. Scheme of surface water drainage/surface water strategy.
19. Scheme for provision and implementation of pollution control.
20. Foul water disposal details.
21. Surface water drainage details.
22. Construction management plan.
23. Hours of construction.
24. Design code.
25. Details of boundary treatment.
26. Samples of materials.
27. Detailed scheme of hard and soft landscaping.
28. Arboricultural Impact Assessment.
29. Tree survey and management plan for tree belts, including planting details.
30. Tree protection details, including details of tree works for retained trees.

- 31.No development within RPA of existing trees.
- 32.Landscape management plan, including enhancements for biodiversity.
- 33.Recommendations of Ecological Risk Appraisal and Protected Species Survey to be implemented, including detailed mitigation and enhancement plan.
- 34.Details of bat licence.
- 35.Details of lighting.
- 36.Provision of fire hydrants.
- 37.Waste minimisation and recycling strategy.
- 38.RTE – full details including boundary treatment.

Documents:

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

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

Case Officer: Philippa Kelly
Tel. No 01284 757382

19 November 2014

Philippa Kelly
Planning – Major Projects
Forest Heath District Council
College Heath Road
Mildenhall
Bury St Edmunds
Suffolk
IP28 7EY

Our Ref: 47069659
Your Ref:

Dear Philippa,

**Re. Planning Application Ref. DC/14/0585/OUT
Meddler Stud, Bury Road, Kentford**

Further to the recent Committee meeting and our subsequent conversations, I recognise that Members are keen to ensure that, if approved, the racehorse training establishment (RTE) element is constructed and operated as soon as possible. The applicant is committed to the delivery of the RTE and, to this end, this letter provides the applicants suggestions for potential S106 obligations which will hopefully provide Members with the assurances they require. I would be grateful if you discuss these with colleagues, as appropriate, and let me know whether you consider them to be appropriate and practicable.

Construction and Delivery of the RTE

We propose that the landowner is to be obliged to construct and complete the RTE element of the development prior to any of the new houses being occupied. For the avoidance of doubt, this is to include construction of the trainer's house, stables, barn, exercise ring and other ancillary elements, all of which will be subject to approval at detailed planning application stage.

We also propose that no more than 35 new dwellings are to be occupied until the RTE is either sold or rented to an equine operator. We do not consider it sensible for the RTE to be occupied/operated (i.e. with horses on site) prior to this point, as this would potentially raise issues of site safety and animal welfare during the construction period which should be avoided.

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Marketing / Price

We propose that before the occupation of any house, a reputable firm of estate agents/chartered surveyors (or more than one), experienced in equine properties, is to be instructed to offer the property on the open market either for sale or rent, on attractive terms, based on the agent's advice and to use best endeavours to secure an appropriate equine operator.

As regard the choice of agent, the main firms in the area with specialist equestrian departments include the following, and it would be the intention to select a suitable firm (or firms) from this list: Savills, Strutt and Parker, Carter Jones, Windsor Clive International, Bidwells, Smiths Gore, Carter Jonas, Jackson Stops, Cheffins, Fine and Country.

We propose that the RTE should be actively marketed in accordance with a pro-active marketing strategy until such time as a suitable purchaser or tenant is identified.

All offers will be carefully considered, but so far as is reasonably possible, it is also important to identify a responsible and capable operator who is likely to make a success of the business. It is fully appreciated that small trainers are likely to have limited resources, but the landowner would seek to avoid those with CCJ's or who are involved in any sort of insolvency process. This is obviously in the interests of prudent estate management.

If appropriate, the landowner would also accept an obligation to ensure that prospective trainers provide comfort from the British Horseracing Authority (the governing body), that they will be granted a licence to train at the property to ensure that a quality operator is secured. We are very happy to consider further qualifications that the Council may wish to suggest so long as they do not preclude potentially suitable parties by being too onerous.

It is likely that the yard will be of most interest to start-up operations or small trainers and, in this context, if offers close to market value are not forthcoming, the landowners are prepared to discount the land value (or to reduce the required rental return in a similar way). More specifically, the landowners could (and would be prepared to) sell for a price of up to approximately £250,000 less than the market value, and similarly, that if the property is rented rather than sold, the rent would naturally be at a very competitive level as it would be based on this discounted RTE value. Either scenario can only be considered to be of benefit to the racing industry.

We propose that, if it proves difficult to attract a purchaser/tenant on the initial terms offered, such terms would be reviewed on a regular basis, as appropriate, and reduced in accordance with agent's advice until such time as an acceptable offer is received and the sale/letting concluded. It is appreciated that the legal agreement would need careful wording to capture this.

To be clear, should the Council wish it so, the landowners would be prepared to enter into an obligation to either sell or rent on the basis of a discounted price. This would be a direct monetary benefit being provided to the horse racing industry which, we are sure Members will agree, is beyond dispute.

The landowners are making the suggestion of formal obligations being imposed on them in respect of sale or rent level in the light of the unfounded accusations by William Gittus, among others, that the landowners have in the past deliberately refused reasonable offers for the property. Whilst there is no truth whatsoever in these accusations, the landowners wish to explicitly demonstrate their commitment to the property being brought back into meaningful use within the horse racing industry.

Maintenance

Once completed, the landowners are to be obliged to keep the RTE fully maintained and in good and marketable condition, to the satisfaction of the local planning authority, until such time as it is either sold, or rented, following which the new owner/occupier will be responsible for ongoing maintenance in the usual way. For the sake of clarity, this responsibility is to extend to the paddocks and external areas as well as the buildings themselves. In this way, it can be ensured that the property remains in first class condition, even if it takes longer than anticipated to attract an occupier. This requirement may be secured by legal obligation or planning condition.

I hope you find the above information helpful and that it demonstrates the applicant's clear commitment to securing the future of the RTE element. If you have any comments or further suggestions please let me know.

Yours sincerely
for **URS Infrastructure & Environment UK Limited**



Thomas Smith BSc(Hons) DipTP MRTPI
Associate – Town Planning
URS Infrastructure & Environment UK Limited

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Mrs P Kelly
Forest Heath District Council
College Heath Road
Mildenhall
Suffolk IP28 7EY

Electronic Version
Our Ref: KCC1444/hr
Your Ref: 14/0585/OUT
19th November 2014

Dear Mrs Kelly

DC/14/0585: MEDDLER STUD

Thank you for your email of 16th October attaching the letter of 15th October from agents URS, and related letters and correspondence. I apologise for the tardy response.

Reason for and Context for Request

The application seeks residential development of the Meddler Stud buildings and some land. It also proposes a new 20 box training yard with trainer's dwelling.

I commented in my reports of 30th June and 25th July 2014 that land was being taken out of the horse racing industry, which seemed to be in conflict with policy. Whilst a new 20 box yard is being proposed, the application does not seek to explain whether a larger yard was considered, whether two such yards were considered, or why such a significant amount of the existing RTE is being proposed for non-racing residential development. I suggested that this was a matter on which you needed to reflect.

Additional information has been provided by the Applicant's agent, and you have asked me to provide further evaluation and comment on three matters:

- (i) whether the proposed RTE is of an appropriate size;
- (ii) whether the proposed RTE would be viable;
- (iii) whether there is a market for this type of equestrian facility.

I respond to these in the same order.

Is This of an Appropriate Size?

In evidence to the Public Inquiry in 2013, and as tested during cross examination, I expressed the view that Meddler Stud's potential as a 66+ box racehorse training yard, was limited by numerous factors including:

- poor condition of some of the stables;
- lack of direct access to gallops (occupiers would need to transport racehorses to the gallops in Newmarket);
- lack of a canter facility (the canter to the east having been separated from the buildings).

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T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

I expressed the opinion, in reports prior to refusal of the application and again at the appeal, that there was potential for the Meddler Stud to be divided to provide two yards of 20-25 stables, to be run as small or starter yards and able to use the JCE gallops in Newmarket.

The matter was examined at Public Inquiry and the Inspector concluded that a small-scale 20 box RTE would have a reasonable prospect of success on the yard (IR23).

He also commented that it may be possible to refurbish or adapt some of the existing buildings (IR18), and that on-site exercise facilities were possible (IR21).

I remain of the opinion that the provision of a 20-25 box yard on this site is an appropriate size. It would meet the need for a starter yard or smaller-trainer, and can be provided with the necessary basic exercising facilities which can be used in conjunction with the central gallops in Newmarket.

Accordingly, in conclusion on issue 1, a 20 box yard is an appropriate size for this location.

Whether Such a Yard Would be Viable

In my opinion there is a reasonable prospect of such a yard being viable.

Evidence was examined at the Public Inquiry, with areas examined including the cost of capital works, cost of staff and other costs.

It was my opinion that a 20 box yard could operate viably. I provided plans for division of the Meddler Stud into two such starter/small yards.

In the application now being considered, the Appellant sets out detailed budgets which predict a profit based on a more realistic development cost of £405,000 compared to £869,000 presented to the Inspector (option D of Mr Windsor-Clive's Appendix R).

The budgets now put forward by the Applicant show the following projections, in summary, with the options of an owner or a tenant.

Item	Owner	Tenant
Income	£232,400	£232,400
Expenditure excl trainer and mortgage / rent	£146,679	£146,679
Profit before trainer and mortgage / rent	£ 85,721	£ 85,721
Trainer's earnings	£ 35,000	£ 35,000
Mortgage / Rent	£ 15,750	£ 31,500
Profit after expenses and trainer's drawings	£ 34,971	£ 19,221

These budgets suggest that, were the RTE to be sold, a potential trainer operating at the assumed levels (70% occupancy), would expect a margin of £85,000 before paying for the costs of purchase and before taking any drawings.

The budgets show that if the yard was let, and a tenant paid £31,500 rental (this giving the landlord a reasonable return for the investment) that tenant could expect to make a margin of about £54,000 before drawings (£85,721 profit less £31,500 rental).

These projections seem to be based on a reasonable set of assumptions. Therefore, in conclusion on issue 2, they show that the yard is potentially viable.

Is There a Market?

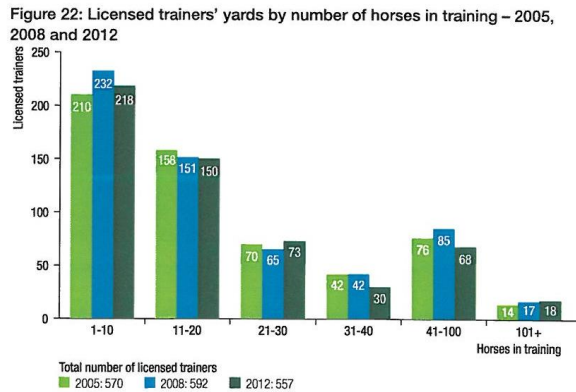
I anticipate that there will be a market for such a yard.

Small or starter yards do tend to have a higher turnover of occupiers, by their very nature. Taking starter yards as an example, they are occupied by people starting out in racing. If

those trainers are successful they can be expected to move on to larger yards where they have more boxes and where they have better access to facilities such as gallops.

