

# Development Control Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Wednesday 4 November 2015</b>												
<b>Time:</b>	<b>6.00 pm</b>												
<b>Venue:</b>	<b>Council Chamber District Offices College Heath Road Mildenhall</b>												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Rona Burt <b>Vice Chairman</b> Chris Barker</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bimson</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>David Bowman</td> <td>James Lay</td> </tr> <tr> <td>Ruth Bowman</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">Simon Cole</td> </tr> </table> <p><u>UKIP Member (1)</u> Peter Ridgwell</p>	David Bimson	Brian Harvey	David Bowman	James Lay	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	Simon Cole
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Ruth Bowman	Carol Lynch												
Louis Busuttil	Louise Marston												
Stephen Edwards													
Andrew Appleby	Simon Cole												
<p><b>SITE VISITS WILL BE HELD ON MONDAY 2 NOVEMBER 2015 AT THE FOLLOWING TIMES:</b></p> <ol style="list-style-type: none"> <li> <p><b>1. Planning Application DC/14/1308/FUL - Land at 1-10, Sharpes Corner, Lakenheath</b> Erection of 20 no. two-storey dwellings with associated external works (demolition of existing 10 dwellings) <b>Site visit to be held at 9.30am</b></p> </li> <li> <p><b>2. Planning Application DC/14/2203/OUT - Land adj Cock Inn, Bury Road, Kentford</b> Residential development of up to 34 dwellings together with associated roads paths and access to the public highway <b>Site visit to be held at 10.10am</b></p> </li> </ol> <p style="text-align: right;"><b>Cont. overleaf</b></p>													

**3. Planning Application DC/15/1651/FUL - Land North East of North End Road, North End Road, Exning**

Change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access

**Site visit to be held at 10.40am**

<b>Substitutes:</b>	Named substitutes are not appointed
<b>Interests – Declaration and Restriction on Participation:</b>	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.
<b>Quorum:</b>	Five Members
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Committee Administrator & FHDC Scrutiny Support <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

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## 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

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
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
<b>Emerging Policy documents</b>	<b>Emerging Policy documents</b>
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.

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## **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/alterd, 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.

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# **Agenda**

## **Procedural Matters**

### **Part 1 - Public**

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 10**

To confirm the minutes of the meeting held on 7 October 2015 (copy attached).
- 4. Planning Application DC/14/2218/FUL - B2/B8 Warehousing and Distribution Centre, Units 9-11, St Leger Drive, Newmarket** **11 - 44**

Report No: **DEV/FH/15/044**

Construction of a B2/B8, warehouse and distribution centre
- 5. Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row** **45 - 60**

Report No: **DEV/FH/15/045**

Proposed dwelling to replace temporary mobile home
- 6. Planning Application DC/15/1651/FUL - Land North East of North End Road, North End Road, Exning** **61 - 84**

Report No: **DEV/FH/15/046**

Change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access
- 7. Planning Application DC/14/2203/OUT - Land adj Cock Inn, Bury Road, Kentford** **85 - 116**

Report No: **DEV/FH/15/047**

Residential development of up to 34 dwellings together with associated roads paths and access to the public highway
- 8. Planning Application DC/14/1308/FUL - Land at 1-10, Sharpes Corner, Lakenheath** **117 - 132**

Report No: **DEV/FH/15/048**

Erection of 20 no. two-storey dwellings with associated external works (demolition of existing 10 dwellings)

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# Development Control Committee



**Forest Heath**  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 7 October 2015** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Rona Burt

**Vice Chairman** Chris Barker

Andrew Appleby	Stephen Edwards
David Bimson	Brian Harvey
David Bowman	James Lay
Ruth Bowman	Carol Lynch
Louis Busuttill	Louise Marston
Simon Cole	Peter Ridgwell

## 82. **Chairman's Announcement**

Prior to the consideration of the items on the agenda, the Chairman informed all members of the public in attendance that there were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

Due to some interference that could be heard through the audio visual system in the Council Chamber, the Chairman also asked all present to turn off their mobile phones.

## 83. **Apologies for Absence**

There were no apologies for absence.

## 84. **Substitutes**

There were no substitutes at the meeting.

## 85. **Minutes**

The minutes of the meeting held on 2 September 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

86. **Planning Application DC/14/2218/FUL- B2/B8 Warehousing and Distribution Centre, Units 9 - 11, St Leger Drive, Newmarket (Report No DEV/FH/15/038)**

The Chairman agreed to bring this item forward on the agenda in order to accommodate the large number of public in attendance in connection with this planning application.

Construction of a B2/B8 warehouse and distribution centre.

This application was referred to the Development Control Committee because it was a major application and objections had been received from Newmarket Town Council and third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 118 of Report No DEV/FH/15/038.

The Principal Planning Officer advised that since publication of the agenda one further representation had been received from the resident of a neighbouring property which covered issues previously raised by objectors, including noise concerns and the impact on the highway/traffic.

A number of Members raised concerns with the application particularly in relation to the impact the warehouse and distribution centre could have on the neighbouring residential properties.

In response to questions raised concerning the impact on the highway network the Suffolk County Council Highway's Officer that was in attendance responded. She explained that the scheme had been subject to a detailed comprehensive transport assessment which indicated that the development would not have a severe impact on the surrounding road network.

Councillor Andrew Appleby proposed that the application be deferred in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to make changes to:

- The height of the building;
- The colour/design of the building;
- The surrounding landscaping; and
- The hours of operation.

This was seconded by Councillor David Bowman.

Following further discussion, Councillor Carol Lynch moved that the application be refused on the grounds of overdevelopment of the site and the unneighbourly/overbearing impact on neighbouring residents. This was seconded by Councillor David Bimson.

Upon the Chairman putting the first motion to the vote (for deferral) and with 7 voting for and 7 against the Chairman exercised her casting vote for and it was resolved that:

The application be **DEFERRED** to the next meeting of the Development Control Committee in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to make changes to:

- The height of the building;
- The colour/design of the building;
- The surrounding landscaping; and
- The hours of operation.

Speakers: Mrs Gail Spoore (neighbour) spoke against the application.  
Councillor David Wright (Newmarket Town Council) spoke against the application.

87. **Planning Application DC/14/1206/FUL - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (Report No DEV/FH/15/036)**

Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units).

This application was referred to the Development Control Committee because it was a major application and objections had been received from Beck Row, Holywell Row and Kenny Hill Parish Council and third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 267 of Report No DEV/FH/15/036.

The Principal Planning Officer – Major Projects advised the Committee that the site had already achieved planning permission for 150 dwellings for occupation by USAF personnel and the 24 units currently under construction were being built in accordance with that permission. However, if Members were to grant the application before them this would remove the occupancy restriction in respect of these dwelling units.

The Officer also explained that in the application seeking determination, Holmsey Green would no longer be 'stopped up' as had been the case for the previously granted application. The Suffolk County Council Highway's Officer in attendance explained that this change had been brought about following a safety audit which had highlighted that the delivery vehicles visiting the neighbouring retail units would be unable to turn around if Holmsey Green were to be stopped up, and so would therefore need a through route access.

Lastly, the Committee was advised that following comments made by the West Suffolk Strategic Housing team the applicant had confirmed that they would be marginally increasing the size of their 2 bed units, but this would have no impact on the layout of the development.

Some Members raised concern with regard to the access to/from the dwelling units numbered 151 and 152 due to their close proximity to the Holmsey Green/The Street junction. Councillor Ruth Bowman asked if it would be

possible to condition the application to ensure that the additional highway work required under a separate highway application (but not part of the planning application) was implemented prior to occupation of these units. The Planning Officer agreed that this was indeed possible and the Highways Officer stated that she would support this way forward.

Following which it was moved by Councillor Simon Cole that the application be approved, as per the Officer recommendation and with the additional condition as identified. This was seconded by Councillor Louis Busuttil and with 13 voting for the motion and with 1 against, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The completion of a Section 106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
  - Policy compliant level and tenure split of affordable housing.
  - Education contribution.
  - Pre-school contribution.
  - Provision of on-site and off site open space.
  - Transport contribution.
  - Healthcare contribution.
2. And the following conditions/informatives:
  1. Time (3 years for commencement).
  2. Compliance with approved plans.
  3. Highways – Storage of refuse and recycling bins.
  4. Highways – Details of carriageways and footways.
  5. Highways – Deliveries Management Plan.
  6. Highways – Parking.
  7. Contamination – further investigative work if found.
  8. Foul water disposal details.
  9. Surface water drainage details: SuDs management plan.
  10. Construction method statement.
  11. Working hours.
  12. Ground levels details.
  13. Details of boundary treatment.
  14. Samples of materials.
  15. Detailed scheme of hard and soft landscaping.
  16. Tree protection.
  17. Details of tree works for retained trees.
  18. Detailed Arboricultural Method Statement and Tree Protection Plan.
  19. Open space management plan.
  20. Details of play equipment.
  21. Details of lighting.
  22. Recommendations of Ecological Appraisal to be implemented.
  23. Provision of fire hydrants.
  24. Waste minimisation and recycling strategy.
  25. That the highways measures in connection with the development be in place prior to occupation of dwelling units 151 and 152.

In the event that there are any substantive changes to the Section 106 package, then this would go back to Members for consideration.



In the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out above, for reasons considered unreasonable by the Head of Planning and Growth, planning permission be refused for the following reasons (as may be appropriate):

1. Unsustainable form of development not mitigating its impact on education provision, open space sport and recreation, transport (contrary to the Framework and Core Strategy Policy CS13).
2. Non compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

Speaker: Mr Martin Davidson (applicant) spoke in support of the application.

Following the conclusion of this item the Chairman permitted a short comfort break.

**88. Planning Application DC/15/1030/FUL - New Bungalow, West Suffolk Golf Centre, New Road, Beck Row (Report No DEV/FH/15/037)**

Proposed dwelling to replace temporary mobile home.

This application was referred to the Development Control Committee following consideration by the Delegation Panel. No objections had been received from the Parish Council or third parties.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be refused as set out in Paragraph 24 of Report No DEV/FH/15/037.

The Senior Planner advised that a further comment had been received from the agent since the agenda had been published. The comments were summarised as follows:

- The functional need should not be assessed against PPS7 Annex A – only the NPPF applies;
- The report does not refer to Section 3 of the NPPF – supporting economic growth in the countryside which should be taken into account. This includes:
  - Support all types of business in the rural area
  - Promote diversification of business in the rural area
  - Promote diversification of agriculture or other land bases businesses
  - Support leisure developments
  - Support local sports venues;
- The house and buildings at Poplar Farm are on a separate conveyance originally and do not form part of the golf course; and
- The site has been residential in one way or another for at least 50 years.

Officer confirmed that the mobile home currently on site had been empty for some time and that the applicant was unable to demonstrate the need for the development.

Some Members spoke in support of the application subject to the inclusion of a condition to restrict occupation of the dwelling to employees of the West Suffolk Golf Centre.

Accordingly, Councillor David Bowman proposed that the application be approved, contrary to the Officer recommendation of approval, with the inclusion of the identified condition. This was seconded by Councillor James Lay.

With the motion of 'minded to approve' being put to the vote and with the vote being unanimous, it was resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE RECOMMENDATION OF REFUSAL**, with the inclusion of a condition to:

1. Restrict occupation of the dwelling to employees of the West Suffolk Golf Centre

This application was, therefore, **DEFERRED** to enable Officers to prepare a risk analysis report and appropriate conditions for consideration by Members at the next meeting.

89. **Planning Application DC/15/1450/RM - Land North of Mildenhall Road, West Row (Report No DEV/FH/15/039)**

Reserved Matters Application – Submission of details under outline planning permission Dc/14/0632/OUT – appearance, layout and scale for 24 no. two-storey dwellings and 2 no. bungalows.

This application was referred to the Development Control Committee because objections had been received from Mildenhall Parish Council and third parties.

Officers were recommending that the application be approved as set out in Paragraph 45 of Report No DEV/FH/15/039.

The Senior Planning Officer advised that since publication of the agenda two further representations had been received from neighbouring residents both of which covered issues previously raised by objectors, including archaeological find concerns and the impact on the highway/traffic.

The Officer reminded Members that the application before them followed a previous approval of outline permission in December 2014. The means of access to the site was approved as part of the outline application as was the inclusion of a footpath; and this was therefore not able to be debated as part of this report.

Councillor David Bowman asked if it would be possible to condition the application so that the traffic measures in connection with the scheme were in place prior to the construction of the development. The Officer explained that

this would not be possible as a condition had been included in the outline permission to ensure that the traffic measures were in place prior to occupation of the units.

A number of Members asked if it would be possible to amend the scheme to include further bungalows along the boundary of the development in order to reduce the impact on neighbouring properties.

Accordingly, Councillor David Bowman proposed that the application be deferred in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to include further bungalows along the boundary of the development.

This was seconded by Councillor Carol Lynch and with the vote being unanimous it was resolved that:

The application be **DEFERRED** to the next meeting of the Development Control Committee in order to allow time for Officers to raise the Committee's concerns of the impact on residents with the applicant, and to establish if it was possible to include further bungalows along the boundary of the development.

Speaker: Mrs Alana Stevens (neighbour) spoke against the application.

90. **Planning Application DC/15/1610/TPO (Tree Preservation Order) - Playground, Woodcock Rise, Brandon (Report No DEV/FH/15/040)**

Councillor Peter Ridgwell declared a local non pecuniary interest in this item having already considered this application at a meeting of Brandon Town Council. He would remain in the meeting but would abstain from voting.

TPO/1999/01 - Tree Preservation Order - Oak-1318 on plan - Crown reduction by 1 metre and removal of lower branches over driveway to 5.4 metres where suitable to stop potential damage to building & vehicles. Raising of crown over play equipment to 3 metres. Oak -1319 on plan - Crown reduction by 1 metre and reduction in length by 2 metres of overextended branches over play equipment. Oak - 1323 on plan - Raise or prune back to give clearance over driveway of 4m Group of 40 Beech trees - 2095 on plan- Crown raise to 3m, reduction in height by 2m and 1m reduction in lateral growth, Fell 1 no. Beech tree in group, Beech Coppice in group - pruning to improve stability.

This item had been referred to the Development Control Committee as the applicant was Forest Heath District Council.

No objections had been received from Brandon Town Council or third parties and Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/15/040.

It was moved by Councillor Carol Lynch, seconded by Councillor David Bowman and with 13 voting for the motion and with 1 abstention, it was resolved that:

The works proposed to the protected trees be **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

91. **Planning Application DC/15/1635/TPO (Tree Preservation Order) - Amenity Land to the Rear of 1 to 41 Norfolk Avenue, Newmarket (Report No DEV/FH/15/041)**

TPO/1956/012 – Tree Preservation Order – works to 38 no. trees in areas A1, A2 and A3.

This item had been referred to the Development Control Committee as the applicant was Forest Heath District Council.

No objections had been received from Newmarket Town Council or third parties and Officers were recommending that the application be approved as set out in Paragraph 14 of Report No DEV/FH/15/041.

The Planning Officer advised Members that the application concerned 35 trees and not 38 as indicated in the report.

Councillor Simon Cole enquired as to what happened to the wood that was removed from the trees during the works. The Officer advised that he would gain an answer and would advise all Members of the Committee accordingly.

It was moved by Councillor Chris Barker, seconded by Councillor Ruth Bowman and with the vote being unanimous, it was resolved that:

The works proposed to the protected trees be **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years; and
2. The authorised works shall be carried out to the latest arboricultural standards.

92. **Tree Preservation Order TPO 2, 2015 - Land off Bury Road and Gazeley Road, Kentford (Report No DEV/FH/15/042)**

Members were advised that a provisional tree preservation order (TPO) had been made on trees on land off Bury Road and Gazeley Road, Kentford, south of the Cock Inn, on 10 April 2015. The TPO was served to protect the mature trees on this site which could be seen from both Bury Road and Gazeley Road where they contribute to the amenity of the locality and the rural character of the village of Kentford.

The TPO was required to prevent the precipitous removal of trees on this potential development site and to protect retained trees into the future when, if the site was developed, they would increase in their public amenity value. The statutory consultation period for the TPO expired on 15 May 2015. Two

representations have been received. Minor modifications were recommended to the plan and the schedule to resolve the concerns raised.

Officers were recommending that the TPO be confirmed with modifications.

The Principal Planning Officer advised that a planning application for development on this site was due to be considered by the Committee at their meeting in November 2015.

It was moved by Councillor Carol Lynch, seconded by Councillor James Lay and with the vote being unanimous , it was

**RESOLVED:**

That the report be noted and the Tree Preservation Order be **CONFIRMED** with the recommended modifications as shown on the revised plan and schedule (Working Papers 2 and 3) as follows:

- Reduce the extent of area A1;
- Rename W1 as G4 and identify the trees to be protected;
- Exclude garden trees within the property of The South Lodge; and
- Rename A 2 as G3, reduce the extent and identify the trees to be protected.

93. **Quarterly Monitoring Report of Development Management Services (Report No DEV/FH/15/043)**

The Service Manager (Planning – Development) presented this report which updated the Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.

A supplementary document was tabled to the meeting which set out the performance against key indicators for the month of September 2015 and the Officer was pleased to report that all targets were achieved in that month.

The Officer drew attention to Paragraph 2.3.1 of the report and explained that the penultimate sentence (which began “Of which, 3 (37.5%)...” ) should be disregarded as this referred to St Edmundsbury Borough Council figures and should not have been included within the report.

Councillor Brian Harvey made reference to Paragraph 2.2.5 and the reference therein to the case concerning the land at Fiveways roundabout Barton Mills. He explained that he, along with other local Members, continued to receive a number of public enquiries with regard to this matter and he asked Officers to ensure that both Members of the Committee and Barton Mills Parish Council were kept updated.

Lastly, the Officer advised Members of the current position with regard to the Hatchfield Farm (Fordham Road, Newmarket) planning application DC/13/0408/OUT. She reminded the Committee that the Secretary of State had called-in the application in question which prevented the Council from issuing the permission granted on 2 July 2014.

Accordingly an inquiry had taken place during April 2015 and the Inspector had submitted her report to the Secretary of State for his consideration. The Secretary of State had initially stated that he would issue his decision on or before 12 October 2015.

However, the Council had since been informed that the decision had now been postponed to on or before 16 December 2015. The Committee were advised that this delay would have significant implications on the Council's local plan process and Officers would be drafting an appropriate response to the DCLG.

It was proposed, duly seconded and with the vote being unanimous, it was

**RESOLVED:**

That the update report on performance and key trends be noted.

The meeting concluded at 8.58 pm

**Signed by:**

**Chairman**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/044**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/2218/FUL- B2/B8 WAREHOUSING AND  
DISTRIBUTION CENTRE, UNIT 9 – 11, St LEGER DRIVE, NEWMARKET**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Christine Flittner  
Telephone: 01638 719397

# Committee Report

<b>Date</b>	10 December	<b>Expiry Date:</b>	11 March 2015
<b>Registered:</b>	2014		EOT granted 10.10.15
<b>Case Officer:</b>	Christine Flittner	<b>Recommendation:</b>	Grant Planning Permission, subject to conditions
<b>Parish:</b>	Newmarket	<b>Ward:</b>	Severals
<b>Proposal:</b>	Planning Application DC/14/2218/FUL – Construction of a B2/B8 , warehouse and distribution centre		
<b>Site:</b>	Plots 9 – 11, St Leger Drive, Newmarket, CB8 7DT		
<b>Applicant:</b>	CI Industries Ltd.		

## Background:

**This application was considered by the Development Control Committee on 7 October 2015. The decision was taken to defer the application until the next meeting in order to allow time for Officers to raise the concerns of the Committee with the applicant regarding the impact on residents, and to establish if it was possible to make changes to:**

- **The height of the building;**
- **The colour/design of the building;**
- **The surrounding landscaping; and**
- **The hours of operation.**

**A full verbal presentation will be given at the meeting to provide clarification on the issues raised at the last meeting.**

**The application is recommended for conditional APPROVAL.**

## Proposal:

1. See Working Paper 1.
2. At the October meeting members were shown plans of the building with an eaves height of 11m. As a result of the deferral the applicant has further reviewed the operational requirements of the building and has been able to reduce the eaves height to 10.5m. Additional plans have been provided in the form of detailed site sections and a street elevation and these will be shown as part of the presentation at the meeting.
3. At the October meeting the palette of external building materials was reported as consisting of the following;



- Walls – Horizontal Cladding in Mountain Blue and Vertical Cladding in Silver
- Roof – Plastisol cladding in Goosewing Grey.
- Fascia Detailing – Merlin Grey
- Doors – Merlin Grey steel and powder coated aluminium
- Sectional Doors - Silver
- Windows – Aluminium top hung double glazed units - Merlin Grey

The agent has indicated that these materials were suggested in order to match the existing buildings on adjoining sites, however the colour of cladding could be changed to overcome the concerns of the members.

**Application Supporting Material:**

4. See Working Paper 1.
5. The following documents have been submitted since the deferral;
  - Typical Section
  - Site Section A-A
  - Detailed Site Section
  - Street Elevation
  - Updated sun path model drawings

These drawings will be shown as part of the presentation.

**Site Details:**

6. See Working Paper 1.

**Planning History:**

7. See Working Paper 1.

**Consultations: (summarised)**

***i) Scheme submitted with the planning application (December 2014).***

8. See Working Paper 1

***ii) Amended drawings/details received between February and August 2015***

9. See Working Paper 1.

**Representations: (summarised)**

***i) Scheme submitted with the planning application.***

10. See Working Paper 1.

***ii) Amended drawings/details received between February and August 2015***

11. See Working Paper 1.

***iii) Amended drawings/details received after the deferral from the October DC Committee***

12. As the re-consultation period was about to close at the time of writing the report a full verbal update of representations received will be given at the meeting.

**Policy:**

13. See Working Paper 1.

**Officer Comment:**

14. See Working Paper 1 for detailed comments.
15. The agent has responded on behalf of the applicant in relation to the points of deferral;

**The height of the building** – the eaves height of the building has been lowered by 0.5m to an overall height of 10.5m. Additional drawings have been supplied to show the relative levels of the building. It has been illustrated that the floor level of the proposal is 1.7m lower than the floor level of plot 8 to the west. The agent stresses that this reduces the effective height of the building above road level.

**The colour/design of the building** – the agent has not offered any alternatives in terms of the colour and design of the building. There is an operational requirement for a building of the size proposed, however the colour could be altered to accommodate member's concerns.

**The surrounding landscaping** – there is no scope to increase the depth of the landscaping as it already extends beyond what has been provided on surrounding sites. The agent has confirmed that many of the existing trees along Studlands Park Avenue are to be retained in order to achieve instant mature screening of the proposal and a landscaping maintenance condition extending to five years would be acceptable.

**The hours of operation** – as the end user of the building is not know at this time the hours of operation will need to be carefully controlled via planning conditions. The agent has confirmed that his client is agreeable to all the conditions listed in para 118 of the report (see Working Paper 1). The conditions around hours of operation require the submission of details of operational hours of deliveries and on site working to be agreed (condition 26); restrictions on the use of roll cages between 8am and 8pm Monday to Friday (condition 28); submission of a method statement for the operation of the service yard to include the use of roll cages to be agreed (condition 27) and no lorry movements including loading and unloading outside the hours of 7.00 to 23.00 Monday to Saturday with no movements on Sundays or Bank Holidays (condition 25).

