

# Development Control Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>		
<b>Date:</b>	<b>Wednesday 1 June 2016</b>		
<b>Time:</b>	<b>6.00 pm</b>		
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall		
<b>Full Members:</b>	<u>Conservative Members (10)</u>	Chris Barker David Bowman Ruth Bowman Rona Burt Louis Busuttill	Stephen Edwards Brian Harvey Carol Lynch Louise Marston Christine Mason
	<u>West Suffolk Independent Members (3)</u>	Andrew Appleby Simon Cole	David Palmer
	<u>UKIP Member (1)</u>	Roger Dicker	
<p><b>A SITE VISIT WILL BE HELD ON TUESDAY 31 MAY 2016 AT THE FOLLOWING TIME:</b></p> <p><b>1. Planning Application DC/15/2120/FUL -Kininvie, Fordham Road, Newmarket</b>          Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.  <b>Site visit to be held at 10.00am</b></p>			
<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> Democratic Services Advisor <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/altered, 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/altered, 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/altered, 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. Election of Chairman for 2016/2017**
- 2. Election of Vice Chairman for 2016/2017**
- 3. Apologies for Absence**
- 4. Substitutes**
- 5. Minutes 1 - 10**

To confirm the minutes of the meetings held on 20 April 2016 and 4 May 2016 (copies attached).
- 6. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row 11 - 26**

Report No: **DEV/FH/16/010**

Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: 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 09 July 2015 which proposes 49 affordable housing units.
- 7. Planning Application DC/15/2120/FUL -Kininvie, Fordham Road, Newmarket 27 - 54**

Report No: **DEV/FH/16/011**

Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

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# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 20 April 2016** 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

David Bowman  
Ruth Bowman  
Louis Busuttil  
Simon Cole  
Stephen Edwards

Brian Harvey  
Carol Lynch  
Louise Marston  
Peter Ridgwell

## 127. **Apologies for Absence**

There were no apologies for absence.

Councillor Andrew Appleby was also unable to attend the meeting.

## 128. **Substitutes**

There were no substitutes at the meeting.

## 129. **Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath (Report No DEV/FH/16/007)**

Hybrid planning application DC/14/2096/FUL:

1. Full application for the creation of new vehicular access onto Station Road and entrance to a new primary school.
2. Outline application for up to 375 dwellings (including 112 affordable homes) and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

This application was referred to the Development Control Committee as it was a proposal for a 'major' development. This proposal also raised complex planning issues of national and international importance. This application had

been withdrawn at the meeting of the Committee on 2 March 2016 (a site visit had also been held on 29 February 2016) to enable appropriate consideration of a direct threat of a legal challenge which had been received from Solicitors working on behalf of Lakenheath Parish Council.

The proposals were considered to comply with the relevant policies of the National Planning Policy Framework, but the 'countryside' location of the site meant that the proposed housing development conflicted with the adopted Development Plan Policies and was considered to be a departure from the extant Development Plan.

Relevant procedures pertaining to the Environmental Impact Assessment Regulations and the Habitats Regulations were yet to be completed with respect to the planning application. These matters were in-hand and would be fully completed prior to any (potential) planning permission being issued for the proposal. The nature of these important outstanding matters would necessitate the planning application being returned to the Committee for further consideration and determination at a later date.

The planning application was reported to the Committee in advance of those matters having been fully concluded, on the basis of a request received from Suffolk County Council (February 2016). The County Council was seeking to open a new primary school facility in the village. The application site, which included proposals for a primary school site, was the County Council's 'preferred option' to deliver a new primary school facility at Lakenheath.

In order to begin work, the County Council had requested Forest Heath District Council's assistance by means of an expeditious determination of this application. If that was not possible, the County Council had requested a steer from the Committee regarding the proposed development (ie an 'of-mind' resolution), which if positive, would enable them to commit resources and start work in earnest in preparing a proposal for a new school on the site. The County Council were aware that key environmental matters remained unresolved at this time.

The report did not recommend determination of the planning application at this time, given the extent and importance of matters remaining to be resolved. The report requested the Committee considered reaching an 'of-mind' resolution in order to provide the County Council with the planning steer that they were seeking. The planning application would be returned to this Committee for further consideration and determination at a later date, following the resolution of the material planning issues which remained outstanding.

The Case Officer reported that since the publication of the agenda, Members were in receipt of a letter (which had been circulated on 19 April 2016) from CgMs, acting on behalf of Elveden Estates, who were alternative developers promoting a development within Little Eriswell. Members were advised that they should only be considering the merits of the proposal before them and, therefore, should not be influenced by the contents of this letter.