If they are not successful they leave the industry. In both cases the starter yard was exactly that: a first yard.

Statistically in 2012 some 66% of trainers operated from yards with 20 or less horses, see the graph below. I attach the full extract. It is clear that this proportion has been similar for at least the last decade.



Note: Licensed trainer numbers based on an average of the monthly returns to the BHA. Source: BHA, Deloitte analysis.

It must be that these trainers are surviving, or being replaced by new trainers. Therefore, in conclusion on issue 3, I consider that there is likely to be a demand for the yard.

Conclusions

In conclusion, on the matters of which you sought my further comments, I conclude as follows:

- the 20 box yard is an appropriate size for this location. Due to the lack of direct access to gallops, any trainer will need to box horses and drive them to the gallops in Newmarket. Accordingly this location lends itself to a small or starter yard of up to 20-25 boxes;
- it is probable such a yard would be viable. The Applicant’s budgets indicate potential to generate a significant profit;
- and I consider it likely that there will be a demand for this size of yard.

Comment

It will be a matter for the Council to reflect on policy interpretations, but I comment that there is no analysis about why two such yards could not be provided, or why such a large part of the existing RTE is proposed to be developed out of the Horse Racing Industry.

Please feel free to seek any further clarification.

Yours sincerely

TONY KERNON BSc(Hons), MRICS, FBIAC

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Appeal Decision

Inquiry held on 17 to 20 September 2013

Site visit made on 20 September 2013

by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2013

Appeal Ref: APP/H3510/A/13/2197077

Meddler Stud, Bury Road, Kentford, Newmarket CB8 7PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Ms Ann Gurney on behalf of Meddler Properties Limited and Agora Developments Limited against Forest Heath District Council.
 - The application Ref F/2012/0766/OUT is dated 11 December 2012.
 - The development proposed is described in the application form as follows: '*Outline planning application for erection of 133 dwellings including associated access arrangements and open space provision*'.
 - The Inquiry sat for four days.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original outline planning application with all matters reserved apart from access was for 133 houses. The statement of common ground (SoCG) confirms that the scheme was amended to 102 dwellings¹. Indicative drawings were submitted with the application which had been amended to reflect the reduced number of the proposed dwellings. The Council failed to determine the outline planning application within the statutory period, but it would have been refused on two principal grounds; impact upon the horse-racing industry ('the HRI') and prematurity.
3. A planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 as amended is submitted. This includes provision for the following: 31 affordable homes, contributions for education including pre-school facilities, contributions towards libraries, pedestrian/cycle routes, a bus stop, public open space and local healthcare facilities. The details of the financial contributions are set out in section 7 of the SoCG and the appeal Parties agree that they satisfy the relevant CIL regulations²; I have no reason to disagree as they meet the relevant tests. The planning obligation is a material consideration.

¹ SoCG signed by the appeal parties dated 12 September 2013. See paragraph 4.1 of the SoCG.

² In particular, see regulation 122 of the Community Infrastructure Levy Regulations 2010.

Kentford and the appeal site

4. Kentford village is situated along the Bury Road (B1506), which runs to Newmarket and it has a population of 1,184³. The village's linear settlement pattern is an important feature of its layout and overall character, which is emphasised by its distinct eastern and western parts.
5. The appeal site is 7.16 hectares in size and is known as the Meddler Stud. It is located between the eastern and western parts of the village beyond the built framework where restrictive countryside planning policies apply to new residential development. The site is bound by the following features: agricultural land, Bury Road, residential properties and the River Kennet. It is mainly well screened by mature trees and vegetation especially around its perimeter.

Main Issues

6. These are the following:
 - Firstly, the effect of the proposed development upon the HRI
 - Secondly, whether there is a deliverable five year supply of housing land
 - Thirdly, whether the proposals are sustainable development to which the presumption in favour, identified by paragraph 14 of the National Planning Policy Framework, applies, and
 - Fourthly, notwithstanding my findings on the foregoing whether, in any event, the proposals are so premature so as to require the withholding of planning permission.

Reasons

The HRI

7. In and around Newmarket and the District, the HRI is an important industry which has been recognised in local planning policies. Policy 12.4 of the Forest Heath Local Plan 1995 (LP) states that the change of use of racehorse training establishments ('RTEs') will not be permitted. Any development which would adversely affect their operation will not be allowed. Contrary to the appellant's assertion, LP Policy 12.4 does not relate to the supply of housing and this is reinforced by its justification text. The LP was adopted in 1995 though some of its Policies, including 12.4, are saved by Direction of the Secretary of State. Nonetheless, the recent change in national planning policy means I need to consider what weight to attach to Policy 12.4.
8. The Council has prepared a joint Development Management Policies Document (DMP), which it intends to submit to the Secretary of State for examination in January 2014. Of direct relevance to this particular issue is Policy DM48. It states that any proposal within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the HRI, or which would threaten the long term viability of the HRI as a whole, will not be permitted. Also relevant is Policy DM49, which relates to the redevelopment of existing sites relating to the HRI. It states that the change of use of land and buildings, presently or previously relating to racehorse training yards, stud farms, the racecourses, horse training grounds or other HRI related uses will not be permitted other than in exceptional circumstances, for instance, alternative uses that are directly related to the HRI.

³ This figure is undisputed and is taken from Thomas Smith's (TS) Proof of Evidence (POE) paragraph 3.1.

9. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework. LP Policy 12.4 is in strict form and does not include an exception test. Although RTEs are not identified on the LP Proposals Map, Policy 12.4 identifies the use in respect of those parcels of land to which it applies.
10. Paragraph 22 of the Framework states that planning policies should avoid the long term protection of sites allocated for employment use [my emphasis] where there is no reasonable prospect of a site being used for that purpose. Where this is so, applications for alternative uses of land, or buildings, should be treated on their merits having due regard to market signals and the relative need for different land uses to support sustainable local communities. The terms of paragraph 22 are clear; it is applicable to policies which continue to 'allocate' land for employment use where there is no reasonable prospect of the land being used for this purpose. It goes on to exhort Councils to regularly review allocations and to treat applications for non-business uses in relation to allocated land upon their own planning merits. While RTEs may well generate jobs, there is nothing in the paragraph, or the Framework, to support the appellant's argument that paragraph 22 should be applied by way of analogy to other more general planning policies such as LP Policy 12.4.
11. There are over 3000 horses in training in Newmarket; there was broad agreement that in this part of the country the HRI is essential to the long-term economic, social and environmental sustainability of the town and District. Land used in connection with the HRI around the periphery of Newmarket provides a source of valuable studs or RTEs. LP Policy 12.4 seeks to protect, enhance or develop the HRI in and around Newmarket. Those aims and objectives are broadly consistent with the sustainable development theme that features as a golden thread in the Framework. Therefore, Policy 12.4 carries significant weight insofar as it is consistent with the Framework's aims and objectives.
12. The appellant's planning agents have raised objections to Policy DM48 and DM49 through the local plan process, but these relate to the need to bring these Policies in line with the Framework. This would broaden the range of alternative uses that might be considered in the event that equine land protected by other policies is incapable of being viably utilised. That argument relates to the need to provide an exception test, but these objections do not go to the heart of the aims and objectives of the Policies, which seek to protect land used in connection with the HRI.
13. The DMP is likely to be submitted to the Secretary of State in January 2014 for independent examination. Nevertheless, the direction of travel indicates that Policies seeking to protect equine uses, similar to the aims and objectives found in LP Policy 12.4, will remain. Given the advanced stage of the DMP, and applying paragraph 216 of the Framework to the emerging Policies, I attach some weight to Policies DM48 and DM49.
14. The history of the site, its management and the enterprises are set out in the written evidence. The agricultural parts of the land were sold by the landowner and the stud buildings and some land remained; the useful parts of the stud land being bought by neighbouring studs. The landowner was left with a rump of buildings. Essentially, the site was rendered useless for stud

uses and subsequently bought by Copthorne Developments as a development site. Its owners were tempted by a successful horse into having a go at running it as a stud and RTE. Mr and Mrs Reed were appointed to manage the enterprise and to facilitate this £180,000 or so was spent acquiring and laying out the necessary gallops within hacking distance.

15. The enterprise failed with Copthorne Developments and Meddler Bloodstock going into liquidation and a creditor, D.O. Investments, ending up holding the property. Mrs Reed was given a rent-free period of three years to produce backers, none of which delivered, and she, too was declared bankrupt. D.O. Investments allowed another occupier to run his establishment of three/five horses⁴ and that is generally the current situation.
16. The exact nature or scope of the businesses operating from the site since 2001 is unclear. While the nearby gallops have been removed from the ownership and access is no longer possible, there are no details to show that constraints such as the quality of the buildings, the layout or size of the Meddler Stud contributed to the failure of the previous enterprises. Additionally, there is no specific information to show how or when the buildings were maintained. In my view, the presented evidence does not show that the layout, size or make-up of the site and the condition of the buildings contributed towards the historic failure of the enterprises.
17. I have noted Mr Clive's expert opinion regarding the valuation of the site, but a full and proper marketing exercise has not been done to promote the Meddler Stud as an RTE or other related establishment at an open market value. Given the absence of this type and nature of effective marketing exercise, it is difficult to draw any conclusions that Meddler Stud is no longer viable as a stud or RTE due to lack of interest. Nevertheless, the appellant's argument is that the site has no future prospect as a stud or a 40 box RTE, but there might be potential for a refurbished or rebuilt small-scale 20 box yard.
18. The Council's table of capital costs indicated that a small-scale RTE would be viable. The appellant disputed the figures because the quality of the buildings would be compromised and the facility would be at the lower end of the spectrum. The contention is that even if capital costs were removed from the equation and staffing levels were significantly reduced to a minimum, the table shows only a £12,000 surplus of income over expenditure and that excludes depreciation. The costs affect the longevity of the buildings, increased repair costs and the quality of impression needed to attract horse owners. On the other hand, in my view, the presented evidence does not show that the existing buildings are structurally unsound and cannot be refurbished or adapted to support a small-scale 20 box RTE.
19. The appellant argues that the use of the site as a small-scale 20 box RTE is not possible without exercise facilities; Meddler Stud has none though there is some type of a horse-walker. There is concern as to whether or not a potential trainer operating from the site would qualify for a British Horseracing Association (BHA) license. However, the licensing process is a discretionary one and there is nothing to suggest that the BHA guidelines should be treated as compulsory. In the case of RTEs for flat racing, applicants are expected to have gallops of approximately six furlongs within hacking distance of the

⁴ Evidence-in-chief and cross-examination George Windsor Clive (GWC) and see POE section 3.4 and Appendix G1 attached to the bundle of evidence and the email of 18 September 2013 from Mr Anderson.

stables. That is not possible at the Meddler Stud site, but there are out-of-centre establishments that do not have gallops of this length yet they were said to be licensed at the time of the Inquiry.