### **Conclusions:**

16. The development proposal has been considered against the objectives of the Framework and the government’s agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
17. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, therefore having regard to the Framework and all other material planning considerations, the proposal is considered to comply with the NPPF and Development Plan policy and the recommendation is one of approval.

### **Recommendation:**

18. It is recommended that the planning application be **APPROVED** subject to conditions including:
  1. Standard time limit
  2. Development in accordance with approved plans
  3. Archaeological investigations and recording.
  4. Surface Water Drainage details to be submitted prior to commencement
  5. Foul Water Strategy to be submitted prior to commencement
  6. Highways – refuse and recycling bins provided as per plan
  7. Highways – parking, turning areas to be provided as per plan
  8. Highways – updated travel plan to be provided
  9. Materials as detailed on plan
  10. Windows on north elevation to be obscure glazed and non opening
  11. Removal of non-domestic permitted development rights

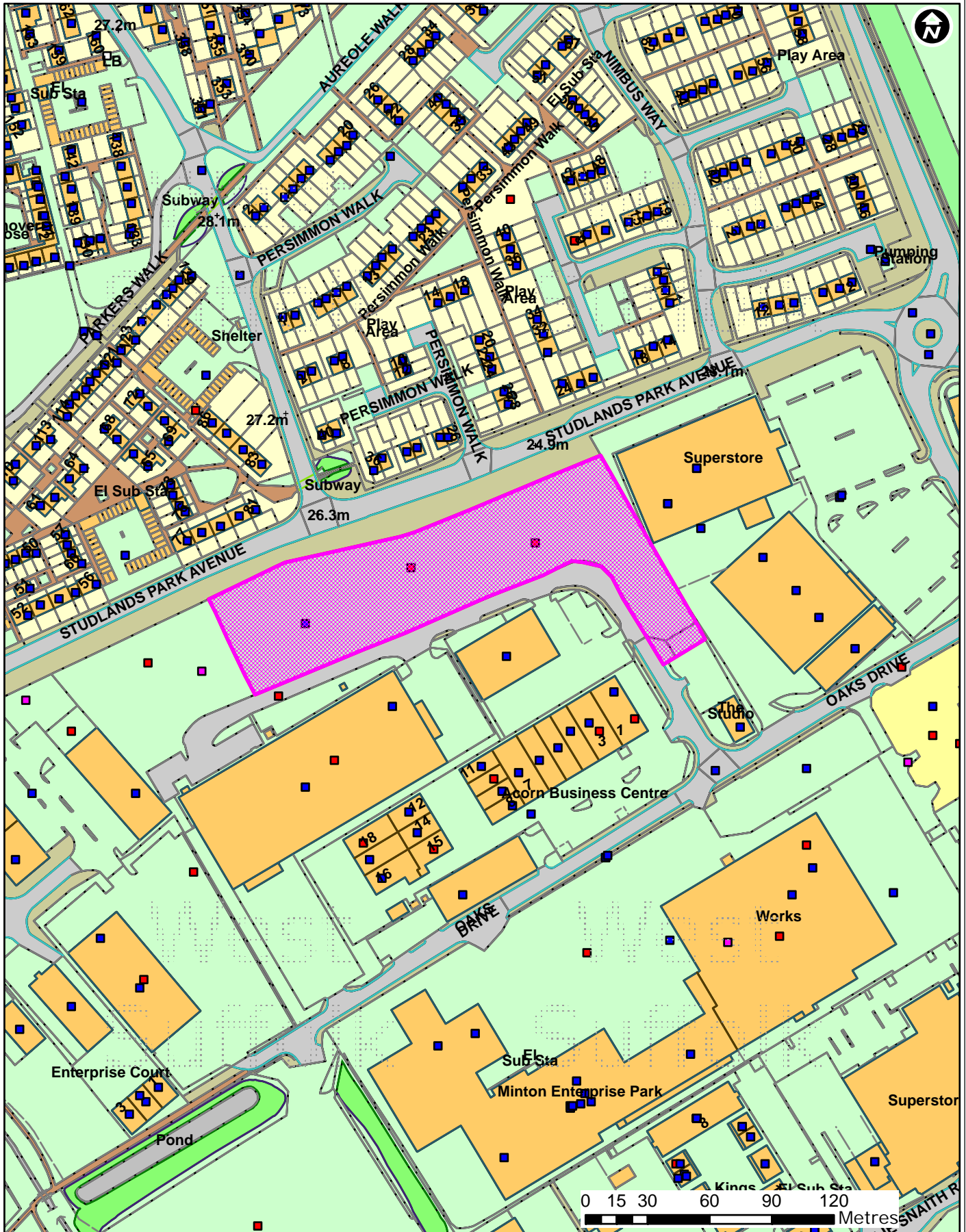
- 12.Landscaping implementation in the first planting season following the commencement of development
- 13.Tree Protection measures to be implemented during works
- 14.Landscaping management and maintenance plan to be submitted
- 15.Site clearance to take place outside the bird breeding season
- 16.Control of site preparation and construction works
17. No generators in external areas outside certain hours
18. 3 days notice required for concrete pours outside specified working hours
- 19.Control of waste materials from site preparation
- 20.Submission of scheme for mitigation of dust nuisance
- 21.Submission of details of security and floodlights
- 22.Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
- 23.External doors to be kept closed at all times except for access and egress
- 24.Acoustic screen and other boundary treatments to be provided as per the submitted plan
- 25.No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
- 26.Submission of details of operational hours of deliveries and on site working
- 27.Submission of method statement for the operation of the service yard including the use of roll cages
- 28.Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
- 29.Submission of details of the measures to control light intrusion from external lighting

### **Documents:**

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

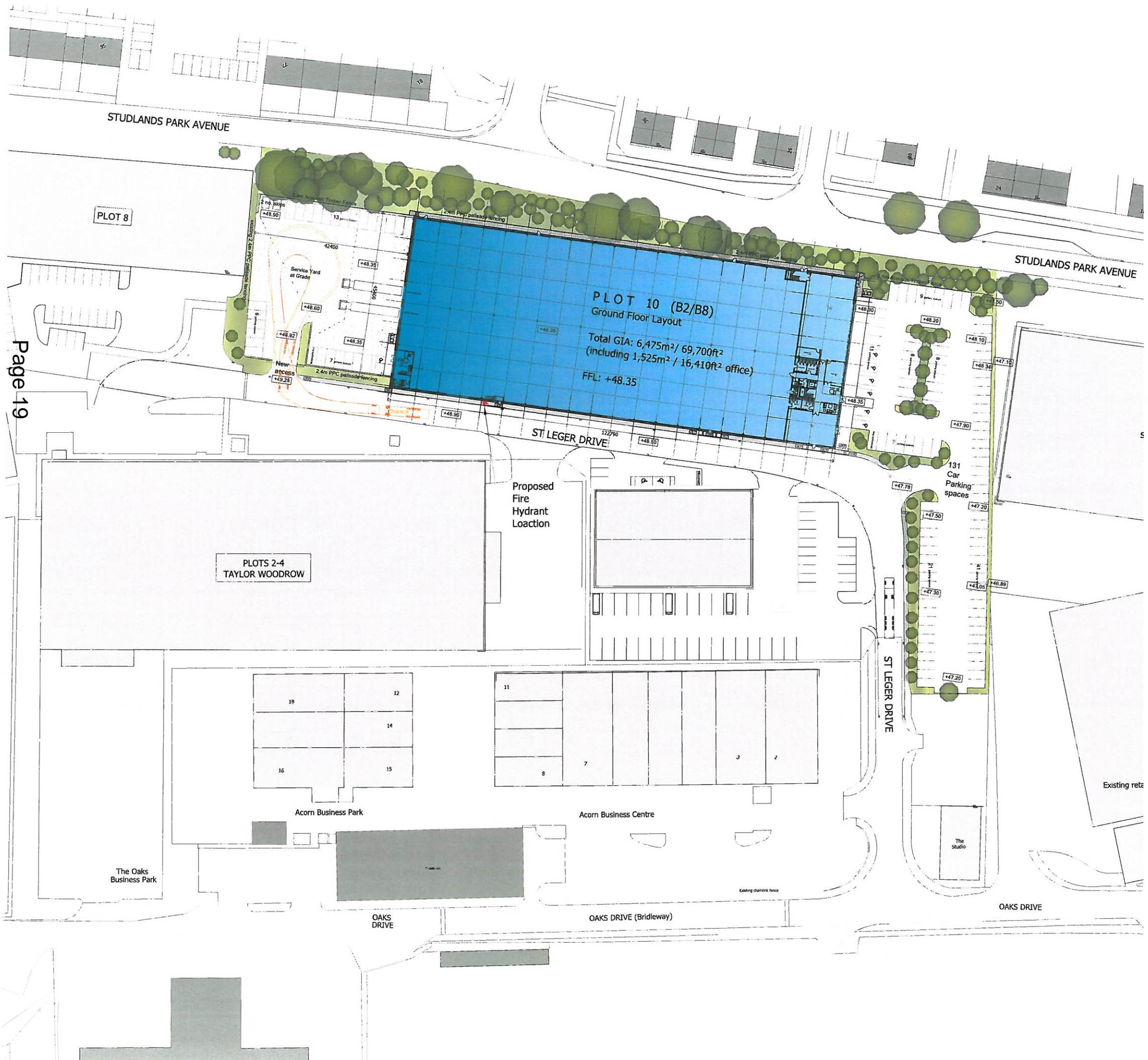
<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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.



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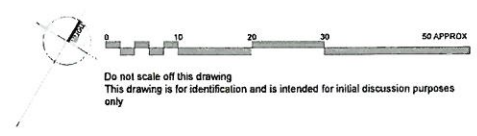




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**Notes**  
1. Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding. © This drawing is copyright

**PLANNING**



**SCHEDULE OF ACCOMMODATION**

Total building gross external area (GEA):	6,720m <sup>2</sup>
Total site area:	1.33 Hectares
<b>PLOT 10 - B2/B8 UNIT</b>	
Factory gross internal area (GIA):	4,950m <sup>2</sup> (53,300ft <sup>2</sup> )
2 storey office accommodation GIA:	1,525m <sup>2</sup> (16,410ft <sup>2</sup> )
<b>Car Parking:</b>	
124 standard spaces	
7 disabled spaces	
Motorbike spaces:	2 spaces
Bicycle spaces:	12 spaces
HGV (16.5m) spaces	2 docked
<b>TOTAL BUILDING GIA:</b>	<b>6,475m<sup>2</sup> (69,700ft<sup>2</sup>)</b>

**MATERIALS KEY**

	Landscaped Areas to be read in conjunction with 'The Landscape Partnership' drawing: B14045_01
	Existing Trees to be retained
	Proposed Building
	Proposed tarmac paving to pedestrian areas
	Proposed Tarmac Car parking areas, with white thermoplastic delineation.
	Proposed brushed concrete finish service yard.
	Proposed shingle path to rear of building.

D	BUILDING MOVED 1 BAY NORTH EAST, RECONFIGURED INTERNAL LAYOUT AND PARKING	ERJ	KM	24.07.2015
C	HEIGHT OF BUILDING REDUCED	ERJ	KM	16.07.2015
B	ISSUED FOR PLANNING	ERJ	KM	14.01.2015
A	ISSUED FOR PLANNING	ERJ	KM	07.11.2014
Revision	Description	Drawn	Checked	Date

Preliminary  Information  Tender  Construction  As Built

**Woods Hardwick**  
Architects, Engineers and Development Consultants

**NEWMARKET BUSINESS PARK**  
PLOTS 9-11, ST LEGER DRIVE

**PROPOSED SITE LAYOUT**

15-17 Goldington Road  
Bedford  
MK40 3NH  
United Kingdom  
T. +44 (0)1234 26862  
F. +44 (0)1234 353034  
mail@woodshardwick.com  
www.woodshardwick.com

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# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/038**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/2218/FUL- B2/B8 WAREHOUSING AND  
DISTRIBUTION CENTRE, UNIT 9 – 11, St LEGER DRIVE, NEWMARKET**

**Synopsis:**

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

**Recommendation:**

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

**CONTACT OFFICER**

Case Officer: Christine Flittner  
Telephone: 01638 719397

# Committee Report

<b>Date</b>	10 December	<b>Expiry Date:</b>	11 March 2015
<b>Registered:</b>	2014		EOT granted
<b>Case Officer:</b>	Christine Flittner	<b>Recommendation:</b>	Grant Planning Permission, subject to conditions
<b>Parish:</b>	Newmarket	<b>Ward:</b>	Severals
<b>Proposal:</b>	Planning Application DC/14/2218/FUL – Construction of a B2/B8 , warehouse and distribution centre		
<b>Site:</b>	Plots 9 – 11, St Leger Drive, Newmarket, CB8 7DT		
<b>Applicant:</b>	CI Industries Ltd.		

## **Background:**

**This application is referred to the Development Control Committee because it is for 'major development' and objections have been received from Newmarket Town Council and neighbours.**

**The application is recommended for APPROVAL.**

## **Proposal:**

1. Planning permission is sought for the erection of an industrial building to accommodate B2 – General Industry and B8 – Storage and Distribution uses on St Leger Drive in Newmarket. The proposal also includes associated office floor space, car parking, service yard and landscaping.
2. The application has been amended since submission. This is to reflect the fact that at the time the planning application was submitted the applicant did not have an end user in mind for the development. Officers have been informed that an end user has recently been found, although the full details cannot be provided at present. As a result the number of loading bays has been reduced; car parking amended; office floor space has been increased and the building has been slightly reduced in height by approx. 0.5m.
3. The site has an overall area of 1.33 ha; the building has a gross external area of 6,720 sq. m and a gross internal area of 6,475 sq. m. Office space accounts for 1,525 sq. m. and is provided over two floors at the eastern end of the building.

4. The footprint of the building measures approx. 123 x 46m and is comparable in size to the Taylor Woodrow building which occupies plots 2-4 St Leger Drive. The overall height of the building measures approx. 13.5m at the highest point with an eaves height of 11m and is marginally lower than the Taylor Woodrow building.
5. A total of 131 car parking spaces are to be provided which consist of 124 standard and 7 disabled spaces. There is a motorcycle bay and 12 bicycle spaces indicated on the submitted plans. These spaces are chiefly provided at the eastern end of the site, however some are located within the service yard to the western end of the site which also accommodates 2 docked spaces for HGV's.
6. The proposals would be served by two vehicular access points off St Leger Drive. One would serve the car parking area at the eastern end of the site and another at the western end of the site would serve the service yard and remaining car parking.
7. The palette of external building materials has been selected. These are as follows;
  - Walls – Horizontal Cladding in Mountain Blue and Vertical Cladding in Silver
  - Roof – Plastisol cladding in Goosewing Grey.
  - Fascia Detailing – Merlin Grey
  - Doors – Merlin Grey steel and powder coated aluminium
  - Sectional Doors - Silver
  - Windows – Aluminium top hung double glazed units - Merlin Grey

**Application Supporting Material:**

8. The following documents comprise the planning application (including amendments/additional information received after the application was registered):
  - Form and drawings including layout, elevations and landscaping
  - Design and Access Statement
  - Flood Risk Assessment
  - Waste Management Plan
  - Transport Statement
  - Transport Technical Note
  - Ground Investigation Report
  - Interim/Green Travel Plans
  - Noise Impact Assessment
  - Tree Survey, Arboricultural Impact Assessment and Method Statement

**Site Details:**

9. The site lies within the built up area of Newmarket towards the northern boundary of the town. The surrounding land is mainly mixed industrial and commercial to the south, east and west of the site with residential development to the north.
10. The site is currently vacant. It has previously been used to deposit excavation spoil from previous developments in the vicinity and has re-vegetated with native plant life.
11. The northern boundary of the site lies parallel to Studlands Park Avenue which is a residential road with no through access and no access to the site. The boundary of the site with the road is predominantly lined with established indigenous poplar trees, some of which are in decline, the occasional ash and hawthorn which forms an informal shrubby hedge. The boundary planting whilst established is sporadic in nature with gaps.
12. To the west of the site, is plot 8, St Leger Drive which is an industrial unit with planning permission for B1, B2 and B8 use. It has recently been completed and occupied. To the east lies Studlands Retail Park. The rear of these units and adjacent service yards face onto the proposed site. The boundary is designated by a concrete post and chain link fence.
13. The southern edge of the site forms the boundary with St Leger Drive. It currently has large bunds at the edge to prevent vehicular access onto the site. The Smiths News and Taylor Woodrow buildings occupy the plots on the opposite side of the road.
14. The topography of the site forms a slight slope rising up from the southern boundary to the northern boundary and also rising from the eastern boundary to the western boundary, however there are heaps of spoil and bunds over the site at present which the applicant/agent states will be removed/reused as part of the proposal. The proposal involves the lowering of the site levels in order to reduce the overall height of the building when viewed from Studlands Park Avenue.
15. The site is located approximately 3.0 miles north from Newmarket Railway Station and 2.0 miles from Newmarket town centre. There are bus stops for local bus routes within walking distance to the site (Fordham Road and Studlands Park Avenue) and it lies in close proximity to route 51 of the national cycle network and other minor local cycle routes.
16. The Fordham Road/A14 junction lies in close proximity to the site to the north beyond the Studlands Park residential area.
17. The site is annotated as 'Employment Land' on the Inset Map for Newmarket attached to the 1995 Local Plan.

**Planning History:**

18. F/97/050 – Construction of road serving site for industrial development – Approved
19. F/92/457 – Use as a general retail market on two days per week – Refused
20. F/83/523 – Outline application for 6000 sqm DIY centre, garden centre, parking for 800cars and conversion of existing industrial buildings to industrial nursery units - Refused

**Consultations:  
(summarised)**

***i) Scheme submitted with the planning application (December 2014).***

21. Anglian Water: **no objection** to the application providing conditions are attached regarding the submission of foul and surface water drainage schemes for approval .
22. Environment Agency: **objection** on the grounds of insufficient information in the submitted FRA and insufficient information submitted to demonstrate the risk of pollution to controlled waters has been dealt with.
23. Suffolk County Council Archaeology: **no objections** subject to a recording condition and comments as follows -

*This large proposal is located in an area which is topographically favourable for early settlement. Adjacent evaluations detected scatters of prehistoric, Roman and medieval material (NKT 027). As a result there is high potential for encountering evidence of early occupation at this location. The proposed works would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.*

In accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

24. Suffolk County Council - Highway Authority: **objection** on grounds of lack of parking and a Transport Assessment not submitted.
25. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests access to buildings for fire fighting and firefighters to meet the Building Regulation requirements. It is confirmed that no additional water supply for fire fighting purposes is required in respect of this planning application and advisory comments provided for

the benefit of the applicant/developer (access for fire engines and use of sprinkler systems in new development).

26. Suffolk County Council – Highways (Travel Planning): **objections** on the grounds that there is no concrete information on the end user and estimated staff numbers with appropriate measures and targets. As a result it does not demonstrate a full commitment to reducing the traffic impact of the development.
27. FHDC – Environmental Health: **no objections** relating to impact on air quality, as the development is unlikely to create enough vehicle activity to have an adverse impact.
28. FHDC – Public Health and Housing: **objections** and comments as follows - The close proximity of residential properties to the site is a significant cause for concern and it is my opinion the proposal if fully permitted as applied for i.e. 24/7 operation and unlimited traffic movements, would cause unreasonable disturbance to neighbouring residents and cause a detrimental impact on the amenity of the area.
29. FHDC – Ecology, Tree and Landscape Officer : comments as follows - most significant issues are the width of the screen; whether it is sufficient; the establishment of the tree screen in the short term and the lack of planting elsewhere on the site. The details of the planting to the northern boundary are acceptable, but the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for new planting, but also in the long term.

***ii) Amended drawings/details received between February and August 2015***

30. Anglian Water : no additional comments submitted.
31. Environment Agency: **no objections** and comments as follows –

*We have reviewed the submitted report entitled 'Surface Water Drainage Design' dated May 2015 and are satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. As such, we consider that the proposed development will only be acceptable if a planning condition is imposed requiring detailed drainage details.*
32. Suffolk County Council (Highways): **no objections** subject to conditions requiring the provision of areas shown on the submitted plans for refuse and recycling bins and parking, loading and turning areas to be provided prior to the development being brought into use and thereafter retained.

33. Suffolk County Council (Suffolk Fire and Rescue Service): no further comments submitted.
34. Suffolk County Council (Highways – Travel Planning): **maintains objection** as above at para 26. The applicant/agent has responded and suggested that as the end user of the building has not been fully identified at this stage it is impossible to provide the details required and would be able to provide further details via a condition should approval be forthcoming.
35. FHDC – Environmental Health (Air Quality): no further comments submitted.
36. FHDC – Public Health and Housing: **no objections** as a result of reviewing the revised acoustic report, however the close proximity of residential properties does remain a concern and disturbance associated with the development of the site should be mitigated with suitable controls as suggested below;
- Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
  - Submission of details of the measures to control light intrusion from external lighting
37. FHDC – Ecology, Tree & Landscape Officer: comments remain as above at para. 29 with added concerns regarding the office windows which have been added to the north elevation at the eastern end of the building and how these may conflict and threaten the landscaping which will need to be pruned back.
38. FHDC – Economic Development and Growth: **support** - the overall views of the Economic Development and Growth team are that the changes made in the revised plan are welcome and we would support this

application for the following reasons – significant amount of parking so attractive to employers; it is an employment site and the other main option for the developer might have been to consider a cluster of smaller / starter units, however unlikely to gain as much employment from this site; a single B1/B2 user might offer not only higher levels of employment on this site but also more consistent levels of employment over a period of time; dependent on the specifics of the tenant/occupier, it is probable that the skill levels of such use and therefore the likely wage levels would also be higher, making a stronger contribution to the local economy; a number of small/starter units are being developed elsewhere in the town at Sam Alper Court so if this site had been developed in a similar way then they would possibly be competing with each other and might lead to an oversupply in this sector of the market, whereas, to the best of my knowledge, there are no other sites of a similar size immediately available in Newmarket where large units such as this are being proposed; If this plan were approved it would therefore offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

**Representations:  
(summarised)**

***i) Scheme submitted with the planning application.***

39. Newmarket Town Council : object to the proposal as the site is so close to residential properties, it is not suitable to have a development that would be in use for 24 hours a day and the scale of the development is disproportionate in the proximity of residential properties.
40. Neighbours:
- 10 letters/emails were received in response to the original plans from local residents at the following addresses raising objections to the proposed development;
- 56, 59, 60, 76, 77, 79, 80 and 81 Vincent Close
  - 394 Aureole Walk
  - 38 Studlands Park Avenue
41. The issues and objections raised are summarised as follows:
- Not enough screening – a 30ft verge must be retained
  - Noise and disturbance to residences from the 24 hour operation and fans and boilers especially during the night
  - Overshadowing of properties due to scale of building
  - Overshadowing of south facing gardens
  - Loss of light to properties due to height of building
  - More traffic congestion likely on roundabout as already congested
  - Unacceptable increase in HGVs
  - Working hours should be restricted
  - Roads are not large enough to deal with a distribution centre
  - Cars will be forced to park on Studlands Park Avenue and it is already a problem



- Noise from the loading and unloading activities will be unacceptable in the residential area
- Air pollution is likely as a result of the development
- Fire Hydrants should be installed – at least two should be required
- No safe crossing point at the roundabout for pedestrians
- The tree screen along the boundary has been removed by the developer
- The two doors facing Studlands Park Avenue should be removed
- Light pollution will result from the development
- The proposed planting will not grow due to the lack of natural light
- Homes will be devalued (officer note – this point is not a material consideration that can be taken into account in the determination of the application)

***iii) Amended drawings/details received between February and August 2015***

42. Newmarket Town Council: Objects to the amended proposals on the following grounds;

- The height and size of the proposed unit being an over-development and not suitable for the industrial estate which was designed for low level units for light industry at Studlands Park.
- The height of the unit would cause a deprivation of light on residential properties in close proximity to the development.
- The noise of traffic accessing the site 24/7 would have an adverse affect on residents.
- The increased traffic would cause access problems to the estate including access to residential homes via the roundabout at the entrance to the estate.
- Environmental concerns regarding the removal of mature trees used to screen the industrial estate from the view of residents.