The Case Officer also drew attention to proposed amendments to the recommendation, as set out in paragraph 289. of the Officer report, as follows:

*'289. The Committee is invited to resolve that, upon its consideration of the available information, it is ~~supportive of~~ 'of mind' to **approve** the planning application ~~in principle~~ at this time and are content to provide Suffolk County Council with the steer they are seeking, subject to the Committee further considering the planning application as a whole at a later date, including consideration of:*

- i) material planning issues presently unresolved.*
- ii) the content and status of national and local planning policies at the time.*
- iii) the Heads of Terms for a S106 Agreement.*
- iv) recommended conditions.*
- v) the outcome of further consultation and representations received about the planning application, and*
- vi) any other material changes in circumstances.'*

Some Members raised concerns with regard to being asked to provide an 'of mind' resolution at this time, whilst there were extensive and important outstanding matters still to be resolved with this application. To assist Members with their deliberations, Mr Frank Stockley from Suffolk County Council, also provided a further explanation as to why the Committee were being requested to make this particular resolution, at this time. This included the requirement for Suffolk County Council to undertake time-limited surveys by the end of May 2016, which if not completed, could result in the opening of the school being delayed to September 2019. Mr Stockley also explained that even though this site still remained the County Council's 'preferred option' for the delivery of a new primary school, other sites within the village would also be revisited for their suitability.

It was moved by Councillor Simon Cole, seconded by Councillor Peter Ridgwell, that due to the extent and importance of matters remaining to be resolved in relation to this planning application, the Committee were **not** in a position to give Suffolk County Council a steer of an 'of mind' approval, at this time. This motion was then put to the vote and with 4 voting for the motion, 6 voting against the motion and with 1 abstention, the Chairman declared the motion lost.

It was then moved by Councillor David Bowman, seconded by Councillor Brian Harvey, that the recommendations contained within paragraphs 287., 289. (as amended) and 290. of the Officer report be approved.

This motion was then put to the vote and with 6 voting for the motion, 3 voting against the motion and with 2 abstentions, it was

**RESOLVED:**

That:-

1. The formal request for a steer on this planning application received from Suffolk County Council and progress so far made with its consideration, including those important issues discussed in the Officer report which remain outstanding, be noted.
2. That upon its consideration of the available information, the Committee is 'of mind' to approve the planning application at this time and are content to provide Suffolk County Council with the steer they are seeking, subject to the Committee further considering the planning application as a whole at a later date, including consideration of:
  - i) material planning issues presently unresolved.
  - ii) the content and status of national and local planning policies at the time.
  - iii) the Heads of Terms for a S106 Agreement.
  - iv) recommended conditions.
  - v) the outcome of further consultation and representations received about the planning application, and
  - vi) any other material changes in circumstances.
3. Notwithstanding Recommendation 2. above, the planning application be returned to the Development Control Committee for further consideration and decision in the round, following completion of the presently outstanding matters discussed in the Officer report.

Speakers: Councillor Hermione Brown, Lakenheath Parish Council spoke against the application.  
Mr Simon Butler-Finbow (Agent) spoke in support of the application.

The Meeting concluded at 6.50 pm

**Signed by:**

**Chairman**

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# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 4 May 2016** 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

David Bowman

Ruth Bowman

Louis Busuttil

Simon Cole

Stephen Edwards

Louise Marston

Peter Ridgwell

## 130. **Apologies for Absence**

Apologies for absence were received from Councillors Brian Harvey and Carol Lynch.

## 131. **Substitutes**

There were no substitutes at the meeting.

## 132. **Minutes**

The minutes of the meeting held on 2 March 2016 were unanimously accepted as an accurate record and were signed by the Chairman, subject to the insertion of the following **wording**:

Minute No. 124     Planning Application DC/15/0754/FUL – 146a High Street, Newmarket (Report No DEV/FH/16/005)

“Lastly, the Case Officer drew attention to two additional items that needed to be added to the recommendation in Paragraph 178:

1. Section 106 agreement to include a contribution to Newmarket Railway Station (this had been mistakenly omitted **and had been identified earlier in the meeting by Councillor Peter Ridgwell**); and
2. An additional condition to be included for details of levels.”