20. I had the opportunity of visiting Newmarket and seeing the type of available facilities some of which are within travelling distance of Meddler Stud. There are central gallops and other facilities in Newmarket although that would involve the boxing of horses, travelling and unloading. However that is not totally impractical nor does it render a possible RTE use of the site unviable. Just because a future trainer might depend upon the central gallops and facilities in Newmarket, the presented evidence does not necessarily show that a small-scale RTE would be unviable in such circumstances.
21. The site's topography results in constraints to the provision of exercise facilities. A 1.5 furlong trotting ring could be marked out though there is some concern about ground levels; it could not be used for canter work. However, given the size of the site, the paddocks would be capable of accommodating an exercise ring of approximately 1.25 furlongs⁵. The 20 box RTE might be at the lower end of the spectrum, but some kind of on-site exercise facility would be possible for a small-scale RTE.
22. I have also taken account of the view that any RTE would provide a sub-standard facility and represent a low percentage of training horses in Newmarket. There is some force behind the argument that there are better yards elsewhere, but no specific details have been submitted for my consideration.
23. I have considered all of the submissions in relation to the viability of a small-scale 20 box RTE. The presented evidence points to the probability that a 20 box RTE would have a reasonable prospect of success on the site. This is because of the site's location, the availability of the existing buildings which, subject to structural surveys, would be suitable for such an activity. On the other hand, the complete loss of the site to housing and associated infrastructure would result in the unjustified loss of a site used in connection with the HRI. Accordingly, the development would fail to comply with the main thrust of LP Policy 12.4 and emerging DMP Policies DM48 and DM49. In this regard, the development would fail advice contained in the Framework.
24. In addition to all of that, the appellant's submitted case relates to the viability of an RTE without enabling development, which is a legitimate alternative. Such an alternative should be properly and robustly assessed and evaluated.
25. For all of the above reasons, I conclude that the site's loss to residential development would have a materially harmful effect upon the HRI, because it would involve the loss of a RTE or land used in connection with the HRI.

Five year supply of housing land

26. Policy CS 1 of the Core Strategy Development Plan Document 2001 – 2026 2010 (CS) sets out a spatial strategy. Policy CS 6 sets out considerations related to sustainable economic and tourism development. Policy CS 7 sets out the overall housing provision and Policy CS 13 relates to infrastructure and development contributions. The CS was subject to a successful High Court challenge which resulted in the quashing of the majority of Policy CS 7 and

⁵ See Appendix R to GWC's bundle of evidence which include the necessary earth works.

- consequential amendments to Policies CS 1 and CS 13. The quashing of parts of Policy CS 7 has removed the spatial housing distribution though the level of housing remains in place. Policy CS 7 requires the provision of 6,400 dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031.
27. To address the shortcomings identified by the High Court, the Council is in the process of undertaking a Single Issue Review (SIR) of the CS in relation to the distribution of housing. It is also reconsidering the evidence base that underpinned the housing requirement figures to evaluate whether or not the level of growth remains appropriate. The Site Specific Allocations Development Plan Document (DPD) is also in the process of preparation; it is acknowledged that the documents are at an early stage. For example, at the time of the Inquiry, both of these documents were in preparation. Given the advice contained in paragraph 216 of the Framework, I attach limited weight to these documents. This is because they are at an early stage of preparation; they may change in the future as a result of public consultation and the examination in public by an independent Inspector.
28. Paragraph 14 of the Framework states that at its heart is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. A core principle of the Framework is that planning decisions should be plan led.
29. Paragraph 47 to the Framework says that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their LP meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. In addition, authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Paragraph 49 says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites [my emphasis].
30. The undisputed evidence is that the Council cannot demonstrate a five-year supply of deliverable housing sites⁶. There is broad agreement that sites outside existing settlement boundaries may be required to make up the shortfall. The annual monitoring report shows that generally housing supply has increased since 2001⁷. This is borne out in the record of housing delivery as shown in the statistics in Table 3 – *housing completions in Forest Heath District*⁸. For this reason, I am not persuaded by the appellant's argument that there has been a persistent under delivery of housing and so a 20% buffer is not justified in this particular case.
31. Nonetheless, as at March 2012 a total of 3,089 dwellings have been completed since 2001. In order to meet the 6,400 requirement 3,311 dwellings would

⁶ For this agreement, see paragraph 6.5 of the SoCG.

⁷ See paragraph 9.10 of TS and 4.12 to Marie Smith's (MS) POE.

⁸ See paragraph 9.10 to TS' POE.

need to be built to March 2021. This equates to around 367 dwellings annually or 1839 over the five-year period. The Council state that they have a 3.6 year land supply from a base date of March 2012, however, by applying the 5% buffer this would represent a 3.4 year land supply.

32. The Council favour a residual method of spreading the shortfall to 2021, but, in my view, given the general thrust of guidance contained in the Framework, the shortfall should be made up as soon as possible. On that basis, the evidence shows that there is a housing land supply of around 3.15 years⁹. The Council cannot demonstrate a supply of deliverable housing sites in the short-to-medium term.
33. Notwithstanding the reasons behind them, in particular, CS Policies CS 1 and CS 7 (part not subject to the High Court's quashing order) have a bearing on the supply of housing and must, for the purposes of the Framework, be considered out-of-date given the fact that the Council cannot demonstrate a five-year supply of housing land. In this context, these Policies are inconsistent with the Framework. In these circumstances, greater weight would need to be attached to the Framework¹⁰. In my view, this finding attracts significant weight in support of the development, because of the Government's aim to boost the supply of housing and to stimulate the economy.
34. There was broad agreement that even if CS Policies relevant to the supply of housing are found to be out-of-date, the level of housing remains in place. However, the Council's assertion that the shortfall in deliverable housing sites could be made up within the next five years through the strategic housing land availability assessment (SHLAA) housing sites, is not borne out by the presented evidence because these sites are not available now¹¹. They may not be deliverable or developable to meet the five-year requirement. Additionally, I attach weight to the argument that, given the current economic conditions, there is no information to suggest that these sites would be viable.
35. For all of the above reasons, the lack of a deliverable five-year supply of housing land goes in favour of the grant of planning permission for the development.

Sustainable development

36. The Council utilises the parish profile to accumulate information on facilities, services and characteristics of each settlement. Such data is used to outline the methodology that informed the settlement's categorisation into a hierarchy and potential growth pattern. The District includes three market towns and a number of key service centres, primary and secondary villages, and small settlements. The main land-use constraints include risk of flooding from sources such as the River Kennet, special protection areas for example, Breckland Farmland Site of Special Scientific Interest (SSSI), nature reserves, military airbases and the HRI.

⁹ See Table 4 page 41 of TS' POE.

¹⁰ For further guidance on the implementation of the Framework see paragraph 214 and 215.

¹¹ To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable – for further details see footnote 11 of the Framework.

37. For local planning policy purposes, Kentford is categorised as a primary village (PV), because of the type and nature of the available amenities. However, these have been the subject of investigation and assessment through the Infrastructure and Environmental Capacity Appraisal (IECA), which has informed the local plan process. The report considered the environmental capacity and the need for and means of providing and maintaining social, physical and environmental infrastructure to support growth in the District. The appellant has not challenged the report's findings and it is the best available evidence regarding infrastructure capacity within settlements such as Kentford¹².
38. Overall, the IECA indicates that, currently, Kentford has a very poor range of services. Many of the local key services are absent including sports pitches, non-pitch sports, allotments, playgrounds, library and many of the identified key local services. The nearest primary school is in Moulton a short distance away. There are no health facilities in the village although it is not, currently, large enough to support a surgery. The nearby substation is nearing capacity though Newmarket wastewater treatment works has headroom. The transport network has the potential to be good, particularly with the proximity of the A14 and the existing railway station. There is a good bus service to Bury St Edmunds and Newmarket. There is a Post Office/local store and two public houses¹³.
39. The IECA considers settlement infrastructure tipping points, which can be utilised to evaluate infrastructure impact. The report indicates that environmental capacity exists for 240 – 440 new dwellings in Kentford, but that is subject to significant infrastructure improvements in line with growth. There is a real concern that any physical expansion of Kentford without infrastructure improvements would have an impact upon existing facilities, which are already at tipping point. The report indicates that even 50 to 100 new homes would have a significant impact¹⁴.
40. In isolation, the development would provide an additional 102 dwellings with associated infrastructure secured by planning obligation. However, the proposed infrastructure improvements and financial contributions would mainly address concerns about the impact of this particular development. Yet the Council is considering other planning applications which would, cumulatively, result in some 300 new homes in Kentford. When considered in isolation or cumulatively, the scale of the development would potentially have a negative effect upon existing infrastructure given that the existing facilities are already under severe pressure, irrespective of the improvements and contributions identified in the planning obligation.
41. The development has a number of positive aspects that weigh in its favour. The illustrative master plan shows that a satisfactory layout can be achieved. The design would be capable of meeting with the principles of good design while respecting the character and appearance of the locality. Together with residential amenity considerations, such matters would be subject to detailed drawings at reserved matters stage should planning permission be granted for

¹² Prepared by Nathaniel Lichfield and Partners (2009) attached at Appendix 16 to MS and Appendix L to TS's bundle of evidence. The terms of the report are set out in paragraphs 1.5 to 1.14.

¹³ See paragraph 5.17 of the IECA report.

¹⁴ See paragraph 5.17 – 5.18 of the IECA report.

the scheme. The village lacks a clear centre and open space provision. That would, to some extent, be addressed by the scheme.

42. A safe access to the site would be achieved and the development would not result in any adverse impact upon highway safety. Moreover, safe pedestrian and cycle links would be provided which would, potentially, improve connectivity across the settlement. Any local highway improvements would be subject to the planning obligation.
43. The development would not result in any adverse impact on archaeology, ecology, biodiversity, landscape or trees. Concerns raised by Natural England about the cumulative effect of the development in association with other proposals in Kentford upon the SSSI have also been adequately assessed¹⁵.
44. Additionally, the indicative layout shows that the scheme would be located within Flood Zone 1 and sustainable drainage systems and flood mitigation measures would be incorporated in detailed designs to address risks from flooding.
45. Furthermore, the development would provide economic benefits which have been quantified¹⁶. Briefly, these economic benefits include the creation of short-term jobs, local spending likely to be generated by an estimated 422 residents, and monies from the new homes bonus payments.
46. Drawing all of the above threads together, the scheme seems to me to be the kind of development which paragraph 14 of the Framework supports in a drive to boost housing provision. On the other hand, there are genuine planning concerns about the long-term implications upon Kentford's infrastructure because of the location and scale of the development. Therefore, it is necessary to consider whether or not the grant of planning permission for the development would predetermine the local planning process.