43. Neighbours:

57 letters/emails were received in response to the amended proposals from local residents. Of the original 10 objectors listed above 5 reiterated their original concerns in relation to the amended proposals and there were a further 52 responses. In some cases two or more letters were received from the same property and whilst the issues raised individually have been summarised the objections have been attributed to the address and counted as one objection from the property as per normal practice. One letter received did not have a full address, but was from the Studlands Park Area. It did not raise any additional concerns to those set out below.

The additional representations were sent from the following addresses raising further objections to the proposed development as amended;

Letters from the Studlands Park area

- 5,40,43,46,51,55,57,64,65,66,68,70,71,72,74,75,78,83,84,85,86  
Vincent Close

- 4,5,8,10,15,22,24,26,28 Persimmon Walk
- 30,32,34,36,40 Studlands Park Avenue
- 503,525,541 Aureole Walk
- 112, 122 Parkers Walk
- 271 Hethersett Close
- 131, 189 Tulyar Walk
- 11 Hanover Close
- 11 Brickfields Avenue

Letters from other parts of Newmarket

- 41 St Johns Avenue
- 88 Weston Way
- 57 Beaverbrook Road
- 53 Stanley Road
- 1 Durham Way
- 16 Cardigan Street (Basement Flat)

The issues and objections raised are summarised as follows:

- The amendments do not go far enough to overcome concerns already raised
- Not opposed to a unit on the site, but this one is too big
- Height and size of the building is excessive
- Will lead to loss of tree lined boundary between the housing and the industrial estate
- Residents will live in the shadow of a big ugly building and views will be blocked
- 24/7 operation should not be allowed
- Deliveries and collections should be banned between 7pm and 7am
- Levels of noise and disturbance will be detrimental to residential amenity of neighbouring properties
- There should be daytime operation only and no Sunday working
- Few other premises on the estate work at night and at weekends when noise levels are low and although noise is heard it is of a low level
- Will lead to a decline in the residential estate if allowed
- The residential estate is likely to become isolated from the rest of the residential areas of Newmarket
- The Burger King roundabout will not cope with the traffic
- Traffic will be forced through the town centre to avoid the junction of A14 and Fordham Road
- 150 car parking spaces will lead to 900 car movements per day
- Increase in traffic will impact on whole estate as noise from the A14 is considerable at night
- Pollution levels are likely to increase from queues at the roundabout
- Light pollution will result from the development
- Flooding is likely to increase on Studlands Park Avenue and Burger King Roundabout as a result of the development
- What measures are in place to ensure Studlands Park Avenue does not become an overflow carpark as a result of the development

- Double yellow lines do not extend far enough along Studlands Park Avenue
- Problems have existed with lorries parking on Studlands Park Avenue in the past
- There are no late buses for workers
- Site should be used for light industrial purposes as per the original planning application
- The sound proof fence is not adequate and noise will be funnelled through the space between plots 9 and 8 creating more noise for the residents of Plot 8
- Noise from the A14 has increased since the erection of plot 8 as it is reflected off the building
- Developer has scant regard for the occupiers and has not complied with landscaping conditions for plot 8
- The refuse bins are too close to homes and could result in vermin and noise
- Windows will overlook homes
- Plans do not show water tank for sprinkler system, cooler unit, generator and smoking shelter

**Policy:**

44. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy (2010) have been taken into account in the consideration of this application:

**Joint Development Management Policies Document (2015):**

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM20 – Archaeology.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

**Forest Heath Core Strategy December (2010).**

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

## **Spatial Objectives**

- Spatial Objective ECO 1 – Attract high quality economic development
- Spatial Objective ECO 2 – Diversify Forest Heath’s economy to create a strong competitive area
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

## **Policies**

- Policy CS1 – Spatial Strategy.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS6 – Sustainable Economic and Tourism Development.
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport.

## **Other Planning Policy:**

46. **The National Planning Policy Framework** (the Framework) sets out government's planning policies for England and how these are expected to be applied.

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

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

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

48. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather

than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

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

**Emerging Development Plan Policy:**

51. **Single Issue Review and Site Allocations Development Plan Document:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the issues and options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further environmental appraisal work.
52. Members subsequently resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. A joint consultation commenced on 11<sup>th</sup> August 2015 and will run for 8 weeks. Adoption is anticipated by the end of 2017.
53. For the site allocations document this is the first stage in the plan process – Issues and Options – and includes all potential sites; many of which will not be taken forward to the next stage.
54. At the present time, the Single Issue Review and the Site Specific Allocations Document carry little weight in the decision making process.

**Officer Comment:**

**Principle of the Development**

55. Core Strategy Spatial Objectives ECO 1 and ECO 2 seek to attract high quality economic development to the district and diversify Forest Heath's economy to create a strong competitive area.
56. These objectives accord with the Government's commitment to ensure that the planning system does what it can to support sustainable economic growth as set out in the Framework. Section 1 of the Framework (Building a strong, competitive economy) states that "*planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth through the planning system*"
57. Policy CS1 confirms Newmarket is identified as a market town serving the retail and leisure needs of the local catchment area and recognising that housing and employment growth will occur.

58. Core Strategy policy CS6 states that employment development should predominantly be focused within existing settlements on allocated sites. It goes on to state that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
59. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the Framework. Policy DM30 builds upon the strategic requirements of Core Strategy Policy CS6 to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
60. The site is currently vacant, however lies within an area identified for employment use and is formally allocated as such by the 1995 Local Plan. In these circumstances, Core Strategy Policy CS6 and DM30 of the Joint Development Management Policies Document, which seek to protect and safeguard employment land for employment use are relevant in the consideration of the application.
61. Evidence has been provided by objectors to the application that outline planning permission was granted in June 1955 for light industrial expansion and allied residential development in the Brickfields area of Newmarket. The written particulars identify a site of 2.842 acres, but no address or map to identify the particular site is provided. The objector's argument is that the site should only be considered suitable for light industrial use (B1) on the basis of this information.
62. In terms of more up to date planning policy, however, the application site lies within an area which was identified as employment land in the Forest Heath Local Plan. Policy 5.1 of the document refers to general employment use and identifies that industrial and commercial activity which provides an acceptable level of employment being likely to obtain planning permission. The 1995 local plan specifically refers to the "more intensive use of the CI Caravan site" and goes on to state that it is zoned in Policy 5.1 for general employment use. As a result it would appear that the general industrial designation was firmly established by 1995, therefore the argument that the site should only be used for light industrial use cannot be given significant weight when considering this application. The Forest Heath Local Plan was adopted in 1995 after full public consultation and a Local Plan Inquiry. Whilst policy 5.1 of the Local Plan is no longer used, it is referenced to show the policy context which was applied and informed the permissions for development around the application site.
63. The comments of the Economic Development and Growth Team are summarised at para. 38 and these express support for the proposal on the basis that if approved it would offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

64. The site lies within the settlement boundary of Newmarket, within an area which already contains a mix of industrial and commercial uses and there is considerable policy support for the proposal. As a result the development is acceptable in principle.

**Design Considerations**

65. 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.
66. Design aspirations are also included in Spatial Objective ENV4 (high standard of design) of the Core Strategy which is supported by policy CS5 which requires high quality designs which reinforce local distinctiveness. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
67. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate.
68. The planning application is a full application with all details included for consideration this this stage.
69. The application site lies towards the northern edge of Newmarket where the town is bordered by the A14. There is a mix of uses, including residential, commercial and industrial in the vicinity of the site. The site has a visual relationship to both the residential development which lies beyond the northern boundary of the site and the commercial and industrial development which surround the remaining site boundaries. The building proposed reflects the scale and detailing of the surrounding industrial development and as a result is a very large building within reasonably close proximity to small scale residential development.
70. The size of the application site is 1.33ha and the building has a gross floor area of 6,720 square metres. The building measures approx. 123m long and 45m wide with a ridge height of 13.5m and an eaves height of 11m. This is of similar scale to the Taylor Woodrow building which lies opposite the site on St Leger Drive, but is considerably larger than the existing Smiths News building (also opposite), and Plot 8 to the west of the site. The residential development which lies approx. 30m to the north of the building on the opposite side of Studlands Park Avenue is of a much smaller scale and consists of modest bungalows and two storey properties where the maximum overall height is likely to be approx. 7/8metres with the bungalows being considerably lower.

71. At the present time planting exists on the northern boundary of the site which has declined over the years and does not provide an effective screen in itself; however it forms a partial screen to the residential land to the north and as such is of high public amenity value. The majority of the site has been subject to the dumping of soil from other developments in the vicinity and has revegetated to a limited extent. In order to mitigate the impact of the development on nearby residential properties a landscaping scheme has been submitted which consists of a mixed area of planting along the entire northern boundary. The landscaping strip measures approximately 12m in width at its widest point at the western boundary of the site and reduces to approx. 8m at the mid point of the site and 6m at the eastern boundary. There are other minimal areas of planting proposed along the boundary with St Leger Drive.
72. The Council's Tree, Landscape and Ecology Officer comments that the most significant issues identified are: the width of the screen and whether this is sufficient to mitigate the impact of the building on the properties to the north; and also establishing the tree screen in the short term.
73. The comments indicate that whilst the details of planting on the northern boundary are acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term, concern is expressed about the lack of appropriate planting elsewhere within the site which within the present scheme is not commensurate with this size of building. Further concern is expressed that the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for the new planting, but also in the long term if the planting fails to become established.
74. Due to the desire to provide sufficient landscaping on the northern boundary of the site this had resulted in the proposed building being sited on the boundary with St Leger Drive. Whilst this is not an ideal situation given the scale of the building, it is considered, on balance, an acceptable compromise to ensure the maximum amount of landscaping can be provided between the site and the properties to the north.
75. The proposed materials (ref para. 7 above) would be appropriate for the location as they match those on the adjacent plot (8) to the west. They are typical of what could be expected on a new industrial development, therefore the materials palette is considered acceptable.
76. The relatively large scale and massing of the building and the hard surfaced car park and service areas are not at odds with the existing industrial and commercial development around the site.
77. The relationship of the development to the nearby residential properties is a matter which requires very careful consideration as it is acknowledged that the scale of proposal is large and the site is clearly pressured in terms of the quantity of development the applicant seeks to accommodate. As a



consequence a significant amount of boundary planting has been included along the northern boundary to mitigate the impact of the building on the dwellings which lie on Studlands Park Avenue/Vincent Close. The successful implementation and maintenance of the planting scheme is a key factor in whether the application can be considered acceptable and this is discussed further in the report.

78. Having considered the elements which would contribute to the character of the development itself, it is concluded that the scheme pushes the boundaries in terms of its scale and relationship with the adjoining dwellings, however it has been demonstrated that regard has been paid to mitigating this impact through lowering the site level, the provision of a deep landscaping strip and an acoustic fence to the service and car parking area. The proposals have been improved from their inception and the design and layout of the amended scheme is, on balance, considered acceptable by officers.

### **Transport and Highway Safety**

79. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised.
80. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
81. 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 Policy CS12 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, where necessary, and ensure that access and safety concerns are resolved in all developments.
82. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
83. An Interim Travel plan has been submitted as part of the application which is considered to be lacking in detail, however the applicant is willing to accept a condition to produce an updated Travel Plan once an end user has been identified. This is an approach which has been used on schemes elsewhere and as such is considered an acceptable.

84. The applicant submitted a Transport Statement at the request of the Highway Authority following their initial comments and it was followed up with further work relating to capacity at the Oaks Drive/Studlands Park Avenue/A412 roundabout. The key conclusions drawn by the documents are that the proposed development site is located within an area that is both accessible and sustainable in accordance with national and local planning policy and guidance. The roundabout is currently running well within its capacity, and will continue to do so with network growth to 2020 and the trip generation of the site and the Hatchfield Farm development accounted for.
85. Those making representations, as detailed in paras. 41-43, raised significant concerns regarding likely traffic congestion in the area as a result of the development and the problems that exist in the area already regarding parking along Studlands Park Avenue. As the applicant has done the necessary work requested by the Highway Authority, as detailed above, it is considered that the objections on grounds of likely increased congestion from the development due to no capacity existing within the road network cannot be substantiated. If problems exist at the present time regarding vehicles parking on Studlands Park Avenue this is matter than cannot be addressed through this planning application and should be taken up with the relevant section of the Highway Authority.
86. Access and parking arrangements for the proposed development are considered, by the Highway Authority, to be safe, suitable and in accordance with adopted standards. As a result it is concluded that the development would not lead to significant highway safety issues or hazards on approaches to the site, from the Fordham Road or within the locality. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during am and pm peak hours. It can therefore be concluded that there should be no highways or transport reasons why the development proposals should not be approved.

**Residential amenity:**

87. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
88. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
89. The proposal is for a speculative facility to be used for B2 (General Industrial) and B8 (Warehouse and Distribution) facilities. The applicant has indicated that since the submission of the application an end user has been identified, but at the moment is unwilling to reveal any specific

details apart from the fact that 150 jobs are likely to be created on the site and the facility is likely to consist of a greater element of B2 use and a lesser amount of B8 use. This has facilitated the proposed amendments to the scheme which were submitted in late July and throughout August.

90. Given that much of the operating procedure and pattern of working is unknown, it is considered that there is potential for the nearby occupiers of homes in the Studlands Park area to be adversely affected by noise from the operation of the site. Whilst the properties are separated from the site by the proposed landscaping belt and Studlands Park Avenue, which is a distance of over 20 metres, some of the properties which front Vincent Close have very small rear gardens which back onto Studlands Park Avenue.
91. The residents have voiced strong objections regarding the impact this proposal could have on their residential amenity (as set out above). They consider that a facility of the size proposed coupled with the request for uncontrolled working hours and deliveries/loading/unloading to take place between the hours of 7am and 11pm to be excessive and detrimental to the quality of residential amenity they currently enjoy. Similar concerns have been raised concerning the impact of the lighting of the building and the positioning of the skips within the service yard close to the site boundary.
92. The Council's Public Health and Housing Officer originally raised concerns regarding the lack of detail within the submitted noise report, but as a result of receiving more detailed information has withdrawn the initial concerns with respect to noise disturbance and has requested conditions are imposed upon any planning permission granted to provide a number of protective measures as follows;
  - Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen and other boundary treatments to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday

- Submission of details of the measures to control light intrusion from external lighting
93. These measures are considered reasonable and could be translated into enforceable conditions which would serve to safeguard the potential residents of the scheme from significantly adverse noise and lighting impacts.
94. There is no doubt that occupants of some existing dwellings will be affected by the proposed development. In particular there are some existing dwellings which back onto the application site at the western end of the site and others which front the site towards the centre/eastern end where there is significant concern about potential dominance of the building and loss of outlook to the existing dwellings.
95. The degree of separation between the existing dwellings and the fenced site amounts to in excess of 20 metres to the property boundaries. The proposed landscaping belt (outside the site fencing) varies in width from approx. 7/8 metres where properties front the site (in front of the proposed building) to 11/12 metres where the single storey properties back on to the site where the service yard is located.
96. The details of the planting scheme in itself are considered acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term. The level of mitigation provided to negate the dominance of the building will not be significant in the early stages of the development according to the comments provided on the landscaping proposals by the Tree, Landscape and Ecology officer and if the planting is not established and maintained the dominance of the building will remain significant.
97. The landscaping details provided demonstrate that within a ten year period the planting scheme proposed will provide good mature screening. The building will not be completely obscured due to its height, however the type of planting that formerly existed on the site boundary will be re-established. A condition could be imposed on any consent to require implementation of the landscaping and it would also be appropriate to seek details of a long term maintenance plan to ensure the success of the planting can be secured.
98. Of concern to the residents is the issue that the approved landscaping scheme to the adjacent Plot 8 has not been appropriately carried out. They state that any confidence they had has been lost due to the poor management of the matter. Whilst this is also of concern to officers it is a matter which has been raised with the developer and is currently under review. Essentially the establishment and maintenance of the landscaping to Plot 8 is a potential enforcement issue and not part of the consideration of this application, however the details of the scheme are relevant and require consideration.

99. The landscaping scheme for Plot 8, which lies to the west of the site, was approved at appeal by a Planning Inspector in 2011 and the main issues identified were: whether the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings and second, whether they would safeguard the reasonable residential amenities of local residents in terms of outlook. The width of the tree screen to plot 8 is documented as being 4.5/5.5m in depth with potential for planting to reach heights of 11 metres.
100. On the first point the Inspector concluded that the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings. On the second point, whilst the Inspector acknowledged that the that the industrial building would have a considerable impact on the outlook from the houses on Vincent Close it was concluded within the decision letter that the landscaping proposals would safeguard the residential amenities of local residents in terms of outlook. Overall the Inspector noted that the landscaping proposal represented a balanced and well considered response to the difficulties and limitations of the site.
101. It is noted that the dimensions of plot 8 are considerably less (approx. 3 metres lower in height at eaves height) than the proposal for plots 9 – 11, however this must be balanced with the fact that the proposal under consideration offers double the width of landscaping for the majority of the length of the site. The appeal decision should be borne in mind when balancing the issues of benefits of the scheme versus the harm.
102. Air pollution is an area of concern that has been cited by the objectors as potentially impacting on residential amenity. The comment of the Environmental Health officer on this matter is that it is unlikely that the development will create enough vehicle activity to have an adverse impact upon the local air quality.
103. The amended scheme introduces office windows to the northern elevation of the building at its eastern end. Whilst the outlook from these windows will be partially obscured by the proposed planting in the long term it is considered reasonable, due to allow time for the planting to become established, that any permission contains a condition to ensure the windows are obscure glazed and fixed shut.
104. Having assessed the material submitted as part of the application, the consultation responses received and the detailed representations made by local residents and the Town Council, the conclusion reached in terms of whether the harm caused to residents outweighs the benefits of the scheme is finely balanced.
105. The test to be applied is whether the harm caused by the development is of a level that it cannot be mitigated to a reasonable level through the measures supplied within the details of the application and via suggested conditions.

106. Given that it has been demonstrated that the impacts of the scheme can be mitigated by the imposition of conditions as requested by the consultees and the landscaping proposed is likely to be effective in visually breaking up the form of the structure and considerably reducing its visual impact; the proposals are considered, on balance, acceptable with respect to their potential impact upon existing residents.

**Other matters:**

***Archaeology***

107. The Archaeological Service at Suffolk County Council has been consulted on the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded. Officers are satisfied that, subject to the archaeological conditions, the development proposals would have no significant impacts upon heritage assets.

***Waste water treatment***

108. The foul drainage from this development is in the catchment of Newmarket Water Recycling Centre and it is confirmed by Anglian Water that there is available capacity to cater for the development. There is no objection to the development subject to conditions being imposed on any consent requiring details of a foul water strategy and a surface water management strategy.

***Flood Risk, Drainage and Pollution***

109. 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.
110. 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.
111. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
112. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3). A flood risk assessment has been

submitted with the planning application. After their initial objection, following the submission of further information, the Environment Agency is satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. This can be required via a condition.

113. The planning application is accompanied by a Ground Investigation Report.
114. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. The imposition of reasonable informatives upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation are recommended.
115. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

**Conclusions:**

116. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
117. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, therefore having regard to the Framework and all other material planning considerations, the proposal is considered to comply with the NPPF and Development Plan policy and the recommendation is one of approval.

**Recommendation:**

118. It is recommended that the planning application be **APPROVED** subject to conditions including:
  1. Standard time limit
  2. Development in accordance with approved plans
  3. Archaeological investigations and recording.
  4. Surface Water Drainage details to be submitted prior to commencement

5. Foul Water Strategy to be submitted prior to commencement
6. Highways – refuse and recycling bins provided as per plan
7. Highways – parking, turning areas to be provided as per plan
8. Highways – updated travel plan to be provided
9. Materials as detailed on plan
10. Windows on north elevation to be obscure glazed and non opening
11. Removal of non-domestic permitted development rights
12. Landscaping implementation in the first planting season following the commencement of development
13. Tree Protection measures to be implemented during works
14. Landscaping management and maintenance plan to be submitted
15. Site clearance to take place outside the bird breeding season
16. Control of site preparation and construction works
17. No generators in external areas outside certain hours
18. 3 days notice required for concrete pours outside specified working hours
19. Control of waste materials from site preparation
20. Submission of scheme for mitigation of dust nuisance
21. Submission of details of security and floodlights
22. Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
23. External doors to be kept closed at all times except for access and egress
24. Acoustic screen and other boundary treatments to be provided as per the submitted plan
25. No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
26. Submission of details of operational hours of deliveries and on site working
27. Submission of method statement for the operation of the service yard including the use of roll cages
28. Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
29. Submission of details of the measures to control light intrusion from external lighting

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/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.



## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/045**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1030/FUL – NEW BUNGALOW, WEST  
SUFFOLK GOLF CENTRE, NEW ROAD, BECK ROW**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Sarah Drane  
Telephone: 01638 719432

# Risk Assessment Report

<b>Date</b>	31.07.2015	<b>Expiry Date:</b>	25.09.2015
<b>Registered:</b>			(extended to 5.11.15)
<b>Case Officer:</b>	Sarah Drane	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Beck Row	<b>Ward:</b>	Eriswell & The Rows
<b>Proposal:</b>	Planning Application - proposed dwelling to replace temporary mobile home		
<b>Site:</b>	New Bungalow, West Suffolk Golf Centre, New Road, Beck Row		
<b>Applicant:</b>	R D Nixon, T R Nixon & Mrs A Nixon		

## **Background:**

**This application was deferred at Development Control Committee on 7 October 2015 as Members were 'Minded to Approve' the application. This Risk Assessment report assesses any potential implications of such a decision.**

**This matter had originally been referred to Development Control Committee following consideration by the Delegation Panel.**

**The previous Officer report for the October 2015 Development Control Committee meeting is attached at 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.**

**The Officer recommendation remains one of REFUSAL.**

## **Application details:**

1. See the committee report attached at Working Paper 1. This is the report that was presented to Members at the October Development Control Committee. Members are directed to this report in relation to the description of development, site description, summary of representation received etc.