133. **Planning Application DC/16/0242/FUL - Belle Vue, Newmarket Road, Barton Mills (Report No DEV/FH/16/008)**

Planning Application DC/16/0242/FUL - Single storey extensions to existing barn conversion (as approved under DC/15/1402/PMBPA) as amended by email, design and access statement revision A and drawing nos. TAB189-01 Rev B and 10 Rev A received on 22nd March 2016 removing annexe.

This application was referred to the Development Control Committee due to the applicant being related to an elected Member. The application was recommended for approval as set out in Paragraph 24 of Report No DEV/FH/16/008.

The Planning Officer reminded Members that they had considered a previous application for the site at the meeting of the Committee on 5 August 2015.

The Committee was also advised that no further consultation responses had been received from any parties since publication of the agenda.

It was moved by Councillor David Bowman, seconded by Councillor Louise Marston and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. TAB189-01 Rev B, 02, 03, 04, 05, 06, 07 Rev A and 10 Rev A received 22 February 2016 and 22nd March 2016.
3. 04R – Materials as detailed on drawing no. TAB189-07 Rev A received 22 February 2016.

134. **Planning Application DC/15/2456/OUT - Stock Corner Farm, Stock Corner, Beck Row (Report No DEV/FH/16/009)**

Outline Planning Application DC/15/2456/OUT (Access and Layout to be considered) – 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access.

This application was referred to the Development Control Committee as it was a 'major' development and was, therefore, presented directly to Members without prior consideration by the Delegation Panel.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused for the reasons set out in Paragraph 71 of Report No DEV/FH/16/009, which was contrary to the views of the Parish Council who were in support of the scheme.

The Principal Planning Officer drew attention to Paragraph 20 of the report and advised that since publication of the agenda it had been confirmed that no play and open space contributions would be required for the scheme.

A typographical error was noted in Paragraph 45 by Councillor Simon Cole and the Officer confirmed that the sentence in question should have read: "*Relevant policies **for** the supply of housing...*".

Councillor David Bowman spoke as Ward Member for the application and moved that it be refused as per the Officer recommendation. Councillor Cole spoke in support of the Officer report and seconded the motion.

With 9 voting for the motion and with 1 abstention, it was resolved that:

The application be **REFUSED** for the following reasons:

- 1) The site falls outside of the defined settlement boundary of Beck Row which is defined as a Primary Village under policy CS1 of the Forest Heath Local Development Framework Core Strategy (May 2010). There are exceptions to allow for housing development in the countryside as set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such fails to comply with policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document and the guiding principles of the NPPF. The Authority is presently able to identify a deliverable five year (plus buffer) supply of housing sites and the proposal is therefore considered unacceptable as a matter of principle.
- 2) Policy CS5 of the Forest Heath Core Strategy (May 2010) requires all new development to be designed to a high quality and reinforce local distinctiveness and states that design that fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that proposals for all development should create a sense of place and/or local character. Policy DM22 of the same document states that residential development proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy. Policy DM2 similarly states that proposals should not adversely affect residential amenity. The NPPF states that decisions should ensure developments add to the overall quality of the area, respond to local character and are visually attractive (paragraph 58). 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 (Paragraph 64).

The proposal in this case is not considered to represent good design and fails to create a coherent and legible place. The layout of the development lacks visual interest and a sense of place, with prominent buildings orientated with their flank or rear elevations facing the A1101 and with plots 6 and 7 having a contrived relationship. In addition, Plots 2, 3 and 6 have limited private

garden space, with Plot 6 in particular providing a poor standard of amenity for future occupiers having regard to its relationship to the surrounding access road and proximity to Plot 7, and to off site dwellings on Louis Drive. The proposal is therefore considered contrary to policy CS5 of the Forest Heath Core Strategy (May 2010), policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the principles of good design within the NPPF.

- 3) The NPPF states that when determining planning applications local planning authorities should conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused. Policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) states that development which would have an adverse impact on protected species will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to reduce disturbance to a minimum and maintain the population identified on site or provide adequate alternative habitats.

The submitted ecology report identifies bats roosting at Stock Farm Corner Bungalow immediately adjacent to the site and evidence of bats in two agricultural buildings on the site that are proposed to be demolished as part of the development under consideration. The report is clear that all of these buildings must be subject to further surveys during the activity season to determine the number and species of bats and how they are utilising the buildings. The results of these surveys must inform any necessary mitigation or compensation measures. Bat activity surveys are also required on a mature horse chestnut tree in the northwest corner of the site if this is proposed to be removed. The ecology report is unclear regarding the impact of the proposals on great crested newts and indicates that further surveys are again required. In the absence of further surveys in respect of bats and great crested newts, the local planning authority cannot be satisfied that the development would not result in harm to protected species. The proposals are therefore contrary to policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

- 4) Policy CS3 of the Forest Heath Core Strategy (May 2010) states that the quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved and, where possible, enhanced. Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) seeks to ensure that development does not have an unacceptable adverse impact on the landscape, including landscape features.