Prematurity

47. The mere fact that the Council is undertaking a review of the housing needs and strategic allocations, does not automatically mean that all planning applications for residential development have to be put on hold; a planning decision is still required taking into account all relevant material planning considerations¹⁷.
48. The Council argue that the grant of planning permission for the development would predetermine the SIR and Site Specific Allocations DPD, but I have already concluded that limited weight can be given to these emerging plans as they are at an early stage.
49. Nonetheless, prematurity is a relevant consideration. Policy guidance on prematurity is found in the document titled: '*The Planning System: General Principles*' (PSGP), which was published in 2005. Paragraphs 17 and 18 state that a refusal of planning permission may be justifiable in some circumstances, on the grounds of prematurity, where a DPD is being prepared or is under review, but has not been adopted. However, only ... *where a proposed development is so substantial, or where the community effect would be so*

¹⁵ Ecological report submitted on behalf of the appellant.

¹⁶ See Paragraphs 8.22 to 8.25 of TS' POE and Appendix I and J.

¹⁷ See the case of *Stratford on Avon District Council v Secretary of State for Communities and Local Government & others* [2013] EWHC 2074.

significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing, of new development which are being addressed in the policy in the DPD... A proposal for development which has an impact on only a small area would rarely come into this category... Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified...

50. Any refusal of planning permission, on the grounds of prematurity, has to be set against other policy imperatives. For example, paragraph 47 of the Framework makes it clear that Councils should be aiming to boost significantly the supply of housing. This has been emphasised by the Secretary of State and Government Ministers, in recent statements, where the provision of more housing is seen as a means for encouraging much needed economic growth.
51. The SHLAA identifies sites that may be suitable for housing development within the District; given the stage at which the SIR and Site Specific Allocations DPD have reached, it is unclear as to the exact amount and location of housing in the short, medium or long term for the District or in PVs. There is broad agreement that PVs are likely to receive some kind of housing allocation though the location and scale is unknown.
52. The development is small in comparison to the District's overall housing requirement. The scheme would contribute to the housing figures; provide affordable homes and other economic benefits. However, there are genuine concerns about the location and scale of the development given the findings of the IECA. Kentford is subject to other land-use constraints such as the SSSI, flood risk, and land used in connection with the HRI. Therefore, it is reasonable to consider the prematurity implications of granting planning permission for the development within the context of Kentford itself.
53. Kentford is the smallest PV and the introduction of 102 new homes would represent a significant increase of the village given its size. The scale of the development would, in my view, increase considerably pressure upon existing facilities that are already said to be at tipping point. In line with growth of the village, there is a need to plan infrastructure improvements for Kentford as a whole rather than in isolation. That needs to be properly investigated and assessed through the local planning process whereas the grant of planning permission for this scheme would predetermine that process.
54. The SHLAA identifies Meddler Stud as a deferred site¹⁸ given land-use constraints such as the risk of flooding and its previous use in connection with the HRI. In comparison, there might well be other sites within the village that may be suitable and sustainable for residential development. I consider that, without proper investigation of the infrastructure improvements required in Kentford to accommodate its future expansion via the local planning process, the development would potentially predetermine the location of new development within Kentford in an uncoordinated and unsustainable manner. To my mind, that goes against the grain of good planning and the Government's localism agenda.

¹⁸ In accordance with good practice, the SHLAA process identifies sites that offer a realistic opportunity of coming forward for development following an assessment of their suitability, availability and achievability. Deferred sites were identified because of particular constraints at the time of the assessment. While these sites could still come forward, particular constraints would need to be addressed.

55. I have considered all of the arguments about prematurity; however, the proposal would not just have an impact upon a small area. The location and scale of the scheme would have a significant community effect given the potential impact upon existing local amenities, which are said to be already under severe pressure. I find that the scale of the development would be taken as having such a harmful and negative community effect so as to invoke the terms of paragraphs 17 and 18 of the PSGP.
56. On balance, the appropriate location and scale of housing development for this small PV is a matter that should, and would, be properly and robustly addressed through the local planning process. That would allow a full testing of the planned and coordinated location and scale of growth, and address concerns about the lack of adequate infrastructure in a sustainable and long-term manner. The grant of planning permission for the scheme would predetermine that process in an unacceptable manner.
57. For all of the above reasons, I conclude that the scheme would be premature so as to require the withholding of the grant of planning permission now.

Overall balancing exercise

58. The lack of a deliverable five-year supply of housing land weighs significantly in favour of the grant of planning permission for the development and it would be in a generally sustainable location. There are other identified and quantified economic, environmental and social benefits of the scheme.
59. However, the development would have a materially harmful effect upon the HRI. Additionally, although Kentford is accessible by means of public transport and has some local amenities, these are already said to be at tipping point. Therefore, the sustainable location and scale of development in this PV should, and would, be properly and robustly tested through the local planning process.
60. On balance, I consider it to be of greater weight that the grant of planning permission for this scheme would materially harm the HRI and predetermine the location and scale of development within Kentford in an unplanned, uncoordinated and unsustainable manner.

Overall conclusion

61. Therefore, for the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Paul Shadarevian	Of Counsel, instructed by Forest Heath District Council Legal Services
He called	
Tony Kernon	Kernon Countryside Consultants
Marie Smith	Planning Manager, Forest Heath District Council

FOR THE APPELLANT:

Christopher Boyle QC	Of Counsel, instructed by the appellant and URS Infrastructure and Environment UK Ltd
He called	
George Windsor Clive	Windsor Clive International
Thomas Smith	URS Infrastructure and Environment UK Ltd

INTERESTED PERSONS:

William Gittus	Managing Director, Jockey Club Estates
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DOCUMENTS HANDED IN DURING THE COURSE OF THE INQUIRY

- 1 Statement of Common Ground
- 2 Draft planning obligation
- 3 Note on prematurity from The Planning Inspectorate
- 4 Thomas Smith's Appendix K
- 5 Infrastructure and Environmental Capacity Appraisal final report
- 6 Response from George Windsor Clive to Tony Kernon's Appendix 11
- 7 Tony Kernon's rebuttal statement
- 8 Letter dated 5 September 2013
- 9 Appendices to letter from URS dated 15 May 2013 attached to appellant's bundle of evidence
- 10 URS letter dated 23 August 2013
- 11 Email communication dated 18 September 2013 – C Anderson
- 12 Email communication dated 18 September 2013 – T Poole
- 13 Email communication dated 18 September 2013 – W Gittus
- 14 Information broche Jockey Club Estates Limited
- 15 Statement - W Gittus
- 16 Aerial image Streetly End, West Wickham
- 17 Option C – recalculations
- 18 Planning obligation



Mrs P Kelly
Forest Health District Council
College Heath Road
Mildenhall
Suffolk IP28 7EY

Electronic Version
Our Ref: KCC1444/hw
Your Ref: 14/0585
30th June 2014

Dear Mrs Kelly

14/0585: MEDDLER STUD, KENTFORD

- 1 Thank you for your consultation request of 9th June. I apologise for the slight delay in reporting.
- 2 This is a desk-based assessment. However, as will be explained in this report, I am familiar with the application site and buildings and have been to the premises on several occasions, mostly recently last September.
- 3 In undertaking this appraisal I have considered the application documents, in particular:
 - (i) the site layout plan, as revised in June;
 - (ii) the Horse Racing Impact Statement of March 2014 by URS;
 - (iii) the Planning Statement of March 2014 by URS.
- 4 In addition I have also considered:
 - (i) the Applicant's documents for the Public Inquiry last September;
 - (ii) the Inspector's decision dated 22nd November 2013 (2197077);
 - (iii) the Inspector's decision relating to the Queensbury Lodge site, in so far as it addresses policy matters, dated 4th April 2014 (2201646).

The Proposals

- 5 It is proposed to demolish all of the existing buildings that form the Meddler Stud. New residential development would be built over the stable yard areas and across the eastern paddock land.
- 6 As part of the proposals, new racehorse training enterprise (RTE) facilities would be built, including:

*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk Website: www.kernon.co.uk*

- a block of 20 stables;
- a trainer's house;
- a barn for bedding and fodder, machinery etc;
- an exercise track of just over two furlongs length;
- a horse walker and a lunge ring;
- leaving of the order of 1.5 ha of available paddock land.

This Appraisal

7 I structure my appraisal as follows:

- (i) policy, emerging policy and its interpretation (making reference to recent appeal decisions;
- (ii) the suitability of the proposed buildings;
- (iii) whether this is "enabling development" and an analysis of the case put forward.

Policy

8 Policy in the National Planning Policy Framework (the Framework) paragraph 28 advises that local plans, and it must follow development control decisions, should **"promote the development and diversification of agricultural and land-based rural enterprises"**.

9 Saved policies in the Forest Heath Local Plan 1995 seek to protect the horse racing industry and its assets. Policy 12.4 notes that **"the change of use of racehorse training establishments will not be permitted. Similarly, any development which would adversely affect their operation will not be permitted"**. Policy 12.6 addresses the provision of accommodation for RTEs and notes that **"the loss of such accommodation should normally be resisted"**.

10 Emerging Development Management policies carry some weight and carry forward this thrust of policy to protect the Horse Racing Industry locally and to protect its assets, by resisting a change of use away from racing and directly related uses.

11 The Inspector considering an appeal last year to develop completely the Meddler Stud concluded, in his paragraph 11, that **"LP policy 12.4 seeks to protect, enhance or develop the HRI in and around Newmarket. Those aims and objectives are broadly consistent with the sustainable development theme that features as a golden thread in the Framework. Therefore, policy 12.4 carries significant weight insofar as it is consistent with the Framework's aims and objectives."**

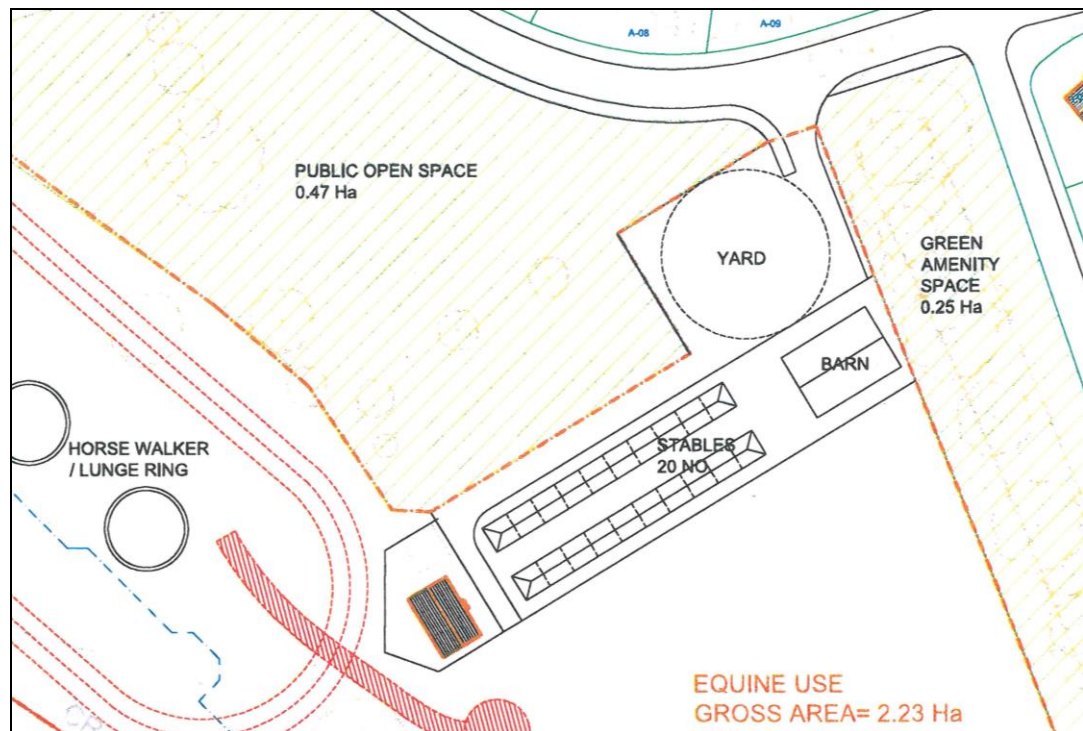
12 An Inspector considering the loss of land and stables at Queensbury Lodge concluded in his paragraphs 10 and 11 that saved policy 12.4 conflicts with paragraph 14 of the Framework in that it sets an absolute prohibition on the change of use of RTEs. This reduces the weight to be accorded to it. **"It would be inappropriate, however, to dismiss Policy 12.4 on that basis alone"**. He concluded that policy 12.4 **"must be given some weight"** and, in paragraph 23, that **"its purpose is consistent with the definition of sustainability"**.