**Officer Comment:**

2. The importance of the proper basis for reaching a decision on planning applications is set out under the heading 'Material Planning Considerations' which is at the front of every Development Committee agenda and Members are particularly referred to it in this case.
3. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted Development Plan, unless material planning considerations indicate otherwise. Central Government planning policy and advice contained in the NPPF constitute material planning considerations in the determination of planning applications and should be taken fully into account.
4. An applicant who proposes a development which is clearly in conflict with the development plan or national planning policy guidance, needs to demonstrate why the plan should not prevail, and also identify compelling reasons why the normal policy requirements should be set aside. If planning permission is granted in the absence of such supporting information, adopted development plan policies will be undermined, and decisions made in an inconsistent and arbitrary manner. This will impact on the confidence that the public have regarding development proposals, the planning process and the decision-making regime.
5. Paragraph 55 of the NPPF states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. It goes on to list these, the first of which is relevant in this case. It states '*the essential need for a rural worker to live permanently at or near their place of work in the countryside*'. The Joint Development Management Policies Document does not use the same terminology in policy DM26, instead it refers to exceptions only being made in relation to 'agricultural, forestry and other commercial equine business-related uses'. Although the policy does not extend the wording to include rurally based enterprises it does use this terminology in paragraph 5.14. It is concluded from this that DM26 was intended to be applied more flexibly, covering a range of rural workers with an essential need to live at or near their work in the countryside. It is therefore considered the provision of a green keepers cottage complies with this part of the NPPF.
6. However, as set out within the previous month's committee report, it has been assessed that this rurally based enterprise does not require more than the two dwellings (that it has at present) to operate effectively. These two dwellings exist in the form of the existing farmhouse and a staff bungalow. The proposal does not satisfy criteria b of DM26 as there are already 2 workers dwellings serving the essential operational needs of the golf course and there is no justification for a further one. The proposal does not therefore meet the requirements of policy DM26. It is your officers' firm view therefore that no justification can be evidenced for this further dwelling.

7. Any proposed new dwelling in the Countryside would be subject to detailed scrutiny and would need to show compliance with the abovementioned policies within the Local Plan. The applicant has also failed to produce any case as to why these policy considerations should be set aside in this instance. It remains your Officers' firm opinion that in this case, the proposed development fails to comply with the NPPF and this Council's own, recently adopted, local development plan policies in the form of DM2, DM5, DM13, DM26 and DM27 of the Joint Development Management Policies Document and CS3 and CS10 of the Core Strategy.

**Risk Assessment:**

8. If Members remain minded to approve the application, then they must be satisfied that the proposed development will not harm interests of acknowledged importance. In this instance, such interests relate to the principle of protecting the countryside for its own sake. DM26 and the guidance contained within the NPPF makes it clear that in relation to proposals such as this it must be the needs of the enterprise which are considered, not the personal preferences of individuals involved. Whilst every application must be dealt with on its own merits, there is a risk that in approving this development within the rural area without special planning justification similar situations will arise and there will be pressure for the decision repeated in the future, therefore setting an undesirable precedent.
9. If the Council as the Local Planning Authority is to be consistent then all applications should be assessed in accordance with the requirements of relevant policy. The appropriate level of required information to support the application should be provided or sought (were not provided) in all cases so all decisions can be made in relation to adopted planning policy and other relevant material considerations. If this application is approved in the absence of sufficient justification, then there is significant risk that other proposals will come forward for dwellings on other rurally based enterprises in the countryside, in the expectation that they will be looked upon favourably without the submission of a robust assessment of need.
10. The impact of such decisions would be critical to the effectiveness of the adopted development plan and visually the effect of that would be a considerable change in the appearance and character of the rural area; an erosion of the sustainability of Forest Heath District and an adverse impact on the reputation of the Council.

**Conclusion:**

11. As a point of detail as well as in principle, the proposal remains unacceptable and it is recommended that planning permission be refused. The proposal fails to comply with adopted Local Plan policies and national planning policy guidance.
12. However should Members remain of the opinion that the proposal is acceptable it is recommended that the following conditions be imposed:

1. Time limit
2. Compliance with approved plans
3. Parking and turning to be provided and retained
4. Hard and soft landscaping details to be submitted and agreed
5. Boundary treatment details to be submitted and agreed
6. Materials to be submitted and agreed
7. Occupation of bungalow to be tied to anyone employed at the golf course with an essential need to live on site, such as a green keepers

**Recommendation:**

13.It is recommended that planning permission be **REFUSED** for the following reasons:

1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that any functional need at this site could not be catered for by either of the existing dwellings already on the site, or by any other existing dwellings in the vicinity. Accordingly the proposal is unacceptable as a matter of principle and is contrary to the requirements of policies DM5, DM26 and DM27 of the Joint Development Management Policies Document 2015 and policy CS10 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.
2. The siting of a dwelling in this rural area remote from either existing properties or buildings is considered to be prejudicial to the open and rural visual amenities of the area. Accordingly, the proposal fails to meet the requirements of policy DM2 of the Joint Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NONEPHPD02M00>

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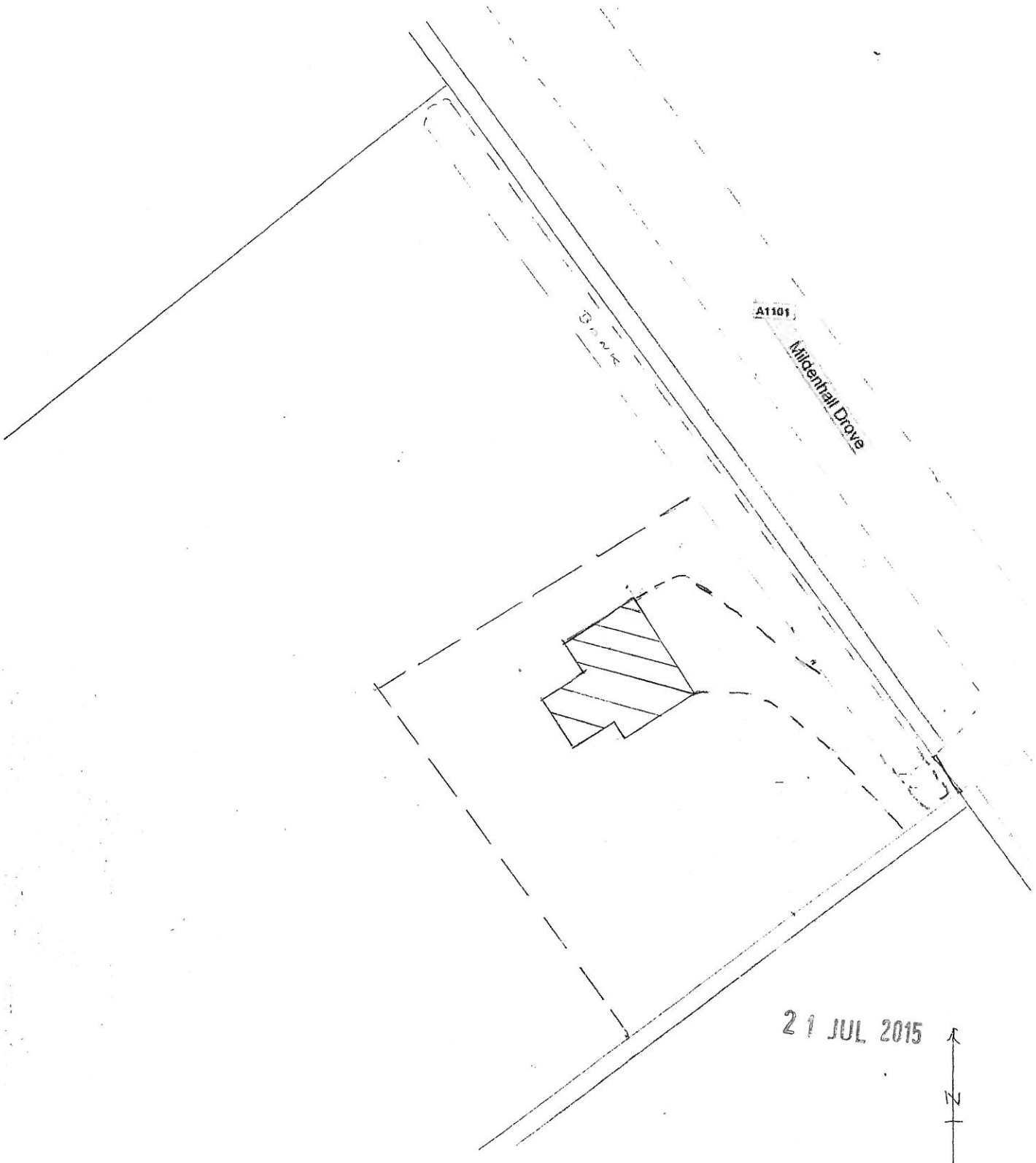




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**SITE OF BUNGALOW**  
Page 53  
WEST SUFFOLK GOLF CENTRE

Scale 1/500  
Enlarged from 1/2500

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# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/037**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1030/FUL – NEW BUNGALOW, WEST  
SUFFOLK GOLF CENTRE, NEW ROAD, BECK ROW**

**Synopsis:**

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

**Recommendation:**

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

**CONTACT OFFICER**

Case Officer: Sarah Drane  
Telephone: 01638 719432

# Committee Report

<b>Date</b>	31.07.2015	<b>Expiry Date:</b>	25.09.2015
<b>Registered:</b>			
<b>Case Officer:</b>	Sarah Drane	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Beck Row	<b>Ward:</b>	Eriswell & The Rows
<b>Proposal:</b>	Planning Application - proposed dwelling to replace temporary mobile home		
<b>Site:</b>	New Bungalow, West Suffolk Golf Centre, New Road, Beck Row		
<b>Applicant:</b>	R D Nixon, T R Nixon & Mrs A Nixon		

## **Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel.**

**The Parish Council raise no objections and the application is recommended for REFUSAL.**

## **Proposal:**

1. Planning permission is sought for a single storey 2 bed bungalow to replace an existing mobile home on the site. Access is shown along an existing track which runs parallel to the A1101, with access onto the main road approx. 135m to the south east of the site. The dwelling is proposed to accommodate the head greenkeeper of the golf course.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Location plan
  - Proposed plans
  - Land contamination questionnaire
  - Design & Access statement
  - Supporting statement

## **Site Details:**

3. The site is located in the countryside, within a generally flat landscape containing a mix of open fields and intervening vegetation. The site is partly screened by existing trees along the north east and south eastern

boundaries. The proposed site for the bungalow is set back from Mildenhall Drove and the existing mobile home (presently empty and in a poor state of repair) can be seen in glimpsing views from the main road.

**Planning History:**

4. The golf course has an extensive planning history commencing from F/90/434 which first established consent for a nine hole golf course. Also material are F/2001/058 (and F/2006/0741/VAR which varied condition 8 of F/2001/058) which permitted the siting of a mobile home for staff accommodation until 2011, and F/2005/0671/COU which permitted the extension of the golf course to 18 holes.
5. F/2008/0164/COU - Re-submission of F/2007/0547/COU - Temporary siting of a mobile home. – approved for a temp. period
6. F/2008/0803/FUL - Erection of staff bungalow, as amended by plans received 14th January 2009. – approved (to replace the mobile home granted for a temporary period under F/2006/0741/VAR)
7. F/2011/0423/EOT - Extension of time for application F/2008/0164/COU - Temporary siting of mobile home (Departure from Development Plan) – approved for a temp. period (which expired on 3.11.2014)

**Consultations:**

8. Highway Authority: No objection subject to a condition

**Representations:**

9. Parish Council: Support
10. Member Comment: Cllr Bowman requested the application be considered at Committee

**Policy:** The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy have been taken into account in the consideration of this application:

11. Joint Development Management Policies Document 2015:
  - DM1 – Sustainable development
  - DM2 – Creating places
  - DM5 – Development in the Countryside
  - DM22 – Residential Design
  - DM26 – Agricultural & Essential Workers Dwellings
  - DM27 – Housing in the Countryside
12. Forest Heath Core Strategy 2010
  - CS1 – Spatial Strategy
  - CS3 – Landscape character and the historic environment
  - CS5 – Design & Local Distinctiveness

- CS10 – Sustainable Rural Communities

**Other Planning Policy:**

13. National Planning Policy Framework (2012)
- core principles
  - Section 6 – Delivering a wide choice of high quality homes
  - Section 7 – Requiring good design

**Officer Comment:**

14. The issues to be considered in the determination of the application are:
- Principle of Development
  - Essential/Functional Need
  - Siting and Access
  - Design

Principle of Development

15. There is significant planning history on this site which is material to the consideration of this application. Officer's past considerations of the mobile home applications on the site have resulted in recommendations of refusal due to the application of the adopted policy and the nature of the evidence provided. Temporary consents were issued following consideration of the applications by Members at Planning Committee. A permanent single storey bungalow is now proposed to replace the mobile home. The applicant's case continues on the same grounds as previously submitted and relates to the club's requirement for a greenkeeper to be available at the site during unsocial hours.
16. The applicant's supporting material continues to state the case that there is a functional need for additional accommodation, in particular for occupation by a greenkeeper who is expected to operate out of hours. The applicant also contends that there is no suitable accommodation in the vicinity which would cater for this need as local property is too expensive (to buy or rent). It further states that the proposal is 'well screened by existing trees' and that it is in accordance with local and national policy. No adverse comments on the proposal have been received from Suffolk County Highways. Furthermore, no letters of representation have been received as part of the consultation process.
17. The proposal fails to comply with policy DM26 of the newly adopted Joint Development Management policies (JDMP) as this is not an agricultural, forestry or commercial equine related dwelling. The proposal also fails to comply with policy DM27 (JDMP) which allows for an infill dwelling within a closely knit cluster of 10 or more dwellings. The NPPF does however provide for exceptions to be made under special circumstances for a rural workers dwelling. The NPPF also requires the essential need to be demonstrated in these cases. At the time the last application for the mobile home on the site was considered, the criteria set out under Annex A to PPS7 was used. Whilst this policy has been superseded by the NPPF, the criteria remains as useful guide in assessing rural dwellings which

relate to rurally based enterprises, which the golf course is considered to be.

Essential/Functional Need

18. One of the key considerations is whether or not it is an *essential* requirement of the enterprise for workers to be readily available at most times. The applicants are proposing that the home be occupied by a greenkeeper. At the time the mobile home was considered, in order to robustly test the essential need, officers sought a second opinion on this particular point from Acorus, a specialist countryside planning consultancy. At the time Acorus identified issues within the site which gave rise to a need including irrigation, security, greenkeeping etc. The conclusion however was that none of these on their own gave rise to a demonstrable need, however, it was concluded that "*there are other aspects of the course operation which when added to the green keeping aspect may increase the need.*" It is accepted therefore that the course, perhaps as a result of the expansion from 12 to 18 holes, does generate a functional need for an additional full time worker, as a result of the combination of requirements relating to security, irrigation, and green keeping etc. Regardless, it must be made clear that an identification of the need for an additional full time worker does not, in itself, justify a further permanent residential dwelling on site.
19. It then follows that it must be demonstrated that any identified functional need (if such is shown to exist) could not be fulfilled by another existing dwelling on the unit or in the area. The applicant has claimed, anecdotally, that there is no suitable accommodation in the area that would fulfil the functional need due to the excessive house prices and rental rates locally. In particular, the site presently benefits from two units of accommodation including a former farm house (Crow Ground Hall - owned and occupied by Mr & Mrs Nixon) and a 3 bed bungalow occupied by Mr. and Mrs. Nixon's son, who is a further full time employee. Acorus, in their report concluded that the existing two dwellings on site were sufficient to cater for any additional identified need at that stage. Accordingly, it is considered that existing dwellings on site are entirely suitable and capable to fulfil the need identified and there is insufficient justification to allow a further permanent dwelling on the site.

Siting and Access

20. In this instance there are no highways implications of the proposal. The Highways Authority have raised no objection subject to a condition to secure the onsite parking and turning. In relation to siting, the proposed dwelling is remote from existing buildings and dwellings which, notwithstanding the surrounding vegetation, is considered to be detrimental to the open and rural characteristics and visual amenities of the area. The proposals in this respect are considered contrary to policy DM2 of the Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010.

Design

21. The dwelling proposed is a modest 2 bed bungalow with a footprint of approx. 100 sq m. and overall height of 5.3m to the ridge. It is a simple design proposed to be rendered under a red concrete tile roof. If there were sufficient justification, there would be no reason to refuse permission on the details provided and a condition could secure appropriate materials.

Other matters

22. In relation to the adopted Open Space, Sport and Recreation SPD, the Leisure/Parks team have been consulted and confirm no obligation is required for a play and open space contribution as there is no current identified need within Beck Row that can be justified.

**Conclusion:**

23. As a point of detail as well as in principle, the proposal is considered unacceptable and it is recommended that planning permission be refused. The proposal fails to comply with adopted Local Plan policies and national planning policy guidance.

**Recommendation:**

24. It is recommended that planning permission be **REFUSED** for the following reasons:
1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that any functional need at this site could not be catered for by either of the existing dwellings already on the site, or by any other existing dwellings in the vicinity. Accordingly the proposal is unacceptable as a matter of principle and is contrary to the requirements of policies DM5, DM26 and DM27 of the Joint Development Management Policies Document 2015 and policy CS10 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.
  2. The siting of a dwelling in this rural area remote from either existing properties or buildings is considered to be prejudicial to the open and rural visual amenities of the area. Accordingly, the proposal fails to meet the requirements of policy DM2 of the Joint Development Management Policies Document 2015 and policy CS3 of the Forest Heath Core Strategy 2010 and guidance contained within the National Planning Policy Framework.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NONEPHPD02M00>



## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/046**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/1651/FUL – LAND NORTH EAST OF NORTH  
END ROAD, NORTH END ROAD, EXNING**

### **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: Sharon Smith  
Email: sharon@lsrlegal.co.uk  
Telephone: 01206 766333

# Committee Report

**Date** 13<sup>th</sup> August      **Expiry Date:** 6<sup>th</sup> November 2015  
**Registered:** 2015

**Case Officer:** Sharon Smith      **Recommendation:** Refusal  
**Parish:** Exning      **Ward:** Exning

**Proposal:** Planning Application DC/15/1651/FUL - Change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access

**Site:** Land North East of North End Road, North End Road, Exning

**Applicant:** Ms Leanne Simmons

## Background

**This application is referred to the Development Control Committee by the Head of Planning and Growth due to the controversial and contentious nature of the proposal. The application is recommended for REFUSAL.**

1. Planning permission is sought for the change of use of land to use as a residential caravan site for 2 no. gypsy families, each with 2 no. caravans and an amenity building (total of 4 no. caravans and 2 no. amenity buildings), including the laying of hardstandings and improvement of access.

## Application Supporting Material

2. Information submitted with this application is as follows:
  - Signed application forms (including ownership certification).
  - Drawings (including location plan, plan showing the proposed site layout, elevations of proposed amenity buildings, and a larger scale plan showing the area of the pitches).
  - Levels/topographical survey.
  - Extended Phase 1 Habitat Survey.
  - Phase 1 Contaminated Land Desk Study.
  - Arboricultural Impact Assessment.
  - Email from the applicant's agent regarding alternative sites.

## **Site Details**

3. The site is located off North End Road, which is a quiet rural lane located north of Exning, outside the built up area (in the countryside for planning policy purposes) and immediately adjacent to North End House.
4. The site is located on sloping ground just below the brow of the hill. The site has been worked in the past, such that it is terraced with the highest part of the site to the north east, identified as proposed as a natural garden, and the lowest of the 4 terraces is at the south easterly end. The site is enclosed to the south east and north east by a concrete wall, and to the west and north west by a mature hedge. The upper terrace that occupies an elevated position has a number of mature trees located within the terraced area and is proposed to be a 'natural garden'.
5. Access to the site is proposed via the existing access, which is located on the second terrace (from the north east), where an amenity building is proposed to the rear boundary with a caravan pitch located adjacent to this. A further caravan pitch is proposed to be located between the amenity building and the upper most terrace. The application proposes some alterations to the existing vehicular access.
6. An internal access drive is then proposed towards the centre front of the site down to the lower south eastern terrace. The lower terrace has an electricity pole and transformer located within the front section of the terrace. The application proposes an amenity building in the corner closest to the outbuilding of North End House, a horse breeding facility/stud; a caravan pitch is proposed adjacent to the rear boundary; and a further caravan pitch towards the site frontage and the electricity pole.
7. The upper terrace, as already stated, is proposed to be a 'natural garden', with the remaining terraces containing tarmac on the access splay, concrete hardstanding for the caravan pitches, and crushed stone around the pitch/amenity building areas, with grass either side of the internal access drive and a small area around the outer edge of the lower terrace.

## **Planning History**

8. No relevant planning history, although there appears to be anecdotal evidence of the site comprising former landfill.

## **Consultations**

9. Highway Authority – Recommends that planning permission be refused for the following reasons:

Inadequate visibility onto the highway and access gradient.

Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take into account "safe and suitable access to the site can be achieved for all.

The proposal includes the improvement of the current access onto North End Road. North End Road is an unclassified road with a speed limit of 60 mph. Due to the intensification of use that this application will lead to, SCC Highways require visibility splays as taken from the Design Manual for Roads and Bridges (DMRB). For this class of road DMRB require visibility of 215 metres to be demonstrated in both directions taken a point 2.4 metres from the edge of the metalled carriageway and within the ownership and/or control of applicant.

From the submitted plans and photographs (attached) taken on a site visit dated 15th September 2015, these visibility splays cannot be demonstrated. The application indicates that a minimum of 2no cars and 2no light good vehicles are to use the access. Further development served by this access will result in an increase in hazards to both vehicles leaving the driveway and road users (including horses) on North End Road. Failure to achieve a satisfactory standard of visibility will be prejudicial to highway safety.

If it can be demonstrated on a plan, that the above visibility standards can be achieved, as well as, (due to the gradient of the access) measures to prevent discharge of water from the site onto to the highway, then SCC highways could recommend approval of this application subject to conditions.

10. Environment Agency – No comments received. Any comments received will be the subject of an update.
11. West Suffolk – Environmental Health – Initial comments were received, as follows, but in light of the anecdotal evidence regarding landfill, further consideration and comments were provided, also detailed below:

The information submitted with the application does not indicate the likelihood of the presence of any contamination. Therefore, by adopting a precautionary approach, the following informative is recommended:

- If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

Environmental Health subsequently provided additional comments, which are summarised as follows:

- In conclusion, I have not seen any conclusive evidence to suggest the site was 'landfilled'. It is, however, clear that localised disturbed ground exists and that there is material at the surface that could potentially be hazardous. The possibility of shallow made or disturbed ground existing within the site is considered likely.