There are a number of significant trees on the site, including a line of pine trees which is a landscape feature characteristic of the area and a horse chestnut tree that is identified as providing potential habitat for bats. Whilst a topographical survey has been provided showing the locations of existing trees and hedges within the site, these details are incomplete and inaccurate on the proposed layout plan. As a result it is unclear whether existing important landscape features could be retained as part of the development with the layout proposed. The application therefore fails to demonstrate that the development will not have an adverse impact on landscape features, contrary to Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and Policy CS3 of the Forest Heath Core Strategy (May 2010).

- 5) The NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere (paragraph 103). Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) requires proposals for all new development to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. National Planning Policy Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

The site comprises a greenfield site and a suitable scheme for the disposal of surface water is required to prevent increased risk of flooding both on and off the site as a result of an increase in impermeable areas post-development. The proposed strategy relies partly on soakaways and partly on a piped outfall into the ditch to the south of the site. Private areas are shown to drain to individual plot soakaways and the access road is shown to drain through a piped system to an existing ditch via a petrol interceptor. No details of flow rates or justification for this strategy in relation to how it compares with the existing site runoff have been provided. In the absence of an acceptable surface water drainage strategy, the application fails to demonstrate that the development would not increase the risk of flooding both within the site and in the wider locality and is therefore contrary to Policy DM6 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the relevant provisions of the NPPF and NPPG.

- 6) In the absence of a completed Section 106 agreement, the proposal fails to secure the appropriate provision of affordable housing required by Policy CS9 of the Forest Heath Local Development Framework Core Strategy (May 2010) and the provision or improvement of infrastructure needed as a result of the development as required by Policy CS13 of the Core Strategy. The proposal is therefore contrary to policies CS9 and CS13 and the

objectives of the NPPF in respect of delivering sustainable development.

Speaker: Mr Stuart Harrison (Agent) spoke in support of the application.

The meeting concluded at 6.16pm

**Signed by:**

**Chairman**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 JUNE 2016**

**DEV/FH/16/010**

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

**PLANNING APPLICATION DC/16/0317/VAR - LAND ADJACENT SMOKE HOUSE  
INN, SKELTONS DROVE, 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: Philippa Kelly  
Telephone: 01284 757382  
Email: [Phillippa.kelly@westsuffolk.gov.uk](mailto:Phillippa.kelly@westsuffolk.gov.uk)

# Committee Report

**Date:** 15 February      **Expiry Date:** 16 May 2016  
**Registered:** 2016

**Case Officer:** Philippa Kelly      **Recommendation:** Grant  
**Parish:** Beck Row      **Ward:** Eriswell and the Rows

**Proposal:** Planning Application DC/16/0317/VAR: Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: 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 09 July 2015 which proposes 49 affordable housing units).

**Site:** Land adjacent Smoke House Inn, Skeltons Drove, Beck Row

**Applicant:** Persimmon Homes (Anglia)

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## **BACKGROUND:**

**This application is referred to the Development Control Committee, because it is a Major Application relating to a site which has had complex planning policy issues.**

**The application is recommended for conditional approval following completion of a Section 106 agreement.**

## **APPLICATION PROPOSAL:**

1. Planning permission is sought for a variation of Condition 03 of DC/14/1206/FUL which was granted on 25 November 2015.
2. Condition 03 of DC/14/1206/FUL requires that prior to the first occupation of both Units 151 and 152 within Phase 1, the highway works associated with separate Section 278 and Section 38 applications shall be carried out in full.

3. This application to vary Condition 3 of DC/14/1206/FUL was submitted following a breach of condition notice being served by the Council, and follows advice offered to the applicant by highways officers and planning officers.
4. The application proposes alternative temporary car parking for Unit 151, adjacent to Unit 149.

**APPLICATION SUPPORTING MATERIAL:**

5. The application is supported by the following documents:
  - (i) Application form.
  - (ii) Drawing No. BR3-SK01 – Temporary Parking Plot 151.