13 From the policy and the Inspector's decisions, it is my understanding that it is appropriate to consider policy 12.4, which seeks to prevent the loss of RTEs or any development that might harm the HRI, but that the benefits of a proposed development must be weighed against its impacts in coming to a decision on its acceptability. Clearly those balancing exercises are matters for the decision taker, rather than for this appraisal.

The Suitability of the Proposed Buildings

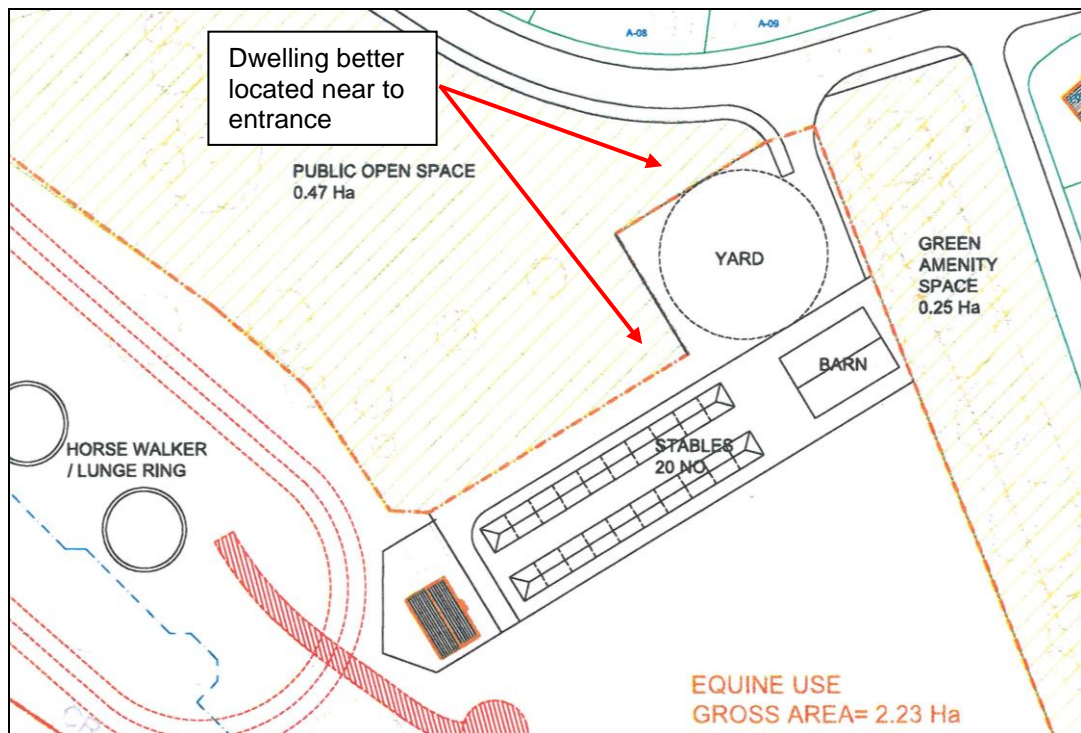
- 14 The application proposes new buildings, a new canter/exercise track, a dwelling and other facilities. The application is made in outline, with only the access reserved, so there is little detail about the buildings proposed for the RTE.
- 15 In terms of the design of the layout, I consider it reasonable, although I make comments on how it could be improved.
- 16 Access to the RTE would be along the new road serving the proposed residential development. That of itself does not cause problems as horses would not be walked or ridden along that road.
- 17 The design submitted in outline provides a yard and parking area at the entrance. There would be an access along the edge of the stable yard to reach the trainer's dwelling. It is not clear how the stables and barn would be accessed by vehicles. An extract from the application drawing is provided below.

Insert 1: Excerpt from Application Drawing



- 18 I would comment that, in my opinion, this locational arrangement needs to be revised. Anybody entering the yard needs to be able to locate the trainer's dwelling easily. This means not only that visitors can get to the dwelling without entering areas in which racehorses are kept, but it also provides far better surveillance opportunities, and dissuades would-be wrong-doers, if the dwelling is near to the entrance.
- 19 The layout does not provide any space for the collection of spent bedding/manure. Without seeking to dictate a layout, in my opinion the layout should be varied something along the lines of the following.

Insert 2: Suggestions



20 Subject to these comments, and based on the limited amount of information and detail provided (given that this is an outline application), I conclude that the buildings are suited to the uses proposed.

Other Considerations

21 As openly accepted in the Horse Racing Impact Statement (7.3) and the Planning Statement (6.1), residential development of the stables and some paddock land could be considered contrary to the development plan and emerging policies. This is a matter for the Council's consideration.

22 The application describes the existing buildings variously as "**in a poor state of repair**", as having a "**poor reputation**" and as having no residential accommodation (see the HRIS section 7, for example). Many of the buildings are in poor condition. I attach Appendix KCC7 from my Proof of Evidence to the Public Inquiry in September 2013, as this sets out a description of the buildings.

23 The application makes no attempt to explain why none of these buildings could be used either for RTE uses, or converted to residential uses, either for use by the trainer or for other residential occupation.

24 Two of the buildings, numbers 1 and 3 on the analysis attached, have had the benefit of residential planning permission for RTE staff in the past. There is no explanation about why these permissions have not been resurrected, or why those buildings are not considered suitable for such uses.

25 There is no analysis of whether or not the proposed 20 box training yard, barn and dwelling could be accommodated within the built area currently occupied by the various stables across the application site.

- 26 There is no analysis of whether there is the scope to create two small RTEs, rather than just one.
- 27 Nor is there any financial analysis to demonstrate that the amount of stabling and paddock land being removed is the minimum necessary to facilitate the construction of a new 20 box RTE.
- 28 It will be for the Council to consider whether or not the Applicant has demonstrated to its satisfaction, or indeed whether the Applicant needs to demonstrate, that the extent of the loss of RTE/HRI facilities is justified. I note that the Inspector in the 2013 appeal stated, in his paragraph 24:

“In addition to all of that, the appellant’s submitted case relates to the viability of an RTE without enabling development, which is a legitimate alternative. Such an alternative should be properly and robustly assessed and evaluated”.

Discussion and Conclusion

- 29 The existing range of stables are of mixed condition. Some are poor, some are in reasonable condition. Two have had planning consent in the past for residential use. There are, however, far more stables than there is a realistic need for.
- 30 It has been agreed in the past that there is a need for considerable investment into the site. It has also been agreed that, due to the lack of gallops, the location lends itself only to a smaller yard or yards of up to about 20 horses.
- 31 The proposal provides what could be a very good starter yard. Whilst in my opinion the dwelling would be better located near the entrance, the proposed starter yard appears reasonable.
- 32 However, the proposal also involves the loss of stables and paddock land that forms part of the RTE. Accordingly it is contrary to the policies of the development plan.
33. There is no evidence presented to indicate how this solution was arrived at. The Inspector in 2013 stated that this should be **“properly and robustly assessed and evaluated”**. I am not able to conclude, based on the information available, that this is the case. Whilst some RTE uses will be able to continue, which is to be welcomed, it is not possible to conclude that a greater amount of RTE uses could not also continue, or that the second paddock area could not be retained for future RTE uses.

Please feel free to seek any clarifications.

Yours sincerely



TONY KERNON BSc(Hons), MRICS, FBIAC

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From: Gittus, William [mailto:william.gittus@thejockeyclub.co.uk]
Sent: 22 October 2014 11:18
To: Kelly, Philippa
Subject: RE: Meddler Stud

Dear Philippa

We note that you intend to report this application to the planning committee in the near future. We would be grateful if, when doing so, you could report the continued concerns of the Newmarket Horsemen's Group to these proposals.

We have had the opportunity to review the material submitted on behalf of the applicant just prior to the October planning committee at which you were intending to present this application. This material does not overcome the concerns of the NHG and we have written to you about the specific design issues with the proposed RTE that forms part of this application.

To assist you in reporting the concerns of the NHG we have summarised these below.

1. It is accepted by all that the site is a racehorse training enterprise (RTE) and is horse racing industry (HRI) land, and that as such any change of use is contrary to both the adopted and emerging planning policies for Forest Heath. The site could be used, in its entirety, for a number of HRI related uses.
2. The existing facility provides a useful starter yard facility – as acknowledged by FHDC's independent advice received from Tony Kernon. The NHG considers that there is a need to maintain such facilities in order to continue to encourage new HRI businesses into the area. The applicant has not provided any evidence to suggest that this need does not exist. In the last 5 years over 25 new training and pre-training businesses have started up in and around Newmarket. There is a demand for properties from which to train, pre-train and spell (rest and recuperation) racehorses. Facilities which remain vacant (unsold or un-tenanted) for a long period of time do so largely because they are marketed on unrealistic terms. Once made available on realistic terms sites are occupied, providing employment and economic benefit. Albert House Stables remained intentionally vacant for around 2 decades. Recently it was made available on realistic terms, is being renovated and will soon be occupied by horses in training.
3. The NHG considers therefore that the whole site should remain in horse racing use. There is a need for facilities of this kind and until very recently the site was occupied. We are also aware that a genuine offer was made for the site by an individual that wanted to use the entire site for HRI purposes. It is noted that the application is not supported by any marketing evidence to demonstrate the absence of need for this facility.
4. The application is not supported by adequate evidence to justify the loss of part of this site for HRI use or evidence to show that the new RTE that will be created on approximately one third of the site is appropriate. This was a requirement of the inspector's decision in the previous appeal at this site.
5. The application does not include any substantive evidence to prove that the residential development is necessary to safeguard the continuation of HRI uses on the site.
6. There is no evidence to show that the existing facility could not be redeveloped or refurbished to maintain HRI use on the whole of the site. Instead, unsubstantiated assumptions are relied on to justify the claim that to do so would not be viable. This is best displayed in the letter from URS dated 25/9/14, which contains no detailed evidence to support the assertion that a larger RTE or other HRI related use at this site would be unviable – indeed it confesses to using only anecdotal evidence to support this opinion. The application acknowledges that it seeks permission for development that is contrary to planning policies and the

Development Plan, yet provides no evidence to justify why this departure should be allowed. Land area is a critical resource to the HRI and one which is difficult, and in many cases impossible to replace once lost through change of use. Hence, NHG considers that any loss of land resource, and particularly that which reduces opportunities for start-up businesses is a significant threat to the future success of the HRI and is therefore unsustainable.