- Given the potential Asbestos Containing Material (ACM) observed on site, the anecdotal evidence of landfilling and the likely possibility of shallow Made Ground, imposing a condition relating to land contamination on any planning permission granted at the site could, in my opinion, be considered a reasonable, conservative approach.

These points are discussed in more detail below within the planning considerations – 'Environmental Conditions (Flood Risk, Drainage and Contamination)' section of this report.

12. West Suffolk – Public Health and Housing – No objection, subject to the following conditions:
  - Restriction on hours of demolition, preparation and construction works.
  - Any waste material arising from the site preparation and construction works shall not be burnt on site, but shall be kept securely in containers for removal to prevent escape into the environment.
  - Details of the sewage package treatment plant shall be submitted to the Local Planning Authority for approval.
13. Suffolk County Council - Rights Of Way – No comments received. Any comments received will be the subject of an update.
14. Suffolk County Council – Minerals and Waste – No comments received. Any comments received will be the subject of an update.
15. Suffolk County Council – Development Contributions Manager – No comments received. Any comments received will be the subject of an update.
16. Natural England – No comment.
17. CLH Pipeline System Ltd – We can confirm that the property is not within the vicinity of our client's apparatus.
18. Planning Policy – No comments received. Any comments received will be the subject of an update.

### **Representations**

19. Exning Parish Council (summarised) – Objects for the following reasons:
  - The area is of such significant natural landscape value that no development should take place unless under very special circumstances.
  - The site is surrounded by land used by the horse racing industry, which the District Council has already taken steps to protect locally.
  - The site is within close proximity to Northmore Stud.
  - Concern expressed about the effect of the application proposal on the adjoining and neighbouring stud farms (horse racing industry) caused by the pollution of

light, noise and smoke normally associated with the commercial aspect of such a site.

- The proposed site is located outside the village development boundary.
- There has been no local traveller demand for such a site within the village of Exning.
- The site is not a response to local needs.
- The application contains a number of discrepancies, including insufficient detail on the areas of drainage and waste management.
- The land was previously a landfill pit, and has recently been levelled and graded, with trees felled. The contamination report provided with the application is only a desk report.
- Concern expressed about the access to and from the site onto North End Road, which is frequently used by walkers and horse riders from the village.
- If planning permission is granted, the Parish Council requests that the site is restricted to a residential use only, as per the application, and that no commercial use of the site should be made at any time in the future.

20. 20 letters have been received from local residents, including at the following addresses, raising **objections** to the proposed development:

- Northmore Stud,
- Cairns, North End Road
- 1 Mill Lane, Exning
- 2 Northmore Cottages, North End Road
- 34 King George Avenue, Exning
- Orchard Farm Cottage, North End Road
- 1 Coronation Cottages, North End
- Woodbury, North End Road
- 2 Coronation Cottages, North End Road
- 1 Northmore Cottages, North End Road
- 16 Hillside Meadow, Fordham
- 27 Park Road, Cheveley
- Northend House, North End Road
- Strutt and Parker (on behalf of 1 and 2 Coronation Cottages, 2 Northmore and Nattymoor)
- Northmead, North End Road
- Northmore Farm Lodge, North End
- Wadebridge Farm, Landwade Road

21. The issues and objections raised are summarised as follows:

- The area is not good for any kind of living accommodation, because there is no water, sewage or other supplies at all. Concern therefore expressed about how amenity buildings will work.
- If planning permission is granted, will there be a restriction on the number of caravans?
- Only 2 of the 4 caravans will be static, which would indicate that the other 2 are capable of being taken off the site, which is going to seriously impact on the access.
- The road is very narrow and rises to the right to a brow, and concern is

therefore expressed about access to the site. The visibility from the access is poor.

- North End Road eventually becomes a single track access, and the proposed development, by virtue of the additional traffic, would only exacerbate current congestion and speeding problems. At present, as you travel further down North End Road, cars have to pull tight onto the verge to enable safe passage.
- There is no verge (despite the statement in the planning application) and few passing places.
- Any additional traffic, such as vehicles towing caravans, would be dangerous as there is no room for manoeuvring. It would also be dangerous for other road users, including tractors from the stud farm and Exning Estate.
- Concern about parking on road/neighbouring land.
- The Highway Authority's comments about the visibility splays are noted.
- No visibility splays have been provided from the site's access or vehicle tracking provided to highlight vehicular manoeuvrability within the site.
- North End Road is a dead end and has broodmares and foals on it, and serves as the main walking road for families and children.
- North End Road has a 60mph speed limit. Using the road as a pedestrian access to facilities in Exning would be hazardous due to the speed limit, width and visibility of the road. There are no public footpath links to Exning.
- If planning permission is granted and the site becomes an official site, will it have the benefit of refuse collection or will rubbish accumulate freely?
- Who will ensure that the upkeep of the site is maintained?
- The development will cause noise, extra traffic and mess along the quiet lane.
- No site notice/lack of notification about planning application.
- The description of development is misleading.
- The submitted documentation does not correspond with the description of development.
- The submitted plans are ambiguous, insofar as they are not clearly annotated.
- The local area comprises dwellings and outbuildings of considerable architectural character, therefore the 4 caravans and 2 amenity buildings proposed would appear totally incongruous within the locality.
- The development would appear alien and would be an intrusion in this rural location. The development would therefore result in a detrimental impact on the character and appearance of the countryside, by virtue of the domestic and urban appearance of the site in the wider landscape.
- Concern about caravans and hardstanding.
- The development does not fit into the character of the area.
- The site is located in the countryside, as defined by the District Council's Local Plan Policies Map.
- The site is situated within an unsustainable location in the open countryside, a considerable distance from shops and services, and therefore comprises an unacceptable form of development, contrary to policy CS8 of the Council's Core Strategy, policies C and H of the DCLG publication 'Planning Policy for Traveller Sites', policies DM5 and DM27 of the Council's Joint Development Management Policies Document, and paragraphs 17 and 55 of the NPPF.
- Added pressure on local amenities and schools, which are already oversubscribed.
- The development comprises poor design, contrary to the provisions set out within section 7 of the NPPF, policy CS5 of the Council's Core Strategy, and policies DM7 and DM22 of the Council's Joint Development Management Policies Document.

- The application provides no detailed information to specify the size, materials, or height of the proposed 4 caravans, and in the absence of this information, it is considered that this application does not constitute sustainable development, the proposal cannot demonstrate how it has regard to local context, and the Local Planning Authority cannot ensure that the scale of such sites does not dominate the nearest settled community or neighbouring development.
- It is noted that a package treatment plant is to be used for foul draining; however, no information has been provided with regards to the safe disposal of the waste. Similarly, there is no provision for waste storage on site and no reference to its disposal. The application is therefore deficient.
- The installation of a waste treatment plant causes concern as these require regular servicing with the use of a very large vehicle, which could obstruct the lane.
- The development will not improve or add to the residential amenities of the village.
- The site has not previously been identified for gypsy and traveller pitches, despite the fact that the Council has an unmet need for such provision.
- There is a similar site in Burwell that has permission for 8 caravans and is currently unused, suggesting that there is no need for another site.
- Concern about the increase in crime, theft and anti-social behaviour in the area. The police have previously, on at least one occasion, linked local thefts to travellers.
- Concern about fly tipping and perhaps even grazing of animals along the lane.
- Intimidation to members of the public walking on public byways.
- Safety concerns for road users.
- The development will damage the public access to the area, which is used by dog walkers and families i.e. horse riders.
- There are not any footpaths for walkers/horse riders to use. These people therefore need to be on the carriageway, but would not be visible from the access point. Horse riders are forced to ride on the roads as more and more land becomes unavailable to them. Children also play in the road.
- There is no street lighting past the road speed sign, so walkers/horse riders are not noticed during winter evenings.
- Concern about noise, rubbish and disturbance from the proposed site, including disturbance to horses from dogs.
- Concern that the development will have a detrimental impact on nearby equestrian businesses.
- Concern about the biosecurity of neighbouring properties and the livestock contained thereon.
- The site is contained by a concrete wall and concern is expressed about what will happen if the site expands and the occupiers of the site are contained within the wall like 'prisoners'. Concern expressed that this wall will then be removed and the site will expand into the surrounding countryside.
- The provision of caravans and hardstanding under the canopy spread of mature trees, which border the site, will significantly compromise the health of these trees. In addition, the removal of the existing planting within the main site will result in a biodiversity issue. It is considered that an ecological assessment should be provided.
- It is understood that the site was previously a rubbish tip/landfill site.



## **Planning Policy**

22. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:
- Forest Heath Core Strategy (May 2010)
  - Remaining saved policies in the Forest Heath Local Plan (1995)
  - The Joint Development Management Policies Local Plan Documents (February 2015)
23. The following policies within these documents are of particular note in the consideration of this application:

### Core Strategy

- CS 3: Landscape Character and the Historic Environment
- CS 5: Design Quality and Local Distinctiveness
- CS 8: Provision for Gypsies and Travellers
- CS 10: Sustainable Rural Communities

### Joint Development Management Policies Document

- DM1: Presumption in Favour of Sustainable Development
- DM2: Creating Places – Development Principles and Local Distinctiveness
- DM5: Development in the Countryside
- DM11: Protected Species
- DM12: Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13: Landscape Features
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- DM48: Development affecting the horse racing industry

### National Policy

24. The following Central Government planning guidance are material considerations in the making of planning decisions:
- The National Planning Policy Framework (2012)
  - The Planning Practice Guidance (2014)
  - Planning Policy for Traveller Sites (2015)
25. The National Planning Policy Framework (the Framework) sets out the government's planning policies for England and how these are expected to be applied.

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

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

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

27. This presumption in favour of sustainable development is further reinforced by advice relating to decision taking. Paragraph 186 of the Framework requires local planning authorities to "*... approach decision taking in a positive way to foster the delivery of sustainable development*". Furthermore, 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*". It is considered that the Local Planning Authority has acted positively, in the public interest, when considering this application.

28. The Government has also published its Planning Practice Guidance (PPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

29. Planning Policy for Travellers Sites was revised following public consultation and re-published, by the Government, in August 2015. The revised PPTS requires that applications for a permanent site (including caravan sites) by persons who do not travel will be considered in the same way as an application from the settled population, as opposed to being considered under policies relating to travellers. The guidance places greater focus on consideration of the applicants nomadic habit of life, in terms of whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of life and whether there is an intention of living a nomadic habit of life in the future.

**Officer Comment**

30. The issues to be considered in the determination of the application are:

- Principle of Development
- Planning Policy Considerations

- Need and Supply
- Ecology and Landscape (Natural Heritage)
- Environmental Conditions (Flood Risk, Drainage and Contamination)
- Design, Layout and Residential Amenity
- Highway Issues
- Sustainability

### Principle of Development

31. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain that there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy);
  - ii) social (supporting strong, vibrant and healthy communities); and
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment).
32. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
33. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within the Planning Policy for Traveller Sites publication (PPTS) for the consideration of traveller sites in rural areas and the open countryside, but indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
34. The site is outside the development boundary and is within open countryside. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.

### Planning Policy Considerations

35. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.
36. Within the guidance, 'gypsies and travellers' means "... *persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members*

*of an organised group of travelling show people or circus people travelling together as such”.*

37. In relation to plan making, the guidance is clear in Policy B of the PPTS that “... *where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward*”. Policy CS8 of the adopted Core Strategy is a criteria based policy that conforms to this guidance and will be discussed later in this section of the report.
38. In relation to sites in rural areas and the countryside, the PPTS states in Policy C that “... *when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community*”.
39. Policy H of the PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered:

a) **the existing level of local provision and need for sites** – The GTNA shows an unmet need for 9 additional pitches within the District for the period 2011-2016.

The applicant’s agent has submitted limited information in respect of need. Following discussion on this point, the agent has laterally advised that the applicant has relatives living on Willow Park and that there are no pitches available, although one pitch is empty, which may be due to an altercation on site. The agent further advises that Sandy Park does have some vacancies, in part due to the condition of the site, but that this would not be suitable to the applicant, who has some ill health issues and cannot cope with living on a large site containing unfamiliar families.

The agent states that currently, the applicant is travelling from site to site, and is having difficulty arranging schooling for her children. It is further stated that the applicant needs a settled base where she can access healthcare and regular schooling for her children. The extent to which this need can be met by the proposed site or alternative sites is considered later in this report.

b) **the availability (or lack) of alternative accommodation for the applicants** – The application does not properly and fully address why the need cannot be met from other sites. This includes The Sandy Park site, which appears to have availability of alternative accommodation, but where it is claimed it is unsuitable for the applicant, due to health reasons. No supporting information has been provided to substantiate this (ill health).

c) **other personal circumstances of the applicant** – The application contains some information about the need for a settled site to provide access to healthcare and education services. However, this is not considered to be specific to the application site.

**d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.

**e) that they should determine applications for sites from any travellers and not just those with local connections** - This guidance is being followed in the determination of this application.

40. The site is not considered to be a Brownfield site, nor is it untidy or derelict. In its naturalised state, it offers some amenity value within this rural location. The proposed landscaping is very limited and does not, it is considered, positively enhance the environment. One of the pitches will be particularly visible when viewed from the street scene. The other pitch (to the south east) will be visible during the winter months. The proposal would have an impact on the rural environment, by virtue of this use occurring, and would result in a suburbanising affect in this rural location.
41. The application proposes hard landscaping and some small areas of lawn, but no additional planting is illustrated on the submitted plan.
42. Policies CS8 and CS10 do not preclude development in the countryside, providing the proposal meets the stated criteria and would not result in unacceptable harm. This is considered within the following paragraphs.
43. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies and travellers. These criteria will be considered within the relevant sections of this report, as follows:

#### Need and Supply

44. It is accepted that the Council cannot demonstrate sufficient pitches within the area. However, the applicant and her agent have not offered any argument of need, including why the current accommodation is no longer suitable, nor have they properly addressed why the sites with vacancies are unsuitable, or indeed why other sites within the area are unsuitable. Comments are made, but these do not properly justify and support the position. The revised PPTS is quite clear when considering rural sites, such as the application site. Paragraph 25 states that Local Planning Authorities should very strictly limit new traveller sites in the open countryside that are away from existing settlements or outside areas allocated in the Development Plan. This site is a countryside location.
45. Policy CS8 requires proposals to meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.

46. There is an unmet need for 9 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.
47. The applicant has not properly demonstrated that their need cannot be met by other sites located close by. It is understood that pitches are available nearby.

#### Ecology and Landscape (Natural Heritage)

48. The proposal is to change the use of the land to a residential caravan site with a total of 4 caravans and 2 amenity buildings, which would be incongruous with the rural character. The sloping nature of the site means that these introductions will be partially visible from the immediate surrounding landscape. The site's landscape character type is described as 'Rolling Estate Chalklands' in the Suffolk Landscape Character Assessment. The guidance for this landscape character type suggests that this landscape does have potential capacity, in respect of visual impact, to accept developments, but effective design and mitigation measures will be vital. The proposals show a boundary hedge to the site; however, this does not appear to be present on site as is suggested. Additional planting will be required to create what will be an important feature and should consist predominantly of native species.
49. The siting of the day rooms, which will be permanent built structures, is insensitive. The lower dayroom is in very close proximity to neighbouring buildings, with limited space for vegetation that could provide effective visual screening. The dayroom on the higher tier is immediately opposite the site entrance. Lighting would increase visual impacts, particularly the external lighting required for a pitch to be functional for a residential use in a largely unlit rural landscape; as would introducing sundry domestic items associated with a residential dwelling to the countryside.
50. The proposal will require improvements to the access, including the removal of a section of the hedge to provide adequate sight lines. The extent of hedge removal has not been indicated on the plans, but this along with the improvements required to make the access acceptable to the Highway Authority, will have a detrimental impact on the character of the lane. The loss of the section of hedgerow will also represent an impact on biodiversity.
51. The upper terrace is to be used as a natural garden with the trees shown as retained and this is welcomed. This feature provides visual screening from the north and given the location of the site, just shy of the brow of the hill, this is an essential feature.

#### Biodiversity

52. The application is accompanied by a biodiversity report, which recommends a survey to update the status of badgers using the area. A survey is also recommended to establish any roosting potential. It is considered that these additional pre-commencement surveys are essential, should the application be considered acceptable.

53. Any loss of hedgerow, including to overcome the Highway Authority's recommendation of refusal would have a negative impact on biodiversity.

#### Environmental Conditions (Flood Risk, Drainage and Contamination)

##### *Flood Risk*

54. The application does not provide any detail, in respect of surface water runoff, except for identifying soakaways on the application form, as a means of drainage. As already stated, the topography of the application site illustrates the levels change of 5 metres from the top to the bottom of the site. The provision of tarmac, concrete pads and areas of crushed stone will result in the potential for increased surface water issues and the potential for flooding. Rain water run off may be discharged into soakaways. This can be controlled by a condition, if the development is considered to be acceptable and subject to the consideration of contamination issues.

##### *Drainage*

55. The proposed method of foul drainage is a private treatment plant that will need to discharge effluent, which would ordinarily be into a ditch. There are no known ditches within the application site or its boundaries, so it may therefore be an unsuitable form of drainage. No details are provided as to how and where the private treatment plant would discharge.

##### *Contamination*

56. The application is accompanied by a desk study contamination report. The Council's Contamination Officer has considered this and the anecdotal evidence, in respect of the site possibly being used for landfill.
57. This has been investigated by the Council's Environmental Health Officer (EHO), where the site is not listed on the Environment Agency's website, nor the Council's database. This is consistent with the information detailed in the desk study.
58. The EHO, following a further site visit after clearance had taken place on the site, and to investigate the suggestions of landfill, advises the following:

*"... the exposed vertical surfaces which accommodate the change in levels between the plateaus indicate material consistent with what would be expected of the natural superficial deposits in the area, indicating that the site has not been filled. Material within the root balls of mature felled trees on the lowest of the plateaus also appeared natural and consistent with what would be expected for the area.*

*There was clearly surface disturbance and surface detritus throughout parts of the site and some potential asbestos containing material (ACM) in the form of broken pieces of corrugated cement sheeting was observed.*

*There were stock piles on site, which were overgrown, and it was not possible to establish the nature or origin of the material making up those stock piles.*

*The proposed plan does not indicate the existing level changes and does indicate large grass areas.*

*In 'conclusion' the EHO has not seen any conclusive evidence to suggest the site was 'landfilled'. It is, however, clear that localised disturbed ground exist and that there is material at the surface that could potentially be hazardous. The possibility of shallow made or disturbed ground within the site is considered likely.*

*Given the potential ACM observed on site, the anecdotal evidence of landfilling and the likely possibility of shallow Made Ground, imposing the condition relating to land contamination should permission be granted is considered to be a reasonable, conservative approach".*

### Design, Layout and Residential Amenity

59. The proposal would utilise the existing terraces within the site. The topography of the land would result in the development being set at a higher level than the road. The site is currently well screened along the road frontage. However, in winter months, views of the proposal would be glimpsed through the trees, with part of the development being apparent all of the time, in views from the street scene, through the access point.
60. The rear concrete wall would go some way towards shielding the proposal from the countryside, which along with the existing ground level, would mean that this plot would not be visible from the paddocks to the rear. In terms of the north eastern end of the site, the existing trees and boundary hedge are considered essential to mitigate the proposal. However, views of the proposal would be evident, particularly in winter months. The access and the upper levels of the site would be visible throughout the year.
61. The design of the amenity buildings comprises a typical design and construction of brick under a tiled roof. The proposed plots are of similar size.
62. The pitch sizes themselves are of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that the pitch size facilitates good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
63. However, the lower site is set close to the existing buildings and would be read in any views against these buildings. The proximity of a day room so close to the animal buildings is considered unacceptable, both for the occupiers of the proposed site and for the neighbouring horse stud. The layout, in this respect, is considered unacceptable and detrimental to both parties. Policy DM48 provides protection for the Horse Racing Industry (HRI) from inappropriate development. This is considered later in this report.



### Highway Issues

64. The Highway Authority has recommended refusal on the grounds of highway safety, due to inadequate visibility and gradient. Any attempt to overcome this reason for refusal would result in intrusive works, both in terms of the removal of important vegetation and the creation of a suburban type access within this rural location, to the detriment of the street scene in this rural countryside location and likely impact on biodiversity in the area.

### Sustainability

65. The statement of justification submitted with the application states that the application site is "... situated within walking and cycling distance of Exning, which contains local community services and facilities".
66. There are no footpath or highway verges close to the application site, and the lane is narrow and single track in places, such that there is the potential for highway conflict (pedestrians, vehicles and horses).
67. Access to Exning by cycle or foot would necessitate travelling along the unlit public highway, where in part, as already stated, there is no footway or verge. The site is approximately 1.12 km (0.7 miles) to the local primary school and a small shop, which sells a limited range of convenience products; not a full range of goods. Accessing the site by foot could result in issues of highway conflict. Furthermore, the convenience shop sells limited goods and where occupiers of the site would need to travel by car to facilitate living on site. The extent of the sustainability of the site is therefore limited.
68. It would likely be inconvenient for occupiers of the site to make use of alternative methods of transport to carry out their day to day activities. This would be even more likely during the winter months, when weather conditions are poor, thereby placing greater reliance on the car.
69. The issue of sustainability also requires consideration of the social issues. The applicant has expressed a need to be settled on site, with access to healthcare and education. However, these points do not appear to be specific to the application site. A case has not been made that the applicant is locally employed, or indeed has local connections, nor has it been demonstrated that healthcare and education must be provided at this site and cannot be provided elsewhere. It is not known where the children are currently schooled, nor the availability of places in the local school.
70. Whilst the benefits of a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision for this application.
71. Furthermore, no full justification has been given to demonstrate why other sites cannot provide the accommodation. Whilst health issues have been cited as to why one site cannot be considered, those health issues are unsubstantiated.

## Horse Racing Industry

72. Policy DM48 protects the HRI from inappropriate development, where it would have a material adverse impact on the HRI, including consideration of noise; including volume of traffic.
73. The application proposal is located adjacent to North End House, where horse breeding occurs. The paddocks to the rear of the application site are utilised for mothers and foals.
74. The location of the proposal, particularly the lower terrace so close to the existing horse stud facilities (broodmares and foals), would result in additional noise and light pollution that would be associated with the application proposal. It is considered that this could threaten the long term viability of this unit, contrary to policy DM48.
75. Furthermore, the increased traffic resulting from the proposal could have a detrimental impact on the HRI interests in North End Road, where there are a number of stud and other equine facilities located.
76. The comments received, in respect of the application, express concern in relation to the potential for economic impact on the HRI, due to horse owners/breeders pulling out of facilities in the area if this application is approved. The concern expressed primarily relates to the potential for noise disturbance, light pollution and volume of traffic on North End Road.
77. Overall, it is considered that the proposal, as submitted, is likely to adversely affect the economic, social and environmental role of the HRI and where there are considered to be no benefits to outweigh the harm. The proposal is considered to be contrary to policy DM48.