7. The emerging horse racing policies of the Joint Development Management Policies DPD continue to maintain protection for HRI assets and at the recent EiP officers made it clear that the industry requires protection to enable it to thrive and grow. The intentional vacancy of a site is not considered by officers to justify the loss of a facility and the NHG considers that this is the case at this site.
8. The NHG is concerned that the RTE element of the proposal may not come forward. In the event that the application is approved the NHG would like to see an agreement in place that requires the delivery and occupation of this facility prior to the commencement of the residential development.
9. The proposed RTE has a number of design defects which have been relayed to you already. These must be addressed if the application is to be approved.

The NHG considers that the proposal is inadequately justified and will result in a negative impact on the HRI – in direct conflict with the policies that exist to prevent this. It is noted that national policy is one that attempts to boost the supply of housing. However, that policy also requires proposals to be determined in accordance with the development plan and not at the expense of economic activity. In this case your development plan – both adopted and emerging – provides planning policies that prevent the loss of land within HRI use, and the proposed development will damage the local economy. We consider that in the absence of strong evidence to the contrary there is no reason for the Council to ignore these policies.

Notwithstanding the development plan policy conflict identified above, national policy requires the impacts of a proposal to be balanced with the impacts of it when faced with a development plan that is out of date – with the requirement being for benefits to outweigh impacts. We note that the Council has recently confirmed that it has a five year housing land supply in place and therefore we consider that the benefits of this proposal in terms of housing delivery do not warrant significant weight. Furthermore, we do not consider that the detrimental impact of the development on the HRI is outweighed by any benefits that flow from the development, and hence the proposal is contrary to NPPF as well as the Development Plan.

The NHG therefore considers that there are fundamental objections to the principle of the proposed development at this site and that therefore the proposal should be refused.

In the event that the committee is minded to approve the application the NHG requests the following:

1. That the deficiencies with the design of the proposed RTE that we have previously identified are addressed prior to the commencement of development;
2. That the RTE is delivered ready for occupation prior to the commencement of the residential units.

If we can be of any further assistance in this matter please do not hesitate to contact us.

Yours sincerely

William Gittus
Chairman, Newmarket Horsemen's Group

William Gittus MRICS
Group Property Director and
Managing Director, Jockey Club Estates Limited
101 High Street, Newmarket CB8 8JL
T: +44 (0)1638 664151
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W: www.thejockeyclub.co.uk
W: www.jockeyclubestates.co.uk



From: Kelly, Philippa [<mailto:Philippa.Kelly@Westsuffolk.gov.uk>]
Sent: 14 October 2014 10:51
To: Gittus, William
Cc: Smith, Marie
Subject: RE: Meddler Stud

Dear William,

Thank you for your email and helpful comments in respect of the RTE. I note that you will be submitting a further letter by the end of this week.

The planning application will be taken to the 05 November meeting of Forest Heath's Development Control Committee. The meeting will be held in the Council Chamber at the Mildenhall office, and starts at 6pm.

Regards.

Philippa

Philippa Kelly
Principal Planning Officer - Major Projects
Planning
Planning and Regulatory Services

Direct dial 01284 757382

Email philippa.kelly@westsuffolk.gov.uk

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Forest Heath District Council
www.forest-heath.gov.uk

St Edmundsbury Borough Council
www.stedmundsbury.gov.uk

From: Gittus, William [<mailto:william.gittus@thejockeyclub.co.uk>]

Sent: 13 October 2014 10:54

To: Kelly, Philippa

Subject: RE: Meddler Stud

Dear Philippa

Nick Patton and I have looked at the plan (URS Drawing number 140523-02) for a RTE at Meddler Stud. Nick is our Training Grounds Manager, was previously Clerk of the Course for Jockey Club Racecourses at Nottingham and Market Rasen, and prior to that was pupil assistant to Andrew Balding, a top racehorse trainer.

As you know, it is the view of NHG and JCE that the whole site should be retained for use by RHI and I will have a letter with you by the end of the week to support our previous submissions on that issue. In particular, I think that much more can be made of the existence of a 5 year land supply, especially in light of recent comments by the Secretary of State that the drive for housing does not outweigh existing policy constraints.

However, in relation to the design of the RTE itself we comment as follows;

1. The RTE should be protected by a 2m high close boarded fence, particularly along its boundary with the highway, the access road to the proposed development and any POS.
2. What is the intended layout/design of the POS area – one would not want this to be used for noisy/ball games etc so close to both the exercise track and stables?
3. The horsewalker should not be situated in the middle of the exercise track.
4. If it is in a flood plain the exercise track will need to be built up in order to allow the drainage to work effectively.
5. Anything that can be done to reduce the tightness of the bends on the exercise track would be welcome. This would be possible if the attenuation pond was moved to the east onto plot A-01 and A02.
6. Stables in a barn as opposed to a more traditional "courtyard" design tend to be more efficient to operate which is critical for a small RTE.

Please note that these comments do not indicate our support of the proposed scheme.

Please let me know the date of the Committee Hearing and I will attend and speak, or send a representative if I can't.

Regards

WAG

William Gittus MRICS

Group Property Director and

Managing Director, Jockey Club Estates Limited

101 High Street, Newmarket CB8 8JL

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THE JOCKEY CLUB

Since 1750



From: Kelly, Philippa [<mailto:Philippa.Kelly@Westsuffolk.gov.uk>]
Sent: 09 October 2014 16:06
To: Gittus, William
Subject: Meddler Stud

William,

Thank you again for your time this afternoon.

Layout plan attached, as discussed.

Regards.

Philippa

Philippa Kelly
Principal Planning Officer - Major Projects
Planning
Planning and Regulatory Services

Direct dial 01284 757382
Email philippa.kelly@westsuffolk.gov.uk

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WORKING PAPER 7:

UPDATED PLANING POLICY CONSULTATION CORRESPONDENCE FROM PLANNING SERVICE MANAGER, 20 NOVEMBER 2014

Prematurity

I have outlined the issues of 'prematurity' within my original response, (see pp. 11-18). However, it is worth considering whether or not this application is the 'straw that breaks the camels back' insofar as 'sustainable development', (for this village), is concerned, given the Authority deemed the granting of relatively recent planning permissions, totalling some 117 dwellings, acceptable. Perhaps, when coming to your conclusion(s) on this issue, you should bear in mind the following provision of the PPG:

prematurity arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits, (PPG/014).

It might be that the previous and more recent applications, (as referenced within my 'statement' dated 21.10.14), made appropriate & proportionate contribution to items of infrastructure provision that brought them in line, (cumulatively or otherwise), with the objectives of sustainable development and as a consequence addressed the 'shortfalls' and/or 'tipping points' referenced within the context of the IECA.

Is it the case that the current proposal, (in isolation or cumulatively), fails to make appropriate & proportionate provision for items of infrastructure that brings it too in line with the objectives of sustainable development and to an extent whereby the 'benefits' are significantly outweighed by the adverse impacts, (i.e. is this proposal the 'straw that breaks the camel's back' – bearing in mind the sum total of this and the other 'recent' permissions only marginally exceeds the village's 'even-split' allocation within the context of the emerging SIR LP)?

DM Policies

In addition to my original statement, insofar as the status of the 'HRI policies' are concerned, (pp. 19-24). The NPPF makes clear at para. 216 the process for determining how much 'weight' may be afforded to an emerging policy. The Authority is at an advanced stage in the preparation of its DM policies LP which suggests 'greater' weight can be afforded to the policies contained within it.

The relevant 'HRI policies' include DM48 and DM49 Inspectors Modifications consultation are discussed below:

Horse racing plays a significant role in the area in terms of its economic importance, and social and cultural influence and the character of the built and natural environment, and will therefore be safeguarded.

Policies DM47 to DM50 seek to ensure the continued preservation of the HRI in a manner that allows it to be safeguarded whilst also ensuring that

sustainable development needs can be met. It should be noted that Policies DM47 to DM50 apply only to equestrian development at thoroughbred training yards, stud farms or to other equine businesses development associated with the Horse Racing Industry and should be read in conjunction with Policy DM2 and other Local Plan Policies. Proposals for or relating to general businesses and domestic equine related activities are addressed by other policies in this plan, in particular policy DM32.

Training yards are enclosed areas containing stable boxes to accommodate racehorses undergoing training and frequently, but not necessarily, are associated with paddocks and other buildings such as a trainer's house, ancillary accommodation for stable lads and other staff and ancillary buildings for storage and other ancillary uses required for the operation of the yard. These training yards and facilities will be protected and preserved. However, these policies must remain responsive to the changing needs of the Horse Racing Industry, including recognition of the range of supporting activities that now locally contribute to the holistic success of Newmarket and its surrounding area as the International Home of Horseracing.

Proposals for new development relating to the Horse Racing Industry will need to demonstrate that they are essential for the function of a viable commercial equine use and there is no adverse impact on local character, particularly in terms of the loss of open space and scale of development. The unique assembly of horse racing interests within and around the town are a finite resource which is vulnerable to development pressure, and once developed paddocks and other open space in horse racing related use would be lost forever. As with many specialist industries the Horse Racing Industry is a cyclical activity reflecting the strength of the national economy and the trends and economic fortunes of the racehorse industry. There needs to be a balance where the industry is supported whilst at the same time safeguarded from short term trends which would compromise the long term viability of a horse racing use and the essential character of the townscape and landscape can be preserved. Any proposed development that will adversely affect the economic, social and environmental role of the Horse Racing Industry will not be permitted unless the benefits would significantly and demonstrably outweigh any adverse impact.

Policy DM48 Development Affecting the Horse Racing Industry

Any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic, loss of paddocks or other open space, access and/or servicing requirements), or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted **unless the benefits would significantly outweigh the harm to the horse racing industry.**

Given the historical association of Newmarket and its surrounding area with horse racing it is crucial that irreversible decisions are not made that threaten the town's long-term heritage. **It is not considered that current vacancy, even for considerable periods of time, is necessarily a reflection that**

these premises are no longer required, or indeed that they cannot play an important role in the horse racing industry in the future.