## **Other Matters**

### Access to Education

78. The applicant's agent has not provided any details of the numbers and ages of children, and how and where they are currently educated; nor has any detail been provided as to where the applicant previously resided. It may therefore be possible that the local school cannot accommodate additional pupils.
79. The applicant identifies a desire to provide a settled base for the family, giving improved access to education, employment and healthcare.
80. Whilst the benefits of a settled base for the applicant are appreciated, the justification made is not specific to this site.
81. Furthermore, the site lies in a position where facilities and services will most likely be accessed predominantly by car, due to the lack of footpaths and verges, thereby providing a reliance on motorised transport to service the day-to-day needs of the site occupiers.

## Conclusion

82. On balance, the proposal is considered to be unacceptable due to the resultant unacceptable detriment to the character of the landscape, contrary to the provisions of policies CS3, CS8 and CS10 of the Forest Heath Core Strategy and policies DM1, DM2 and DM13 of the Joint Development Management Policies Local Plan Document.
83. The Highway Authority has recommended refusal. The existing frontage trees/hedge are highly important within the street scene and any consideration to removing these to facilitate access or an improved access, in seeking to overcome highway objections, would be unacceptable. The existing hedgerow is currently protected by the Hedgerow Regulations.
84. It is considered that the highway recommendation of refusal cannot be overcome for the reasons stated and the recommendation is therefore for refusal on highway safety grounds.
85. The proposal, due to the layout/position of the buildings and caravans on site, is considered to have an adverse impact on the HRI, by virtue of noise, light pollution and additional vehicular traffic in this location, which has limited sustainability.
86. The applicant has not demonstrated a need to be located on this site that cannot be met by alternative sites, nor have any local connections been demonstrated to support any need.

## Recommendation

87. The recommendation is one of refusal. The proposal is contrary to policies CS3, CS8 and CS10 of the Forest Heath Core Strategy, policies DM1, DM2 and DM13 of the Joint Development Management Local Plan Document, the PPTS and the National Planning Policy Framework.
88. It is recommended that planning permission be **REFUSED** for the following reasons:
  1. The proposed development would, by virtue of the inadequate visibility splays and access gradient, have an unacceptable impact on highway safety, to the detriment of both vehicles leaving the site and other road users (including horses) on North End Road. Furthermore, there are no footpath or highway verges close to the application site, where the lane is narrow, such that there is potential for further highway conflict. The proposal is therefore considered to be contrary to policy DM5 of the Council's Joint Development Management Policies Document and paragraph 32 of the National Planning Policy Framework.
  2. The proposed development would, by virtue of the layout/position of the buildings and caravans on site, have an adverse impact on the Horse Racing Industry, by virtue of increased noise, light pollution and additional vehicular traffic in a location that is not totally sustainable. The proposal is therefore considered to be contrary to policy DM48 of the Council's Joint Development Management Policies Document.

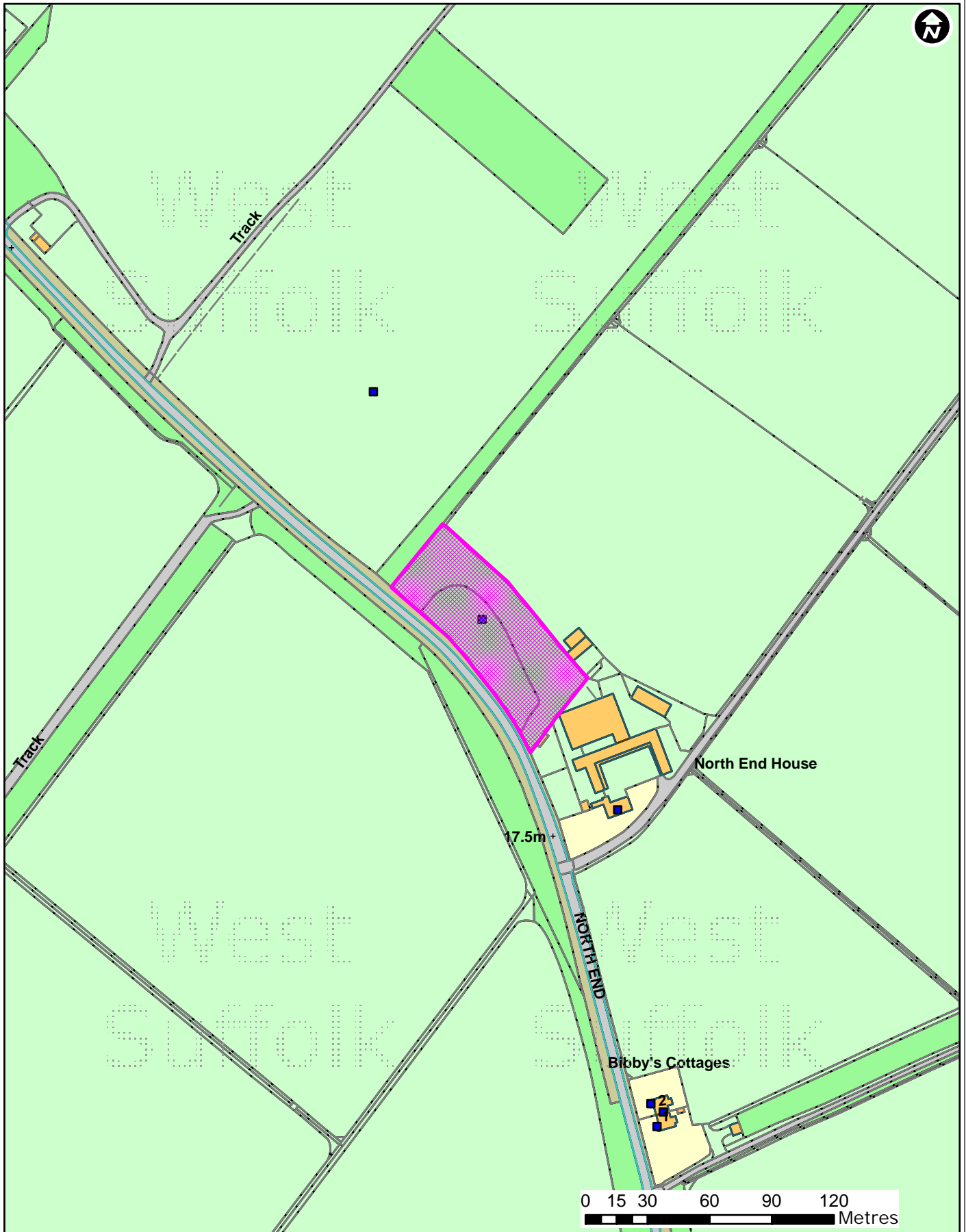
3. The applicant has not sufficiently demonstrated a need to be located on the site, including local connections to support any need, and has not demonstrated why this need cannot be met by an alternative site. By failing to provide any evidence of substance, the Local Planning Authority cannot positively determine this application, where the site is situated within the open countryside, away from the defined settlement boundary of Exning. The proposal is therefore considered to be contrary to policy CS 8 of the Council's Core Strategy and policies B, C and H of the Planning Policy for Traveller Sites (PPTS).

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NF13JTPD03F00>

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

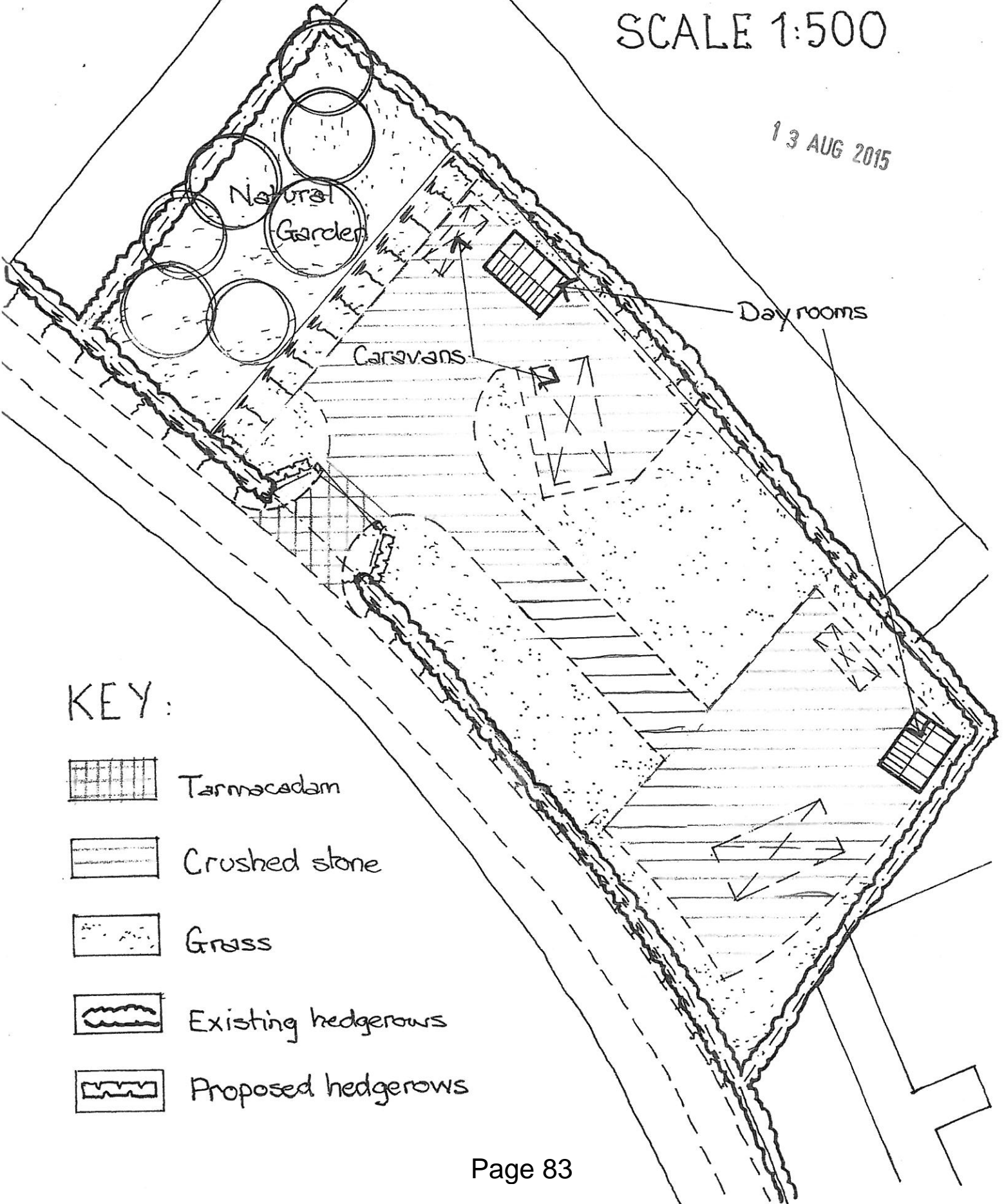


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# SITE LAYOUT PLAN

SCALE 1:500

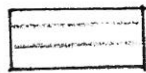
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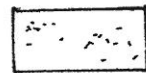
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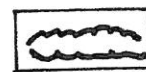
Tarmacadam



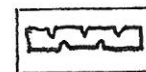
Crushed stone



Grass



Existing hedgerows



Proposed hedgerows

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/047**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/2203/OUT – LAND ADJ COCK INN, 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: Chris Rand  
Email: [chris.rand@westsuffolk.gov.uk](mailto:chris.rand@westsuffolk.gov.uk)  
Telephone: 01284 757352

# Committee Report

**Date:** 11<sup>th</sup> December      **Expiry Date:** 12 March 2015  
**Registered:** 2014

**Case Officer:** Chris Rand      **Recommendation:** Approve  
**Parish:** Kentford      **Ward:** South

**Proposal:** Outline Planning Application DC/14/2203/OUT – Residential development of up to 34 dwellings together with associated roads paths and access to the public highway

**Site:** Land adj Cock Inn, Bury Road, Kentford

**Applicant:** Mr Michael Paske on behalf of Mr M Paske, Mr G Simpson & Messr's Greene King C/O Lacey Scott & Knight

## **Background:**

**This application is referred to the Development Control Committee due to its potential cumulative impact upon the village of Kentford when considered in conjunction with other planning applications.**

**The application is recommended for APPROVAL.**

## **Proposal:**

1. The application is in outline form and seeks planning permission for residential development (up to 34 dwellings).
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 would be served by a single vehicular access to be taken from the B1506 (Bury Road) to the north of the site.
4. Submitted for information purposes only is a draft block plan indicating how the applicant considers the site could be laid out with 34 dwellings.
5. As originally submitted, the application comprised an area of 1.73 hectares with an indicative capacity of up to 46 dwellings and a second vehicular access from Gazeley Road to the south east of the site.

### **Application Supporting Material:**

6. Information submitted with the application as follows:
  - Application forms and drawings – including location plan. Design and Access Statement
  - Tree Survey
  - Flood Risk Assessment
  - Arboricultural Impact Assessment
  - Biodiversity Survey and Report
  - Environmental Statement
  - Heritage and Archaeological Assessment
  - Environmental Desk Study

### **Site Details:**

7. The application relates to a site of 1.5 hectares located to the south of Bury Road and west of Gazeley Road within the village of Kentford and can be divided into two distinct parts.
8. The northern part of the site, having frontage to Bury Road comprises part of the car park and garden of The Kentford Public House (also referred to as The Cock Public House), a Grade 2 listed building. The proposed access to the site would cross the western end of the car park, which currently accommodates a garage building and communal bottle banks. The garden to the public house sits in an elevated position to the rear of the car park and contains a number of former orchard trees and sycamore trees. To the west of this parcel of land are two residential properties having a tandem relationship, one behind the other with access from Bury Road.
9. To the south of the garden to the Public House and separated by a line of trees is the second parcel of land, which is currently accessed from Gazeley Road to the east via a driveway which runs between Merman House and Regal Lodge. This area has the appearance of pasture, being laid to grass with an open fronted agricultural building located close to the northern boundary. Located within this part of the site and close to the eastern boundary are three residential bungalows of modest proportions and part of the garden of a property fronting Gazeley Road. This part of the site is enclosed on all sides by mature belts of trees which overhang the boundaries.
10. Adjoining the southern area, to the south and west are paddocks associated with Meddler Stud. The eastern boundary is adjoined by residential properties accessed from Gazeley Road.
11. Trees both within and around the site are protected by a Tree Preservation Order (TPO No.2. 2015).

**Planning History:**

12. None directly relevant to the whole site, but applications have been made in respect of parts of the site as follows.
13. F/2013/0191/OUT – Outline application for the erection of 3 dwellings to replace existing three dwellings (within parcel 2 identified above) – Approved.
14. F/2008/0147/FUL – Erection of 12 accommodation rooms with ensuite facilities, alterations to car park and access (within curtilage of Public House) – Approved on appeal. Not implemented.
15. Members are asked to note that there have been several proposals for development in Kentford over the last two years, as summarised below:

<b>PROPOSAL SITE</b>	<b>SIZE</b>	<b>STATUS</b>	<b>REFERENCE</b>
Kentford Lodge	60 dwellings	Approved June 2015	F/2013/0061/HYB
Gazeley Road	90 dwellings	Refused March 2014	F/2013/0221/FUL
Jeddah Way	16 dwellings	Approved November 2014	F/2013/0355/FUL
Meddler Stud	102 dwellings	Refused December 2012. Public inquiry September 2013. Appeal dismissed November 2013.	F/2012/0766/OUT
Meddler Stud	64 dwellings	Refused January 2015. Appeal submitted June 2015. Public Inquiry to be held March 2016.	DC/14/0585/OUT
Animal Health Trust	41 dwellings	Approved November 2014	F/2014/0692/FUL

## Consultations:

16. West Suffolk Strategic Housing: The Strategic Housing Team supports the application in principle. Forest Heath Core Strategy Policy CS9 requires 30% Affordable Housing. Discussions will be required to determine the affordable housing mix for the site.
17. West Suffolk Conservation: Comments that the extent of the site leaves sufficient distance between the listed building and its setting to ensure that the setting of the listed building is not harmed. Recommends that conditions relating to boundary treatments be attached to any permission granted.
18. West Suffolk Environmental Health: Recommends that a condition relating to investigation and remediation of any unexpected contamination be attached to any permission granted.
19. West Suffolk Public Health and Housing: Recommends that conditions relating to construction hours and burning of waste be attached to any permission granted.
20. West Suffolk Ecology and Landscape:

The officer has carried out a Habitats Regulation Assessment and concluded that the proposal will not have a likely significant effect on any European sites, and can therefore be screened out from any requirement for further assessment.

### Landscape

This is an outline planning application however there is no indicative layout.

The layout will need to have regard to the existing trees which form mature landscape features (woodland, small orchard and mature tree lines) that contribute to the landscape quality of the village. Of particular landscape amenity value is the open space to the rear of the public house and the backdrop to this provided by the mature trees. This should be retained as public open space. Any SUDs provision should be properly integrated into the design such that it does not compromise the retention of trees or the provision of adequate public open space.

### Trees

The application is supported by a tree survey which locates the existing trees and reports on their condition. Tree removal is not quantified for the amended scheme. The layout when it comes forward will need to retain the trees on the boundaries of the site which make a contribution to the sylvian character of this part of the village and will be important in screening this site from the wider countryside. Any tree loss will need to be mitigated and a landscaping scheme will be required to demonstrate how this will be done.

In addition the scheme must be designed to avoid post development tree losses as a result of new resident resentment.

Tree impact assessment and protection information will need to be updated.

#### Biodiversity

The application is supported by a biodiversity report (September 2014). This highlights that the site has the potential to impact on bats through disturbance to bats and their roosting sites (in demolishing the existing buildings) and the removal of trees. A further bat survey (August 2015) has been provided and the main findings of this survey are:

- A single adult male brown long-eared bat (*Plecotus auritus*) was found roosting within the roof space of one of the buildings confirming the presence of this species.
- Evidence of Pipistrelle bats, as identified during the initial survey of September 2014, was found within a second building
- Without any mitigation measures, the proposed demolition of the two buildings is likely to result in the disturbance of bats and the loss of bat roosting sites.
- No features likely to be used by bats were noted on any of the trees inspected although, due to their position and the presence of foliage, it was not possible to get a complete and all round view of these.

A development licence issued by Natural England is required to legally carry out any proposed demolition of the two buildings found to be used by bats. The consideration for the LPA is whether consent would offend against Article 12(1) of the Habitats Directive and in doing so the LPA must decide if the application would be likely to receive a licence.

The key principles of licensing are:

1. There is a genuine need and a 'purpose' for the proposed activity.
2. There are no satisfactory alternatives to delivering and meeting the need in the way proposed.
3. The licensed action will allow the need to be met.
4. That the proposals are proportionate.
5. That there will be no adverse effect on the conservation status of the species concerned.

The proposals will not result in adverse effects on the conservation status of the 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 there would be no reasonable alternative as the existing bungalows are of a poor standard; the proposals are proportionate and will allow the need to be met.

It is recommended that the layout of the site which is a 'reserved matter' will need to be supported by further evidence and mitigation in relation to the impact of the proposals on bats - in particular relating to any trees which are to be removed and how the effects of the scheme lighting can

be minimised.

Appropriate bat mitigation and compensation measures are suggested in the report for works affecting the buildings, including the provision of replacement bat roosting sites within new buildings at the site. The details of these will need to be submitted along with any further mitigation measures found to be necessary.

The recommendations in the protected species scoping report (September 2014) will need to be implemented and the proposals should include enhancements for protected species.

21. Suffolk County Council Planning Obligations: Provides advice on a range of planning matters, including S106 developer contributions:
  - Primary Education – Contribution of £3,224 per dwelling sought in respect of primary school provision.
  - Secondary Education – No contribution sought.
  - Pre-school provision – Contribution of £18,273 sought.
  - Transport Issues – A public transport infrastructure contribution of £4,000 is sought. See separate SCC Highways consultation response.
  - Libraries – Contribution of £7,344 sought.
  - Waste – A waste minimisation and recycling strategy should be secured by planning condition.
  - Supported Housing – Encourage all homes to be built to 'Lifetime Homes' standard.
  - 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.
  - Fire Service – Fire hydrant provision should be covered by an appropriate condition (see separate SCC Fire and Rescue consultation response).
  - High Speed Broadband – All development should be equipped with high speed (fibre optic) broadband.
  
22. Suffolk County Council Highways: Recommends that conditions relating to access and visibility splays, design and provision of roads and footpaths, vehicle and cycle parking, bin storage and the means to prevent surface water draining onto the highway be attached to any permission granted. A public transport infrastructure contribution of £4,000 is sought. This would need to be secured through a S106 Obligation.
  
23. Suffolk County Council Archaeological Service: Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation and assessment.
  
24. Suffolk County Council Fire and Rescue Service: Provides information relating to access and water supplies and recommends a condition relating to the provision of fire hydrants.

25. Anglian Water: Provides information relating to capacity within the receiving system and requests an informative be attached to any permission granted.
26. Environment Agency: Recommends that conditions relating to contamination and surface water be attached to any permission granted.
27. Natural England: No objection. The development should not have a significant effect upon the Breckland Farmland Site of Special Scientific Interest (SSSI) which forms part of the Breckland Special Protection Area (SPA), which are close to the site.

**Representations:**

28. Kentford Parish Council: Objects to the proposal for the following reasons:
  - No further decisions should be made before the 3 already approved village developments have been completed. The developments of Kennett Park, Animal Health Trust and Kentford Lodge total 118 houses. Their impact on the infrastructure of the village must be assessed and considered first to ensure we have achieved sustainable development with a symbiotic improvement of the supporting infrastructure, before any further commitments.
  - In addition, no decisions should be made before a fully completed Local Plan is in place.
  - It is not safe to add a junction on the Bury road at this position because of:
  - A high volume of traffic, which has increased rapidly over the last few years.

	Developers' figures – unknown date	Our figures May 2015	Increase
8-9 in morning	434	765 (with 24 lorries)	331 – 76%
5-6 in evening	515	856 9with 15 lorries)	341 – 66%

- A high percentage of heavy lorries, as a result of a lack of proper A11/A14 link.
- Poor control of speeding. Recent County Council surveys show an average 23.7% of traffic is over 5mph above the speed limit of 30 on Bury Road (1768 vehicles a day).
- Being close to the dangerous Herringswell/Gazeley road junctions. The sloping Give Way sign is testament to the most recent accidents in February this year, one which seriously injured a motorcyclist.
- The way the road rises at the church reducing visibility. Considering the speed of many drivers going well over 50 (210 vehicles in one week September 2014) – is this factored into the visibility at this point?
- The dangers implicit in all westbound A14 traffic coming through Kentford when the A14 road is closed.



- The flow of traffic at this junction being swelled by the close proximity of the pub car park, popular and often full at its present size.
  - Pedestrians and cyclists should not be encouraged to access local amenities via the Bury Road. To get to the Post Office, pedestrians will have to cross the Bury Road twice. The road is fast and busy. The Bury Road is also dangerous for cyclists. Most recently, on February 18<sup>th</sup> this year, a man received serious head injuries while cycling on the road.
29. Neighbours: Two letters of representation have been received to the scheme as revised, raising the following issues:
- In addition to the developments already approved within the village, the total number of houses will have doubled.
  - Primary schools are already over-subscribed.
  - The volume and speed of traffic on Bury Road is already dangerous. No development should be permitted until this issue has been addressed.
  - Reduction in the size of Public House car park will lead to parking on Bury Road and highway dangers.
  - Access onto Bury Road is blind.
  - Indicative layout does not reflect the ribbon character of Kentford.
  - Site is located outside settlement boundary.
  - Proposal will result in the loss of trees with further impact upon ecology of the area.
  - No details are provided of the proposed houses.
  - Overlooking, noise and disturbance.
  - Own property is not shown on submitted plans.
  - Would wish to see existing trees removed on boundary and replaced with 1.8m high wall.

A further four letters were received in respect of the scheme as originally submitted, raising many of the concerns outlined above.

**Policy:**

**Development Plan**

30. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the Forest Heath and St Edmundsbury Joint Development Management Policies Document (adopted February 2015). In addition, there remain some saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies or the Development Management Document. The following Development Plan policies are applicable to the proposal:

**Core Strategy:**

31. 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

## **Development Management Policies Document:**

32. The following 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
- **DM10** – Impact of Development on Sites of Biodiversity and Geodiversity Interest
- **DM11** – Protected Species
- **DM12** – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- **DM13** – Landscape Features
- **DM14** – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- **DM15** – Listed Buildings
- **DM20** – Archaeology
- **DM22** – Residential Design
- **DM27** – 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

**Other Planning Policy:**

**Supplementary Planning Documents**

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

**Emerging Development Plan Policy**

34. With regard to emerging plans, the National Planning Policy Framework ('the Framework') advises at Annex 1 that decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

### Single Issues Review and Site Allocations Documents:

35. The Single Issues Review and Site Allocations documents were agreed by the Local Plan Working group for consultation in June 2015. Public consultation commenced on 11 August 2015. On this basis, and in accordance with the advice offered in the Framework, they can be attributed limited weight in this decision.
36. Members are asked to note that, for the purposes of public consultation for the Site Allocations Document, no sites are being identified as 'preferred sites'. However, this initial draft 'allocation' should not be attributed any 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.

### **National Planning Policy and Guidance**

37. 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.
38. 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."*

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

discussed below in the officer comment section of this report.

40. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues, and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the Officer Comment section of this report.
41. Paragraph 14 of the NPPF advises that where Development Plan policies are out of date planning permission should be granted for sustainable development 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 or specific policies in the Framework indicate development should be restricted.'*

#### **Officer Comment:**

42. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Sustainable Transport/Impact upon the Highway Network
  - Impact upon the character of the area
  - Impact on Listed Building
  - Cumulative Impacts
  - Section 106 Planning Obligation Issues

#### **Principle of Development**

##### National Policy Context

43. Para. 47 of the NPPF states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
44. Local Planning Authorities are also required 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.
45. The latest FHDC assessment of a five year supply of housing land was published in February 2015. This confirms that the Council is able to demonstrate a five-year supply of housing.
46. The application site is not one which was included within the five year land supply 'calculations' as one that could potentially deliver any dwellings, within the prescribed 5-year period, (2014-2019). For sites to be considered deliverable the NPPF states they should be available, suitable,

achievable and viable. Potential sites included those allocated for housing within the local plan, those with planning permission, and any known specific unallocated sites with potential to make a contribution to the 5 year supply. In Kentford a number of sites were included in this figure. The major sites are at the Animal Health Trust (41 houses), Kennett Park (16 houses) and Kentford Lodge (60 houses).

47. A key determining factor will therefore be if the proposal is considered sustainable in the context of the NPPF whilst also having regard to the policies set out in the Core Strategy and JDMPD given their more recent adoption.

#### Sustainable Development

48. The policies in para. 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. Para.7 sets out three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
  - ii) social (supporting strong, vibrant and healthy communities) and,
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
49. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

#### Development Plan Policy Context

50. 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 predominantly 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).
51. The surviving elements of Core Strategy Policy CS7 provided 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.

52. 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 34 dwellings.
53. 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.
54. 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.
55. 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), 41 dwellings at the Animal Health Trust and 16 dwellings at Jeddah Way (F/2013/0355/FUL).
56. 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 adjacent to the application site, 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.
57. In terms of specific infrastructure issues, officers acknowledge that at the time of the planning appeal relating to the 2012 Meddler Stud application, the IECA report was found to contain the most up-to-date information. However, given that the IECA report was written approximately 5 years ago, Officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements.

#### Prematurity

58. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The Council is currently consulting on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for

Examination. It has also begun the formal process of preparing a Site Allocations Development Plan document, both of which will subsequently form part of the Development Plan.

59. This raises concern that approval of this planning application would be premature - specifically that the development would prejudice the proper consideration of site options for development within Kentford - and that consideration of the application should await the adoption by the Council of an appropriate Local Policy Framework.
60. 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...'*. *The Planning System: General Principles* document was cancelled by the publication of the National Planning Policy Guidance.
61. 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'.*

62. In the circumstances of this planning application, the development proposal of up to 34 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.
63. 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 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.
64. 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 only recently been published for consultation).
65. 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.
66. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

### Summary

67. Despite the demonstration of a 5 year housing supply, the 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 proposal 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.

## **Sustainable Transport/Impact upon the Highway Network**

68. 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.
69. 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.
70. 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.
71. 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.
72. 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**

73. As originally submitted, the application proposed two access points, one to the north from Bury Road and one to the east from Gazeley Road. Following discussions with officers, the access from Gazeley Road has been deleted. The remaining access serving the development would be located on the western side of the existing car park which serves the Public House. At present, the car park to the public house is unmarked

and has two access points to Bury Road. The proposal would create a new access road located at the existing western access point to the car park. Access to the car park would then be taken from the new access road and the existing eastern access to the car park would be stopped up.

74. Although the new access road would reduce the size of the car park as it presently exists, it should be possible to increase capacity to compensate for the lost space. At present the car park is marked with parking bays and is partly taken up with a garage type building on the western boundary, where the access would be located. Stopping up the eastern access and marking the car park with parking bays could result in far more efficient use of the space available and increase capacity.
75. The Parish Council has raised significant concerns, backed by its own survey data, relating to the proposed access from Bury Road, with particular emphasis upon the sight visibility splays to the west. Although the road is relatively straight at this point, the concern relates primarily to the horizontal alignment of the road which falls away from the site and the speed of traffic using Bury Road.
76. The County Highways Engineer, has assessed the data provided by the Parish Council and reappraised its earlier responses. However, despite the concerns expressed no objection is raised to the proposed access arrangements, subject to the detail of the scheme being provided by way of planning condition, including the provision of visibility splays, should approval be forthcoming. Notwithstanding this conclusion, there are clearly issues within the village relating to the speed of traffic which require addressing. For this reason, the Engineer suggests that rather than contribute towards a cycle scheme, funding could be used for traffic calming measures.

#### **Impact upon the character of the locality:**

77. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness), of the adopted Development Management Policies document seeks (inter alia) to promote sustainable development which recognises the key features and characteristics of a locality and maintains or creates a sense of place.
78. Policy DM22 relates to residential design and provides further specific advice and requirements to ensure good residential design which responds to its location and setting and creates a high quality environment.

#### **Existing character**

79. The existing pattern of development in this part of Kentford is essentially linear in character, with development fronting Bury Road and Gazeley Road. However, over the years small pockets of development with one or two properties in depth have taken place, often within the grounds of larger properties, although these are largely secluded and do not alter the linear character of the area. Another feature of this part of the village on the south side of Bury Road are the properties with large gardens which

provide space between buildings and contain a significant number of mature trees which contribute to the rural character of the village.

80. Bury Road is wide and straight and still reflects its former status from when it formed part of the A45 trunk road before the construction of the Newmarket by-pass (A14). Although A14 traffic has been removed, it still serves as a major access route into Newmarket.
81. A significant feature and landmark building in the locality is Grade 2 listed Kentford Public House, with its open car park and large garden area. This former Coaching Inn not only creates a focal feature within the village, but is also a community facility which contributes to the quality of the community life and helps to maintain a sustainable community. Although the Public House is located outside the application site, the site does include part of the car park and an element of the garden area.
82. Development on the western side of Gazeley Road, to the east of the application site, is residential in character ranging in character from close knit development at its northern end including some new infill development currently under construction, to dwellings set within large gardens to the south. These gardens support significant mature planting which provide a semi-wooded character and provide an important transition between the centre of the village and the adjoining countryside.

#### Development Proposals

83. Although the application is submitted in outline form, the means of access, including vehicular access onto Bury Road is included as part of the application as detailed above. As stated above, the site area has been amended and reduced since the application was first submitted.
84. The access from Bury Road is located on the western boundary of the existing public house car park, within an area currently occupied by bottle banks and a timber building. Accordingly, although the proposed access would reduce the capacity of the car park, it is unlikely to have a significantly detrimental impact on capacity. Furthermore, given the informal nature of the existing car park layout, greater efficiency could be made of the remaining space through the provision of marked parking bays.
85. The western boundary of the site is formed by an established hedge and mature trees. It is this boundary planting which one neighbour has requested should be replaced with a 1.8 metre high wall. Although these trees are shown as being retained on the submitted details, the exact alignment of the access road would require careful consideration to minimise the potential for intrusion into the root protection zone of these trees.
86. The application was supported by an indicative layout which served to indicate how the applicant considers development of the scale proposed could be achieved. However, it was submitted for illustrative purposes

only and was not a material consideration in the determination of this application and its inclusion does not imply its acceptability.

87. Notwithstanding the status of the submitted layout plan, it did serve to illustrate the potential impact that development within the site could have and this has been highlighted in the landscape and ecology observations above. The indicative layout would have required the removal of some of the established mature planting and would seriously threaten the long term survival of retained landscaping due to the proximity of dwellings with large trees which would result in severe overshadowing and legitimate fear of damage. As a consequence of the concerns arising from this layout, notwithstanding its supportive status, it has been formally withdrawn from the application

#### Habitat

88. The submitted indicative layout could have significant adverse impact upon habitat, particularly that resulting from the loss of trees. However, as discussed above, the layout plan has been withdrawn and does not form part of the consideration of this application. However, the means of access are a material consideration and such access cannot be achieved without the loss of one or more trees. The proposal would also require the removal of the existing bungalows which have been identified as having potential bat impact upon bats and their roosting sites. These have been the subject of an ecological survey. This has not identified any significant roosting habitat in the trees potentially affected by the access, but it has identified roosts within the bungalows. This will require mitigation works before any demolition work is carried out as bats are protected under the Wildlife and Countryside Act 1981.

#### Summary

89. The proposal as amended could have an impact upon gardens and other important green or landscaped areas which make a significant contribution to the character of the area. However, with sensitive layout and design, development of the scale proposed should be possible, maintaining the key characteristics of the locality and maintain a sense of place in accordance with the provisions of Policy DM2. Further work is required, however, in respect of the mitigation in respect of the impact of development upon habitat and biodiversity.

#### **Impact on listed building**

90. Part of the proposed development site sits within the curtilage of the Kentford Public House, a Grade 2 listed building. Policy DM15 of the Development Management Policies document requires that any development respects the setting of a listed building, including inward and outward views.
91. The Kentford Public House is a former Coaching Inn which would have formed an important stop when Bury Road formed the main east west highway between Bury St Edmunds and Newmarket and destinations

beyond. As such, it is a substantial building set within grounds of generous proportions, enclosed by long established boundaries formed by trees and hedges.

92. Although access would be taken from the car park to the Public House, its position is located at the western boundary to the site at the furthest point from the listed building. The proposed development would retain a significant part of garden to the public house, with any buildings set back behind an open frontage. However, the design of any development will need to be carefully considered to maintain this important setting

#### Summary

93. The proposal as amended could have a detrimental impact upon the setting of the listed building. However, with careful layout and design, maintaining the open frontage to the side of the Public House, it should be possible to achieve development without having a detrimental impact upon the setting of the Grade 2 listed building.

#### **Cumulative Impacts**

94. Members will be aware that there have been a number of major planning applications for residential development in Kentford in the last two years as detailed above at Kentford Lodge, Jeddah Way and the Animal Health Trust. In total, (with the current application) these schemes will provide up to 151 residential units.
95. 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 'developer led' planning applications.
96. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the current planning application, and the previously approved schemes at Kentford Lodge, Jeddah Way and the Animal Health Trust (planning reference F/2013/0061/HYB, F/2013/0355/FUL and DC/14/0692/FUL respectively).

#### Primary Education

97. The current planning application would generate approximately 9 children of primary school age, once all dwellings have been built and occupied. The planning applications which have previously been approved would provide up to an additional 117 dwellings, which would generate additional children of primary school age.
98. It is understood that the existing catchment primary school is Moulton CEVCP Primary School. It is currently forecast that there will be no surplus places available at the catchment primary school.

99. Suffolk County Council, in consultation correspondence, has raised no objection to the development proposals. The County Council has advised that, in view of there being no surplus spaces available at Moulton CEVCP Primary School, a financial contribution will be sought to provide additional facilities.
100. The catchment school for secondary education is Newmarket College. There are currently forecast to be sufficient surplus places available at the school and consequently, no contribution is required towards the provision of additional secondary school spaces.

#### Pre-School Provision

101. The proposed development will generate up to 3 pre-school pupils. A financial contribution is required towards the provision of additional pre-school places which will be provided at Moulton CEVCP Primary School.

#### Highways

102. Third party comments have raised concern regarding the highway impacts of the development proposals upon Bury Road. 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).
103. 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 severe.
104. 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.

#### Open Space

105. 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 process). In this regard, the proposals are considered in accordance with Council’s Supplementary Planning Document in respect of Open Space.

#### Landscape

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

### Utilities

107. 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 development proposal. Officers are satisfied that the development proposals would not have adverse cumulative impacts upon the sewerage systems serving Kentford.
108. 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

109. 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, 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**

110. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2015. 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.
111. 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

112. 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.
113. 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).

114. As the application is in outline, there is no specific figure for affordable housing, but the submitted Design and Access Statement confirms that 'a number of dwellings (approx. 30%) are likely to be designated as affordable social housing units'. 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

115. The Framework, in Paragraph 72, places significant emphasis on the need to provide school places. In particular, local planning authorities are required to take a '*proactive, positive and collaborative approach*' giving '*great weight to the need to create, expand or alter schools*'. This approach is supported by Policy CS13 of the Forest Heath Core Strategy, which establishes requirements for infrastructure in the District, with '*new development...[being]...required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath's communities*'.
116. 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.
117. 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

118. The consultation response from the Suffolk County Council Planning Obligation's Manager anticipates that the proposed development will yield five pre-school age children. A contribution of £18,273 has therefore been requested by the County Council, to mitigate infrastructure demands generated by the development proposal.

#### Primary Schools

119. 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.

120. 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 (£3,224 per dwelling), to provide additional facilities for the pupils which the proposed development is anticipated to yield.

#### Upper Schools

121. 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

122. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development. A capital contribution of £9,936 has been requested. This can be secured through the S106 planning obligation, if it is CIL compliant to do so.

#### Public Open Space Provision

123. 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.
124. 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.
125. Development Management Policies DM2, DM22 and DM42 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.
126. The indicative layout does identify an area of on-site public open space provision. As identified in the landscape and ecology comments above, this is poorly located in the indicative layout. However, the indicative layout does not have any status and does not form part of the consideration of the outline application. Opportunities could arise for suitably located on-site provision, potentially at the northern end of the site, but In accordance with the Council's Supplementary Planning

Document in respect of open space, off site provision can be secured by way of S106 agreement.

#### Highway Improvements

127. The County Highways Engineer, in consultation correspondence, has requested that the S106 package should include a highways element. In terms of improvements to the local public transport infrastructure, £4000 is sought for raised kerbs.
128. 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.
129. Information provided by the Parish Council has identified an existing issue within the village relating to inappropriate behavior by motorists, in particular, excessive speed along Bury Road. However, the access to serve the proposed development has been designed to accommodate actual speeds rather than just relying upon the speed limit applicable to the locality. This indicates that any need for traffic calming already exists and is not generated, nor exacerbated by this development. In accordance with the 2015 CIL Regulations a contribution cannot be sought from this proposal.

#### Summary

130. 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, and highways - would be mitigated to the satisfaction of the consultee advice offered.
131. 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.
132. 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.

#### **Conclusion:**

133. 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.

134. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. In terms of the economic role of sustainable development, the proposed development would provide economic benefits – these relate to the creation of short term jobs in the construction industry, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments.
135. 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.
136. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals. However, this need not result in a significant negative impact upon the immediate environment, nor impact upon the setting of a listed building. On this basis, the effect on the character of the settlement is considered acceptable.
137. The infrastructure pressures generated by the proposed development have been carefully evaluated, with reference to the 2009 IECA report, and additional evidence (including consultation responses and information contained in the application submission). Officers are of the opinion that the infrastructure which has been identified within the IECA report as being at a 'critical and fundamental/essential phase' can be satisfactorily mitigated without significant harm to the village.
138. The absence of capacity at the catchment primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the scheme. The in-combination effects of this development with other planned developments in Kentford could have significant impacts on primary school education provision. However, in the absence of objections from the Local Education Authority, it would be difficult to robustly defend a reason for refusal on these grounds.
139. Having regard to the National Planning Policy Framework and all other material planning considerations, the proposal is considered to be beneficial and the recommendation is one of approval.

**Recommendation:**

11. 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 –£3,224 per dwelling.
- Pre-school contribution - £18,273.
- Highways contributions - £13 731(cycle link across Bury Road), public transport infrastructure: £4,000.
- Open space contribution – in accordance with SPD.

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. Archaeology – implementation of a programme of work; site investigation and post investigation assessment.
12. Contamination – remediation strategy.
13. Contamination – further investigative work if necessary.
14. Details of surface water disposal.
15. No piling or investigation boreholes using penetrative methods.
16. Scheme to provide flood plain compensation.
17. Scheme of surface water drainage/surface water strategy.
18. Scheme for provision and implementation of pollution control.
19. Foul water disposal details.
20. Surface water drainage details.
21. Construction management plan.
22. Hours of construction.
23. Design code.
24. Details of boundary treatment.
25. Samples of materials.
26. Detailed scheme of hard and soft landscaping.
27. Arboricultural Impact Assessment.
28. Tree survey and management plan for tree belts, including planting details.
29. Tree protection details, including details of tree works for retained trees.
30. No development within RPA of existing trees.

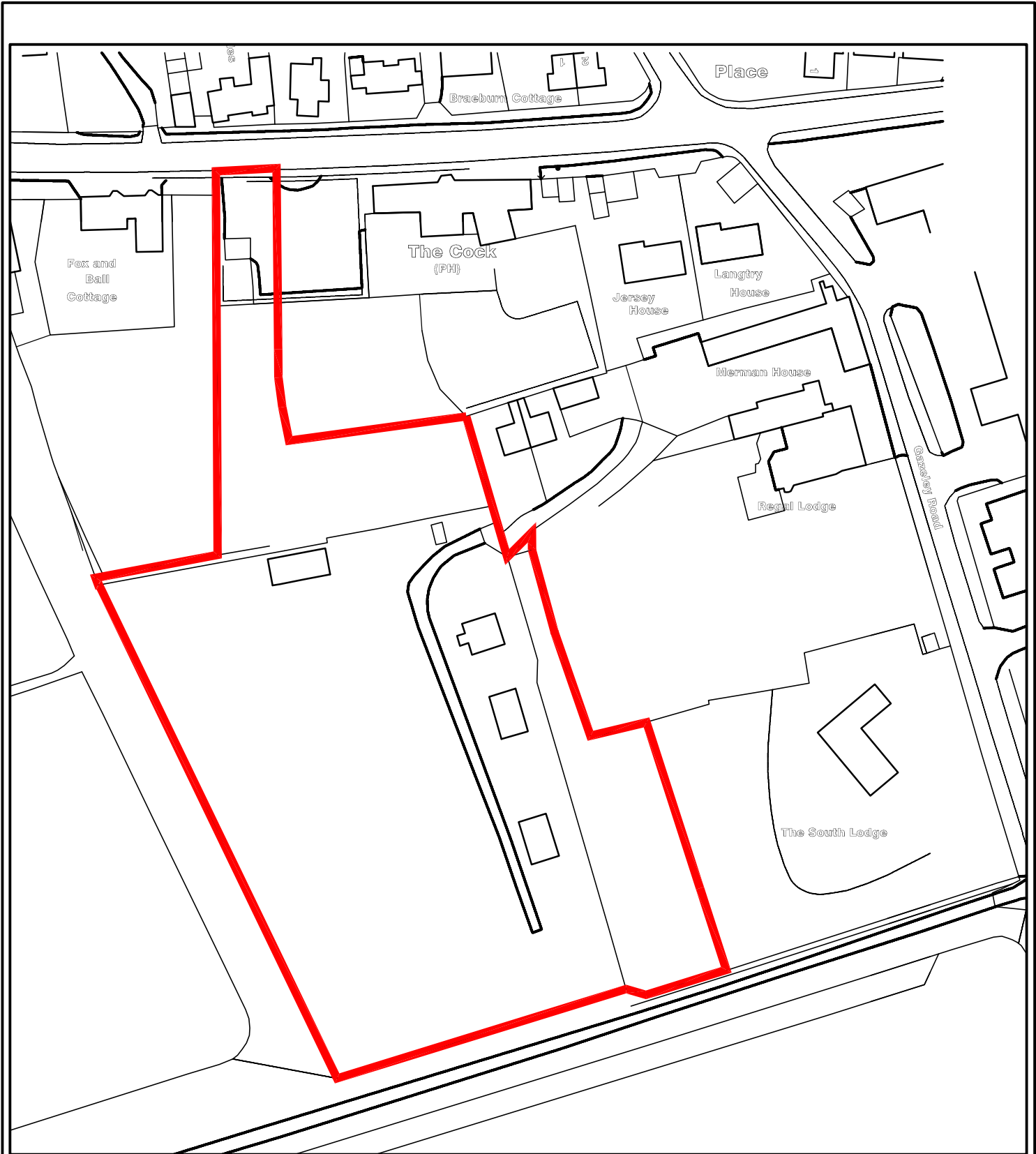
- 31.No development to take place until the use of the site by bats has been fully investigated and any mitigation agreed.
- 32.Landscape management plan, including enhancements for biodiversity.
- 33.Details of bat licence.
- 34.Details of lighting.
- 35.Provision of fire hydrants.
- 36.Waste minimisation and recycling strategy.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/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.