This Policy seeks to respond to this guidance, whilst protecting the underlying importance of the unique character. The Horse Racing Industry consists of a number of related facilities and uses in addition to the training yards. The change of use of a vacant training yard, stud or other industry-related use, including land and buildings, may in exceptional circumstances, be acceptable in accordance with the following policy.

Policy DM49 Redevelopment of Existing Sites relating to the Horse Racing Industry

The change of use of land and buildings, including associated residential accommodation, presently or last legally used as racehorse training yards, stud farms, racecourses, horse training grounds or other uses, directly related to the Horse Racing Industry (and including the sub-division of the yard or site from its associated residential accommodation), **will only be permitted except in exceptional circumstances if allocated as a proposal in an adopted local plan.**

The change of use of racehorse training yards, stud farms, racecourses and horse training grounds (including associated residential accommodation) to alternative uses directly related to the Horse Racing Industry will only be permitted if satisfactory evidence is provided that the specific benefit to the horse racing industry outweighs the loss of the existing use.

Permission will only be granted for schemes that conserve and/or enhance the character and appearance of the area and, where relevant and necessary, conditions will be imposed removing permitted development rights to prevent further changes of use.

Policy DM48 including the Inspectors Modifications are clear that any changes of use of land within the horse racing industry will only be permitted if allocated in an adopted Local Plan. This position maintains the strength and thrust of the original Local Plan policies, providing policy protection for land within Horse Racing Use due to its international importance and significance. This application is therefore premature and not in accordance with the emerging policy DM48. This proposal should therefore be advanced through the Local Plan process.

DM49 states that alternative uses directly related to the horse racing industry will only be permitted in exceptional circumstances if evidence is provided that the specific **benefit** to the horse racing industry **outweighs the loss** of the existing use.

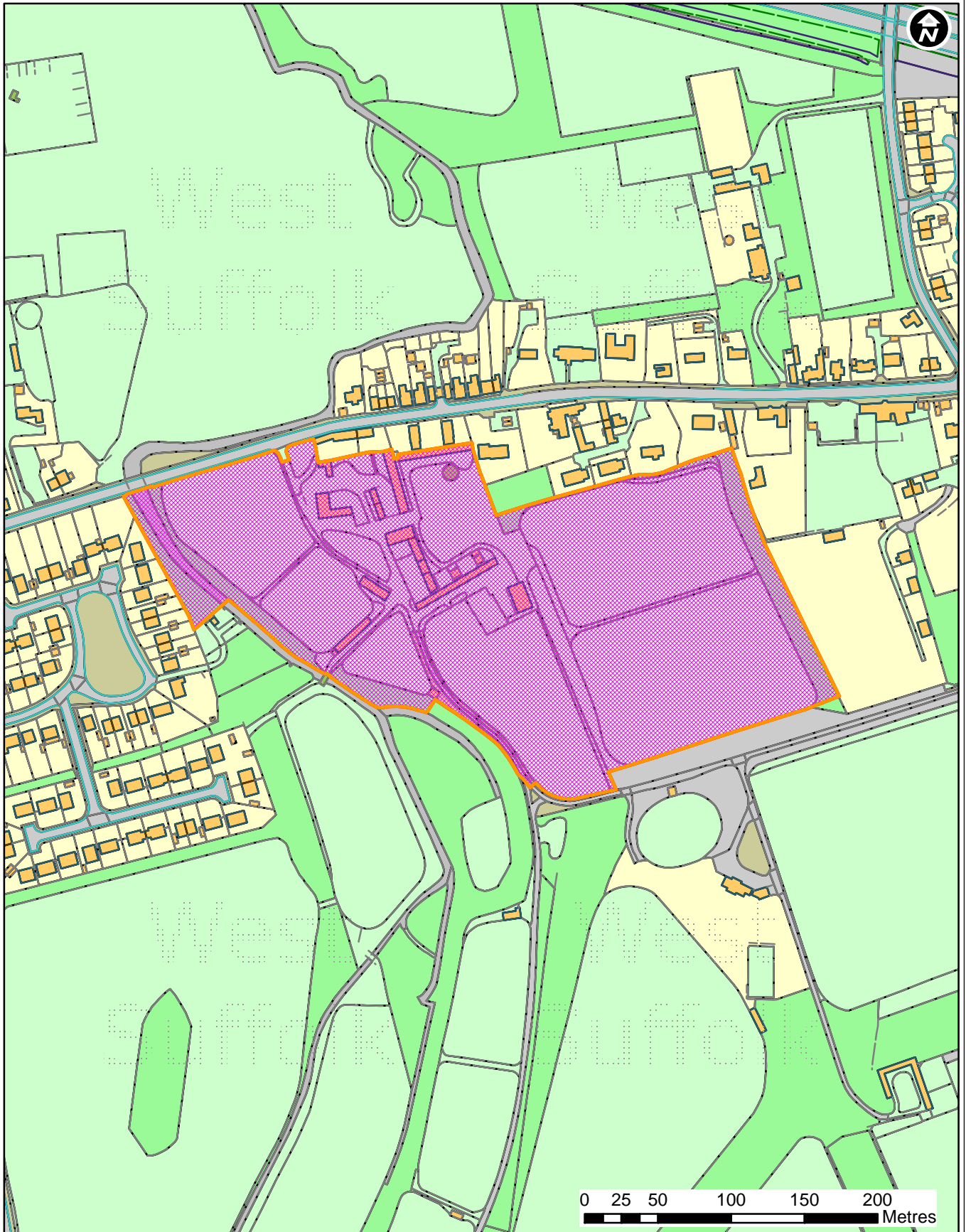
The proposal retains less than half of the site in Horse Racing Use. Although retaining a third of the site in horse racing use is put forward by the applicant as a benefit to the scheme, it has not been demonstrated why the entire site could not continue in an horse racing use, for example, two 20 box yards. The applicant have not put forward an enabling development justification, therefore

the proposal put forward (originally a suggestion to the Inspector from the Councils Equine consultant to demonstrate a yard would be a viable option on site) is considered to be viable by our Equine consultant but does not meet the requirements of the emerging policy to demonstrate why more of the land should not retain its existing use.

It is accepted that the current situation with regard to the emerging policies and how much weight they may be afforded is not 'clear' at this stage. However, it is worth bearing in mind that we are at the advanced stages of the process and significant weight can be afforded, given an Inspector has considered the policies following an Examination in Public and proposed modifications to the Plan which do not conflict with the NPPF. It should be noted that the Inspector's Modifications are currently in consultation, with consultation ending the 27th November. The Inspector, depending upon the weight of representations received may then make further amendments before issuing Forest Heath with the Inspector's Report which the Council will Adopt as part of the Local Plan.

Application: DC/14/0585/OUT

Location: Meddler Stud, Bury Road, Kentford



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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 DECEMBER 2014

DEV/FH/14/002

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

**PLANNING APPLICATION DC/14/1985/ADV - 141/142 ST JOHNS CLOSE,
MILDENHALL**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Email: Julie.sheldrick@westsuffolk.gov.uk
Telephone: 01638 719227

Committee Report DC/14/1985/ADV

141/142 St Johns Close, Mildenhall

Date: 23 October **Expiry Date:** 18 December 2014
Registered: 2014

Case Officer: Julie Sheldrick **Recommendation:** Approve with conditions
Parish: Mildenhall **Ward:** Great Heath

Proposal: Application for Advertisement Consent - Display of 3No. externally illuminated fascia signs; 1No. non-illuminated fascia sign; vinyl images to all glass areas on front elevation

Site: 141/142 St Johns Close, Mildenhall, Suffolk, IP28 7NX

Applicant: Forest Heath District Council

Background:

This application is referred to Development Control Committee because Forest Heath District Council is the applicant.

The application is recommended for APPROVAL.

Proposal:

- Advertisement consent is sought for the following:
 - display of three externally illuminated fascia signs on the front, rear and side (south) elevations
 - display of one non-illuminated fascia sign on the side (north) elevation facing the car park
 - vinyl images to all glass areas on the front elevation
- This application is being considered in conjunction with the following planning application:
 - DC/14/1993/R3LA - Planning application - External works including renew roof covering, construction of high level cladding panels/fascia, render external walls and construction of fencing (demolition of existing canopy)

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location plan
 - Drawings of existing and proposed elevations and roof plans
 - Details of illumination
 - Annotated photographs
 - Details of vinyl images

Site Details:

4. The building is owned by Forest Heath District Council but is currently occupied as a convenience store by McColl's. The building is single storey with a flat roof, a glazed frontage and brick walls on all other elevations. It lies within a residential area with access from St John's Close. A public car park lies immediately to the north of the building, a new community centre to the east and public open space, including play facilities and a skate park to the south and south-east.

Planning History:

5. The following planning history is considered relevant to the consideration of this application:
 - F/96/569/A – Provision of illumination for existing fascia sign (approved with conditions)
 - F/85/637 – Alterations to shopfront (approved with conditions)

Consultations:

6. Highway Authority: No objection – *"the illumination details will not affect the highway"*

Representations:

7. Mildenhall Parish Council: No response.
8. No letters of representation have been received from local residents.

Planning Policy:

9. The objectives of the National Planning Policy Framework (2012) and guidance contained within National Planning Policy Guidance have been taken into consideration.

Officer Comment:

10. The Town and Country Planning (Control of Advertisement) Regulations 2007 require consideration to be given to amenity and public safety when determining applications for advertisement consent.

11. The proposed signs will replace existing signage on the building and along with the external works proposed under planning application ref: DC/14/1993/R3LA, the proposal is considered to improve the overall appearance of the premises.
12. The illuminated signs are proposed to the front, rear and side (south) elevations. The non-illuminated sign is proposed to the side (north) elevation that faces the car park and as such, will not have an impact on highway safety.

Conclusion:

13. The proposed signage is considered appropriate within the context of the site and the commercial character of the building. In conclusion, the proposal is considered to be acceptable and in compliance with the Advertisement Regulations and the objectives of the National Planning Policy Framework.