KENTFORD SITE LOCATION PLAN  
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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**4 NOVEMBER 2015**

**DEV/FH/15/048**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/1308/FUL - LAND AT 1-10, SHARPES  
CORNER, LAKENHEATH**

### **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: Charlotte Waugh  
Telephone: 01284 757349

# Committee Report

**Date** 6<sup>th</sup> November **Expiry Date:** 5<sup>th</sup> February 2015  
**Registered:** 2014

**Case** Charlotte **Recommendation:** Approve  
**Officer:** Waugh  
**Parish:** Lakenheath **Ward:** Lakenheath

**Proposal:** Planning application – Erection of 20 no. two-storey dwellings with associated external works (demolition of existing 10 dwellings)

**Site:** Land At 1-10, Sharpes Corner, Lakenheath

**Applicant:** West Register Property Investment Ltd

## Background:

**This application is referred to the Development Control Committee as it is a proposal for 'major' development, of which the recommendation to grant planning permission is contrary to the response received from the Parish Council.**

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

## Proposal:

1. Detailed planning permission is sought for the erection of 20 dwellings. At present the site benefits from 10 existing bungalows and they would be removed to facilitate this re-development. The site would be served by three vehicular accesses from Sharpes Corner (a no-through road) on the northern boundary of the site, with a pedestrian access through to the High Street.
2. The proposed dwellings would all be two-storey in a combination of detached and semi-detached with the following mix of sizes:
  - 8 x 4 bed 6 person dwellings
  - 3 x 3 bed 4 person dwellings
  - 6 x 3 bed 5 person dwellings
  - 3 x 2 bed 4 person dwellings (affordable)
3. Materials will comprise render and buff brickwork elevations with red clay plain tile roofs and zinc projecting windows. Block paving will be used within the site to provide shared surfaces for vehicles and pedestrians.
4. Minor amendments have been made to the overall site layout during the course of the application to amend access points, provide additional car parking and to enlarge the buffer between the proposed development and residential dwellings to the south.

### **Application Supporting Material:**

5. The planning application is accompanied by the following documents:
  - Existing and Proposed Drawings (Location Plan, Block Plan, Elevations & Floorplans, Streetscene Drawings)
  - Design and Access Statement
  - Flood Risk Assessment
  - Phase I Contamination Report
  - Phase I Habitat Survey, Habitat Suitability Index survey (Great Crested Newts), Bat Survey

### **Site Details:**

6. The site is situated to the west of the village and is accessed from Sharpes Corner which connects to the High Street. Due to the shape of the site the existing bungalows are in a curved arrangement fronting onto the High Street and Sharpes Corner.
7. The site is located within the housing settlement boundary for Lakenheath and has residential neighbours to the north, south and east. Sharpes Corner is a dead end road which connects to a track, high grassed bank and river which runs adjacent to the site. The site is not within a Conservation Area or in close proximity to any listed buildings.
8. Currently the 0.6 hectare site is occupied by 10 detached two bedroom bungalows which are unoccupied and in need of renovation or demolition.

### **Relevant Planning History:**

9. F/2008/0341/FUL – Erection of 18 two-storey dwellings (Demolition of existing 10 bungalows) – Refused due to lack of Section 106 agreement.

### **Consultations:**

10. **Natural England** – No objections.
11. **Environment Agency** – No objections subject to a condition ensuring that the recommendations of the Flood Risk assessment are implemented.
12. **Anglian Water Services** – No objections. The foul drainage from this development is in the catchment of Lakenheath Water Recycling Centre that will have available capacity for these flows.
13. **Lakenheath Internal Drainage Board** – No objections - The site is outside the Lakenheath Internal Drainage Board District but in an area that drains into it.
14. **Suffolk County Council (Highway Authority)** – No objections subject to conditions regarding completion of accesses and parking areas and the submission and approval of details relating to cycle storage, bin storage, surface water drainage.

15. **Suffolk County Council (Archaeological Service)** – No objections subject to a condition requesting an archaeological investigation to take place on site and a post investigation report to be submitted.
16. **Suffolk County Council Planning Obligations** – No formal response received yet – to be reported verbally.
17. **FHDC (Strategic Housing)** - Support.
18. **FHDC (Land Contamination Officer)** – No objections subject to a condition requiring a remediation scheme to be submitted should contamination be found.
19. **FHDC (Ecology, Tree and Landscape Officer)** - No objections subject to conditions regarding ecology enhancements and landscaping.

**Representations:**

20. **Lakenheath Parish Council** – Object on the following (summarised) grounds:
  - No prior consultation with the Parish Council or residents has taken place
  - There is a need for a masterplan to co-ordinate the erection of the various developments approved and planned for Lakenheath with the relevant infrastructure
  - Developments should be plan led and not developer led as we now have 5 year land supply
  - There are no plans to improve public transport and this scheme is contrary to policy CS4 as it encourages car usage (due to size of dwelling and consequent number of parking spaces)
  - Where are the footpaths and cycle ways?
  - How will schooling cope?
  - Roads will be strained with extra traffic – High Street is already congested – suggests a mini-roundabout at road junction
  - Density and layout is out of character with surrounding area – surrounding dwellings are in spacious plots
  - Unimaginative design bearing in mind loss of green spaces
  - More visitor parking should be provided
  - Concerns that no affordable homes would be provided on site
  - Concerns over upgrading the roadway and imposing on the village green
  - Wants assurances that the developer will use solar energy or ground source heat pump as mentioned in Design and Access
  - The developer should provide dog bins
  - The key principle of the core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.
21. *Officer note – The developer has agreed to provide 3 affordable dwellings within the site as detailed in the report. The road way has been amended to ensure it will not encroach on the adjacent green area.*
22. An objection has been received from 1 local resident, raising the following (summarised) concerns:
  - The houses are not in keeping with surrounding bungalows
  - Sharpes Corner is prone to sewage blockages and this development will lead to further problems.

23.A letter has been received in support of the application and makes the following (summarised) comments:

- Cleverly efficient site layout and pleasing dwelling designs
- Supports widening of Sharpes Corner providing land comes from the development site and not the village green
- Supports position of footway on Sharpes Corner
- Supports access onto the High Street for plots 1-5 (*now removed*)

**Policies:**

24.The following policies of the Development Plan are relevant to this application:

Core Strategy

- 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 CS9 – Affordable Housing Provision.
- Policy CS13 – Infrastructure and Developer Contributions.

Joint Development Management Policies Document

- DM1 – Presumption in Favour of Sustainable Development
- DM2 - Creating Places – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13 – Landscape Features
- DM14 – Safeguarding from Hazards
- DM20 – Archaeology
- DM22 – Residential Design
- DM45 – Transport Assessment and Travel Plans
- DM46 – Parking Standards

**25.Other Planning Policy**

Supplementary Planning Documents

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)
- Suffolk Advisory Parking Standards (2015)

National Policy and Guidance

26.National Planning Policy Framework (The Framework):

- Core Principles
- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design

## **Officer Comment**

27. The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on Highway safety/Parking provision
- Impact on Biodiversity
- Impact on Local Infrastructure
- Flood risk, Drainage and Pollution
- Design and Layout
- Impact on residential Amenity
- Planning Obligations

## **Principle of Development**

28. The Core Strategy states that development will be focussed in the towns and key service centres of the District. Policy CS1 confirms Lakenheath as a key service centre due to the range of services and facilities it contains. In addition, the site is within the housing settlement boundary where there is a presumption in favour of residential development, subject to compliance with other policy considerations.

29. Furthermore, a core principle of the Framework is to encourage the effective use of land through the re-use of previously developed, or brownfield land providing it is not of high environmental value (para.111).

30. Having regard to both the national and local policy position it is considered that the location of the site represents an acceptable position for residential development. The site already has an established residential use and as such, it is not considered of high environmental value. The principle of re-development is considered acceptable.

## **Impact on highway safety/Parking provision**

31. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas. The Framework confirms that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

32. 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 DM45 and CS12 which seek to encourage alternative methods of transport.

33. The Core Strategy (CS1) categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Due to the size of the settlement it contains a range of services and facilities with the accompanying employment opportunities and on that basis, it must be assumed that some future occupants will use sustainable methods of transport.

34. The County Highway Engineer has been involved in the evolution of this scheme and is now satisfied that the accesses are located in safe locations. Originally the proposal included a vehicular access directly onto the High Street, where there is a current informal access. However, due to the proximity of this access to the bend at Sharpes Corner and the subsequent limited stopping distances this has since been amended. Sharpes Corner is an existing access which serves a limited number of dwellings, subject to its upgrading it is considered an appropriate access point to the development.
35. The applicant has provided a plan showing the use of shared surfaces within the site. The use of different blockwork will indicate spaces for vehicles and pedestrians with flush pavements. As well as the aesthetic benefits of these materials it should reduce traffic speeds and highway clutter. A footpath is proposed on Sharpes Corner which will connect to the existing footpath on the High Street, providing safe and accessible access into the village. In addition a pathway is proposed adjacent to plot 2 connecting directly to the High Street and adjacent bus stop. On this basis, it is considered that the applicant has provided opportunities for sustainable connections to the village centre.
36. Each dwelling is provided with 2 or 3 off road car parking spaces depending on their size, with a mix of garaging and open spaces as well as tandem parking. These have been designed to be adjacent to the dwelling where possible to prevent the use of on-street parking within the development. The Highways Authority has recently adopted revised parking standards which ensure that sufficient vehicle parking spaces are provided for each dwelling. Overall, the scheme contains 53 allocated spaces as well as 5 visitor spaces which accords with these standards.
37. Access to the proposed development is considered suitable and the development would not lead to significant highway safety issues. It is acknowledged that the Parish Council have concerns regarding highway safety but it is not considered that the additional 10 dwellings will create unacceptable congestion on the High Street and no objections have been raised by the Highway Engineer in this regard.

### **Impact upon biodiversity**

38. The development proposals would not impact upon any European designated nature conservation sites. However, the site is in close proximity to various ditches and ponds which could accommodate great crested newts. In addition, the derelict buildings pose suitable bat habitats.
39. The application is supported by a phase 1 habitat survey as well as specific surveys relating to the potential presence of Great crested newts and bats. The reports conclude that, with respect to newts, the surrounding water bodies are unlikely to support a population and as such they are unlikely to use the site. With regard to bats, the survey indicated that no bats were roosting within the bungalows although House Martin nests were found. A condition is therefore suggested which ensures that demolition takes place outside of the bird nesting season. In addition ecological enhancements have been detailed such as, artificial House Martin nests and bat roost tiles which will improve the ecological value of the overall site.
40. Natural England has not raised any concerns or objections to the proposal, including the potential impact upon the hierarchy of designated nature conservation sites, protected species or impact on nearby SSSI's. The use of

ecological enhancements is encouraged as detailed within the submitted ecological assessments.

41. A Habitats Regulation Assessment screening has been completed which concludes that the proposed development is unlikely to have a significant impact on the Breckland Special Protection Area. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of importance.

### **Impact upon local infrastructure**

42. It is acknowledged that there have been significant development proposals within Lakenheath and as such, the Parish Council have raised concern over the delivery of infrastructure and capacity of services.
43. Officers note that this scheme involves the net increase of only 10 dwellings. Having regard to the evidence base, which includes the 2009 Infrastructure and Environmental Capacity Appraisal (IECA) and the consultee response from Anglian Water, it is concluded that there is sufficient capacity with regard to waste water, potable water and energy supply. The Local Authority is satisfied that sufficient capacity is available for the development and it would not be reasonable to refuse the application upon these grounds.

### **Flood risk, drainage and pollution**

44. The application site is largely located within Environment Agency flood risk zone 1 with a small area in the south west corner within zones 2 and 3, albeit these areas are minimal and proposed as residential gardens. The flood risk assessment submitted with the planning application confirms that the risk of flooding is extremely unlikely. Surface water will be managed via sustainable drainage systems and raised floor levels will be used as specified in the building regulations. The Environment Agency has assessed the report and is satisfied that subject to the measures being conditioned the development will not increase the risk of flooding.
45. The planning application is accompanied by a Phase I contamination report. This concludes the site has not been unduly impacted by former land uses which have most recently been residential. The Council's Contamination Officer has concluded that the risk of contamination is low and has requested the imposition of a condition requiring the submission of a remediation scheme should any contamination be found.
46. The Environment Agency, Anglian Water Services and the Local Authority Land Contamination Officer have not objected to or raised concerns about the application proposals. Where mitigation is considered necessary consultees have recommended the imposition of reasonable conditions. On this basis, the scheme is considered acceptable in this regard.

### **Design and layout**

47. The Framework states that 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. Policy DM2 reinforces this view and states that proposals should recognise and address key features and local characteristics and create or maintain a sense of place.



48. The Design and Access Statement which accompanies the application explains how the development proposed responds to the site constraints and its surroundings, with specific reference to the design principles of the scheme including orientation, material palette and scale. The layout has evolved following comments from the Highway Authority and in an effort to rationalize the parking provision.
49. The site, due to its curved frontage and corner position is highly visible within the street scene and as such, it was important to create an attractive façade. With this in mind the site has almost been divided in two, with the eastern side set back from the road in a curved alignment and the western side, which is less visible from the public realm, featuring in depth dwellings.
50. The eastern side largely accommodates semi-detached dwellings which front onto the High street, albeit separated by an internal road and an area of landscaping. There are existing trees on this corner which are dominated by a mature Elm. The proposal retains this mature tree and will provide additional planting to act as a buffer between the site and the highway. On this basis, whilst this area of the site will be visually prominent, given the two storey nature of the dwellings, due to this set back and buffer they will not appear overly dominant in views. Nonetheless, this curved frontage will appear attractive in the street scene and provide a focal point for the area, which at present has limited strong architectural form.
51. Greater emphasis has been placed on high street facing dwellings which provide a focus and are visible from public areas, whilst the western side of the site will be visible only from within Sharpes Corner. Dwelling designs remain consistent throughout the site but the layout of the western side lacks the cohesiveness that is apparent on the eastern element. This is due partially to the need to avoid overlooking, as well as the desire for properties to have an outlook beyond the site. Additionally, the Highway standards dictate parking provision and road widths which often results in areas which appear to be dominated by hard standing. In order to address this issue, shared surfaces are proposed which will soften the appearance of the built form and create a more cohesive development.
52. Overall, the site has a density of 30 dph, although this varies with dwellings on the western and eastern edges of a larger size and more spacious curtilage. This produces a varied scheme which is considered acceptable given the differing housing needs of the area and is an efficient use of the land. As the site has previously been developed it already sits within the surrounding built form. It is noted that much of the surrounding dwellings are single storey, however, this fact alone is not reason to refuse the application. In terms of connectivity, the proposal incorporates footpaths to the High Street and as such, the development would be easily incorporated into the existing settlement. It has a comfortable relationship with adjacent dwellings in Mutford Green and despite the height changes will not appear unduly dominant.
53. Adjacent development incorporates a range of materials with varying brick colour and rendered elevations taking precedent. The materials proposed, namely; buff brick, red clay plain tiles and coloured render reflect locally used materials and enable the development to complement surrounding built form. The use of zinc on projecting front windows provides articulation to the dwelling frontages and offers a more contemporary approach to design. A

condition would be imposed to ensure the materials were appropriate but overall the mix is considered acceptable and appropriate given this context.

54. Dwellings on the current site have been empty for a number of years and are now in a state of disrepair. At present they do not contribute positively to the overall appearance of the area and present issues with regards to anti-social behaviour. As such, their removal and replacement is encouraged. The benefits brought to the character and appearance of the area through new development is considered to weigh in favour of the scheme.

### **Impact upon residential amenity**

55. The protection of residential amenity is a key component of 'good design'. The Framework states that *good planning should contribute positively to making places better for people, as well as ensuring a good standard of amenity for all existing and future occupants of land and buildings*. Additionally, policy DM2 seeks to ensure new housing developments do not result in the loss of residential amenity.
56. Dwellings on Mutford Green back on to the site. Whilst these are single storey dwellings the application site in this southern area is at a lower level with a retaining wall on the common boundary. An increased landscaping belt has been included on this boundary as well as a reduction to the parking area to ensure residents are not adversely affected by disturbance through vehicle movement. The dwellings have been positioned in order to reduce any impact on these neighbouring dwellings with plots 17, 20 and 1 featuring a single slim secondary bedroom window on the facing elevation and none on plot 13. The landscaped boundary will assist in screening these windows as well as the proposed private amenity space.
57. It is accepted that this development will result in a change to the outlook of some properties, by reason of the increased height of the dwellings. However, due to the orientation of the site in relation to its neighbours, the change in land levels, boundary wall and landscaping it is not considered that occupants would suffer a significant loss of residential amenity.
58. Whilst residential dwellings are also located to the north and east of the site, these are separated by a highway and are considered a sufficient distance to negate any loss of amenity.

### **Planning obligations**

59. An informal reply from the County Council Development Contributions Manager highlights the uncertainty around requesting contributions for this site. On 28<sup>th</sup> November 2014 the threshold for planning obligations was raised to schemes above 10 dwellings, meaning any development of 10 or below was not required to make any contributions. However, a High Court case in 2015 outlawed this so locally adopted policies took over and once again requests were made below this threshold (in accordance with adopted policy).
60. The Court of Appeal has now allowed a government appeal on this decision which is currently in the process of being considered. As such, Suffolk County Council has advised that they may not seek contributions on this application which is on the cusp of the threshold. At the time of writing a formal response had not been received. Notwithstanding this, the applicant has agreed that 3 of the dwellings will be affordable and is happy in principle with any other CIL

compliant contributions requested by the County Council. A section 106 agreement had been drafted to this effect.

## **Conclusions**

61. 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.
62. Lakenheath has been identified as a Key Service Centre that can accommodate growth within the Council's Core Strategy. The proposed development is within the housing settlement boundary and adjacent to established residential areas. There are a number of positive attributes which lend support to the scheme, the existing bungalows have been abandoned and as such, fail to contribute positively to the character of the area, therefore, the re-development of the site will result in a much improved appearance to the overall locality. Development of a brownfield site with the increase in housing numbers provides an efficient use of the land and will boost housing stock, in addition to the inclusion of affordable housing. A satisfactory layout has been demonstrated with dwellings respecting local character and appearance and achieving good design as well as ensuring no significant loss of amenity to adjacent residential properties or to local biodiversity interests.
63. It is considered therefore, that the scheme meets the Frameworks definition of sustainable development by fulfilling the economic, social and environmental roles. Economic benefits through housing growth, short term jobs and local spending likely to be generated by future residents. Social benefits through the improvement of the current site to create a high quality environment which meets a housing need and is accessible to local services. Environmental benefits through the use of ecological enhancements, landscaping and sustainable construction.
64. Having regard to the Framework and all other material planning considerations the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

## **Recommendation**

65. That planning permission be **GRANTED** subject to the completion of a S106 agreement to secure 3 on site affordable dwellings as well as any additional CIL compliant contributions requested by the County Council.
66. Following completion of the planning obligation referred to above, the Head of Planning and Regulatory Services be authorised to grant planning permission subject to conditions, including:
  - Time limit
  - Materials to be submitted and approved
  - Accesses from Sharpes Corner to be completed in accordance with plans prior to occupation
  - Surface water drainage details to be submitted and approved
  - New junction with Sharpes Corner to be completed prior to commencement
  - Parking areas to be provided prior to occupation

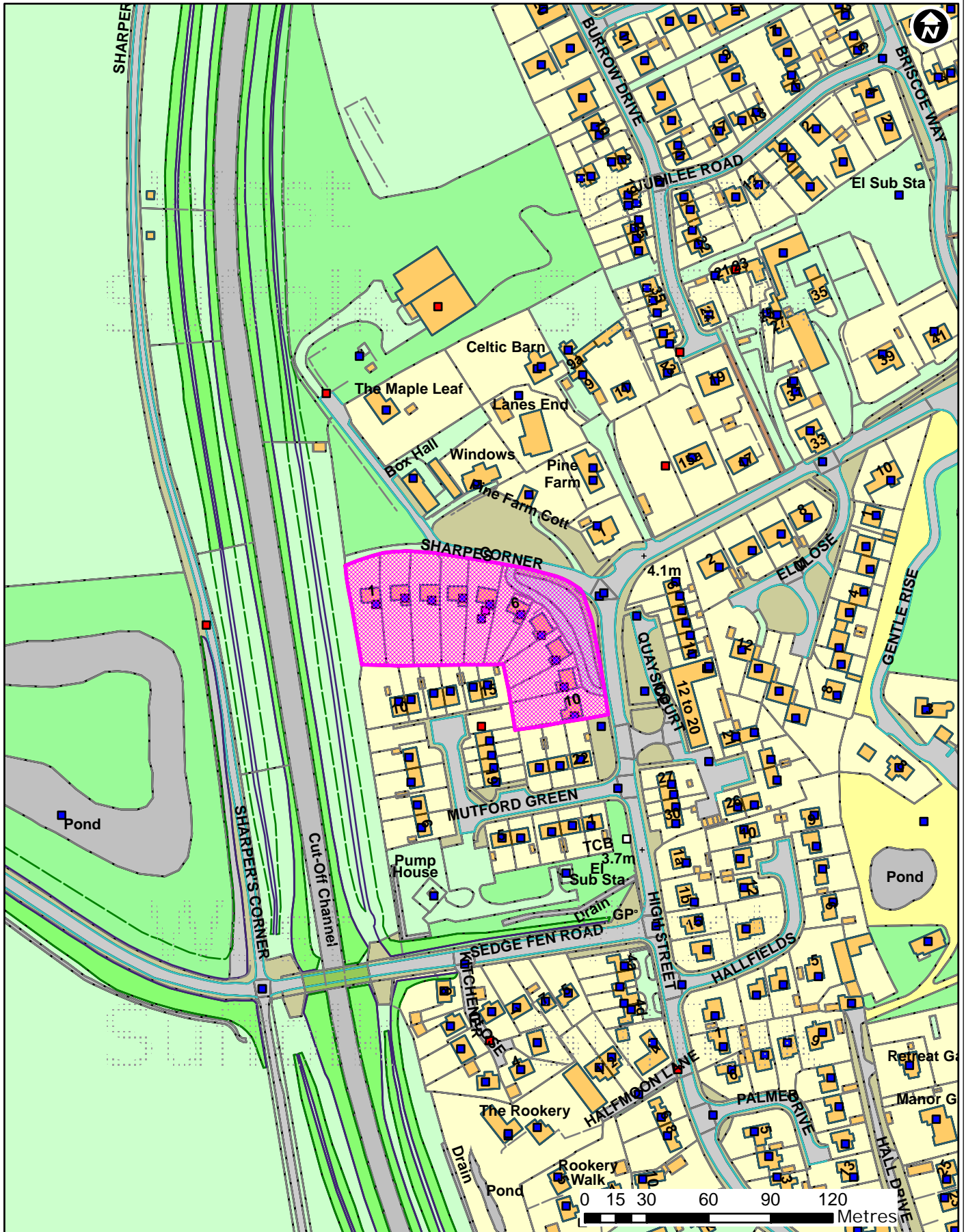
- Details of cycle storage to be submitted and approved
- Bin storage details to be submitted and approved
- Details of lighting to be submitted and approved
- Land contamination – If found remediation strategy to be submitted
- Development to be carried out in accordance with FRA
- Archaeological assessment to be undertaken
- Archaeological post investigation report to be submitted
- Waste minimisation and recycling strategy to be submitted and approved
- Landscaping details to be submitted and approved
- Bat roost tiles and artificial house martin nests – one to be installed in each dwelling
- Demolition outside of bird nesting season (March – September inclusive)
- Development to be in accordance with approved plans

### **Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N8R9 PPDKKO00>

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



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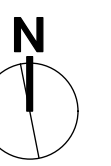




Proposed Block Plan



Existing Block Plan



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