Recommendation:

14. It is recommended that advertisement consent is **GRANTED** subject to the standard advertisement conditions:
 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to—
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Documents:

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

<http://planning.stedmundsbury.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

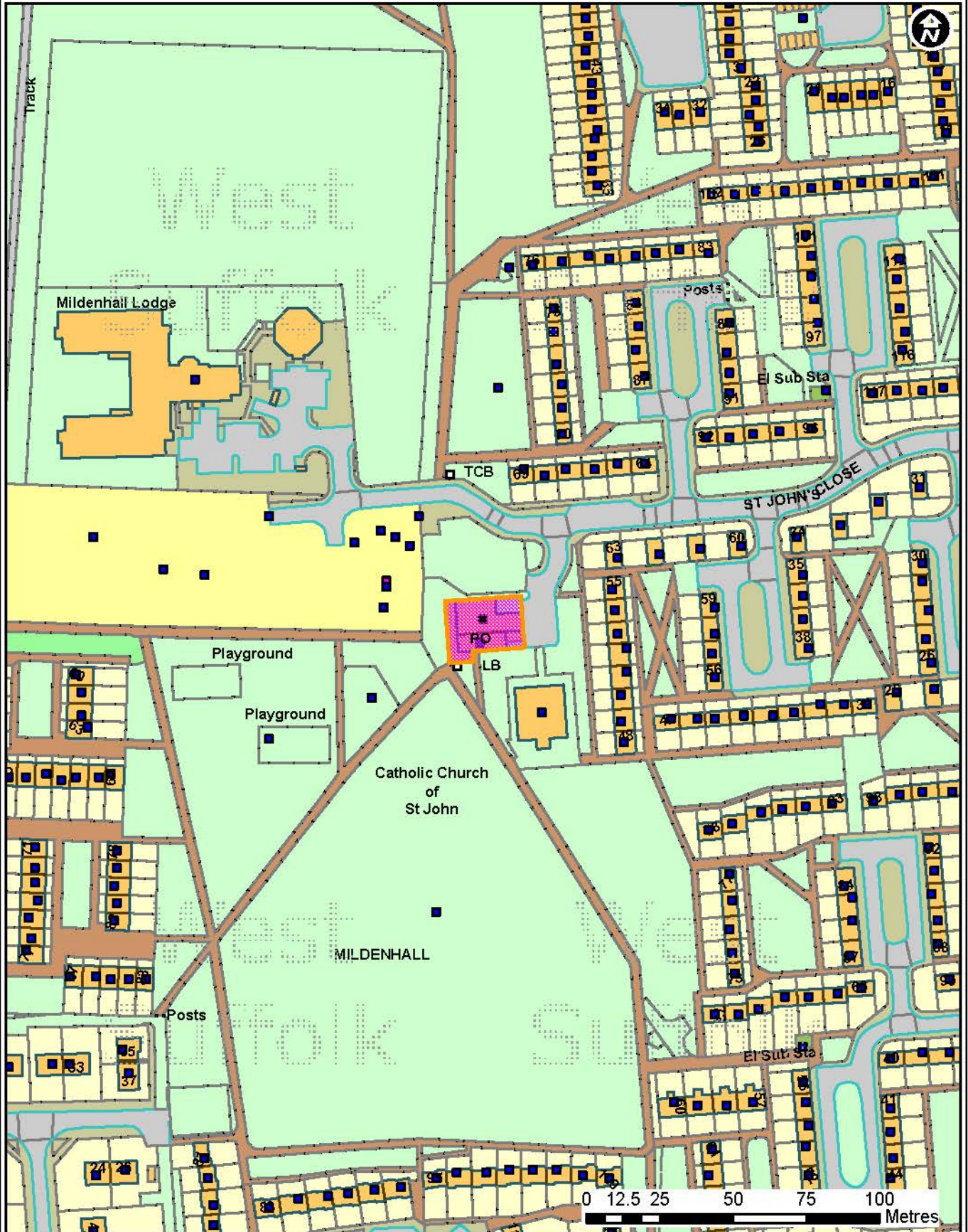
Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY

Email: Julie.sheldrick@westsuffolk.gov.uk
Telephone: 01638 719227

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Application: DC/14/1985/ADV

Location: 141/142 St Johns Close, Mildenhall



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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 DECEMBER 2014

DEV/FH/14/003

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

**PLANNING APPLICATION DC/14/1993/R3LA - 141/142 ST JOHNS CLOSE,
MILDENHALL**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Email: Julie.sheldrick@westsuffolk.gov.uk
Telephone: 01638 719227

Committee Report DC/14/1993/R3LA

141/142 St Johns Close, Mildenhall

Date: 23 October **Expiry Date:** 18 December 2014
Registered: 2014

Case Officer: Julie Sheldrick **Recommendation:** Approve with conditions

Parish: Mildenhall **Ward:** Great Heath

Proposal: Planning application - External works including renew roof covering, construction of high level cladding panels/fascia, render external walls and construction of fencing (demolition of existing canopy)

Site: 141/142 St Johns Close, Mildenhall, Suffolk, IP28 7NX

Applicant: Forest Heath District Council

Background:

This application is referred to Development Control Committee because Forest Heath District Council is the applicant.

The application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for external works to the building. These include:
 - the replacement of the existing felt roof with a new insulated roof system
 - installation of high level cladding panels/fascia laid horizontally for each elevation
 - render existing brick walls on rear and side elevations
 - construction of steel palisade fencing (powder coated black) to enclose the yard area to the rear
 - demolition of existing metal canopy to front elevation
2. This application is being considered in conjunction with an application for advertisement consent:
 - DC/14/1985/ADV - Application for Advertisement Consent - Display of 3No. externally illuminated fascia signs; 1No. non-illuminated fascia

sign; vinyl images to all glass areas on front elevation.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location plan
 - Drawings of existing and proposed elevations and roof plans

Site Details:

4. The building is owned by Forest Heath District Council but is currently occupied as a convenience store by McColl's. The building is single storey with a flat roof, a glazed frontage and brick walls on all other elevations. It lies within a residential area with access from St John's Close. A public car park lies immediately to the north of the building, a new community centre to the east and public open space, including play facilities and a skate park to the south and south-east.

Planning History:

5. The following planning history is considered relevant to the consideration of this application:
 - F/96/569/A – Provision of illumination for existing fascia sign (approved with conditions)
 - F/85/637 – Alterations to shopfront (approved with conditions)

Consultations:

6. Highway Authority: No objection – *"the development will have no impact on the highway"*

Representations:

7. Mildenhall Parish Council: No response.
8. No letters of representation have been received from local residents.
Policy: The following policies of the Forest Heath Core Strategy (2010) have been taken into account in the consideration of this application:
9. Forest Heath Core Strategy (2010):
 - Policy CS5: Design Quality and Local Distinctiveness
 - Policy CS6: Sustainable Economic and Tourism Development

Other Planning Policy:

10. The objectives of the National Planning Policy Framework (2012) and guidance contained within National Planning Policy Guidance have been taken into consideration.

Officer Comment:

11. The proposed works to the building are intended to improve its external appearance and also to improve the usability of the building. The replacement of the existing felt roof with a new insulated roof system will improve the overall energy efficiency of the building and overcome problems experienced with the existing leaking roof.
12. The introduction of the high level cladding panels/fascia and the render proposed for the existing brick walls is considered to give a modern appearance to the building and this will have a good relationship with the recently constructed community centre to the east, as well as the affordable housing beyond and the recently constructed care home to the north. The cumulative effect of the proposal and recent development in the immediate vicinity is considered to benefit the overall character and appearance of the area.
13. The removal of the metal canopy to the front of the building and the installation of palisade fencing to enclose the rear yard area that serves the store are considered necessary for health and safety reasons but will also improve the overall appearance of the site.

Conclusion:

14. The proposal is considered to improve the overall appearance of the building and would make a positive contribution to the character and appearance of the area, whilst improving the usability of the building for the tenants and customers. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

15. It is recommended that planning permission be **APPROVED** subject to the following conditions:
 1. Time Limit – 3 years
 2. Materials as specified on drawings
 3. Compliance with approved drawings

Documents:

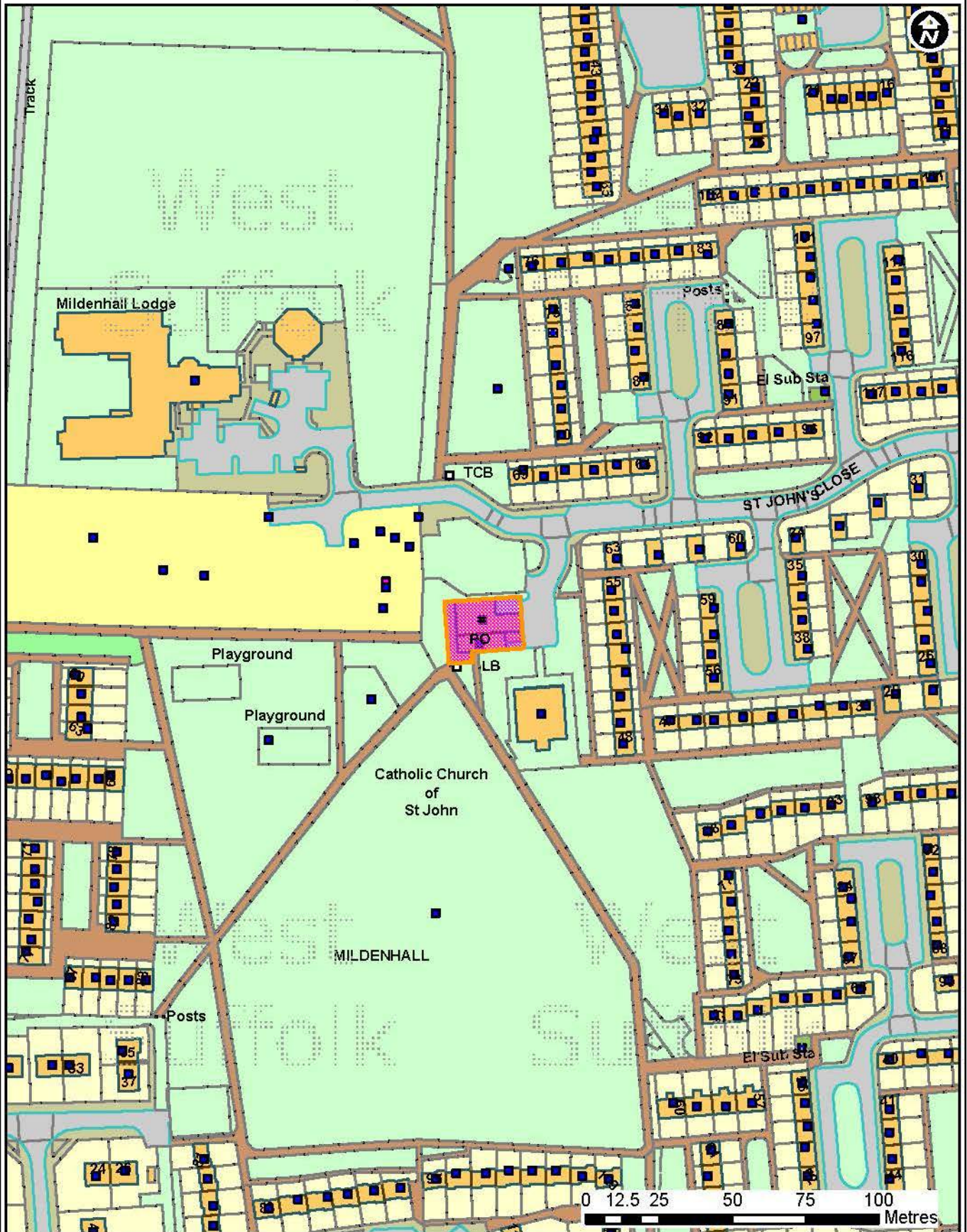
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Application: DC/14/1985/ADV

Location: 141/142 St Johns Close, Mildenhall



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