**SITE DETAILS:**

6. The application relates to a site which is located in the village of Beck Row, in part within the defined settlement boundary. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. It has a population of 3897 (including Holywell Row and Kenny Hill (2011 Parish Profile).
7. The site is situated centrally within Beck Row, to the north of The Street (A1101). It occupies an area of approximately 5 hectares which is divided into two distinct land parcels which are separated by Skelton's Drove. Skelton's Drove is a private road which was owned by Defence Estates until recently. It is understood that it was sold during the summer of 2015.
8. Skelton's Drove demarks the northern and eastern boundaries of the western land parcel, and part of the western boundary of the eastern land parcel.
9. Land to the immediate north of the application site comprises arable farmland and land which was until recently in the ownership of the RAF. Existing residential development is situated adjacent the site. This includes properties to the north—west which are occupied by USAF personnel.
10. To the south-west of the site is new residential development on the site of the former Smoke House hotel complex. Rear gardens of existing dwellings which front The Street/Locks Lane back onto the southern boundary of the site.
11. Existing residential development is also located adjacent the eastern boundary of the site, which comprises predominately single storey properties. The opposite side of Holmsey Green consists of one and two storey cottages and some local retail/commercial uses.

12. Construction has already commenced on twenty four of the residential units on the eastern side of Skeltons Drove, in accordance with an extant permission (planning reference F/2203/0177/OUT and 2007/0492/RMA).
13. Units 151 and 152 front Holmsey Green Road, and are situated close to its junction with the A1101 ('The Street'). It is understood that Unit 151 has been occupied since December 2015. Unit 152 is not currently occupied.

#### **PLANNING BACKGROUND:**

14. Planning application DC/14/1206 proposed 166 residential dwellings. It was taken to the October 2015 meeting of the Council's Development Control Committee, with the officer recommendation of approval.
15. At the committee meeting, some Members raised concern regarding the proximity of the private accesses serving Plot 151 and Plot 152, due to their close proximity to the Holmsey Green/A1101 The Street junction. Members resolved to grant planning permission, subject to the inclusion of an additional condition requiring the additional highway work required under separate highways applications (but not part of the planning application) to be implemented prior to occupation of these units.
16. The wording of this condition (Condition 3 of the decision notice) was agreed by the Suffolk County Council Highways Engineer and the Planning Applicant prior to the issue of the decision notice:

#### **'PRIOR TO FIRST OCCUPATION OF PHASE 1 - UNITS 151 AND 152**

Prior to the first occupation of units 151 and 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 and S38 highways work shall be carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety'.*

17. For the avoidance of doubt, applications made under Section 38 of the Highway Act 1980 relate to the means by which a road becomes a public highway. In the context of this development site, the Section 38 work relates to the new estate road which runs through the application site from the A1101 roundabout onto Holmsey Green Road. Section 278 applications under the Highway Act 1980 relate to the detailed highways works. In this context, the Section 278 work relates to, *inter alia*, the road configuration where the estate road joins Homsey Green Road; highway/footway works at the junction of the A1101 and highway/footway works relating to the new priority junction of the estate road with Holmsey Green Road.

#### **PLANNING HISTORY:**

##### Extant Planning Permission

18. The application site has a lengthy and complex planning history.

**DC/16/0676/S106BA** Application under S106BA - Variation of affordable housing requirements (Refused 28 April 2016).

**DC/14/1206/FUL** 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 09 July 2015 which proposes 49 affordable housing units). (Granted 25 November 2015)

**F/2007/0492/RMA** - Reserved matters for 150 dwellings for occupation by USAF personnel (resubmission) (Granted 2008)

**F/2003/1077/OUT** - Outline planning permission for residential development of the site (Granted 2005).

**F/2007/0014/RMA** - reserved matters for 150 dwellings for occupation by USAF personnel (withdrawn)

**F/2002/524/OUT** - residential development and means of access for occupation by USAF personnel (Refused).

**F/98/568/OUT** - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

**F/93/260/OUT** - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

**F/91/611/OUT** - Residential development and means of access for occupation by USAF personnel. (Refused. Appeal dismissed).

#### **CONSULTATIONS:**

19. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received in relation to the scheme as originally submitted and as amended.

20. **Suffolk County Council Highways – No objection. Comments.** The proposal to temporarily locate the parking for Plot 151 at Plot 149 is acceptable to the Highway Authority as a short term solution (until S278 works are complete). As previously discussed, if Plot 152 should become occupied prior to the S278 being completed, additional accessible parking will be required.

21. **West Suffolk Strategic Housing – No further comments.**

22. **West Suffolk Public Health and Housing – No further comments.**

23. **West Suffolk Environmental Health- No objection.**

24. **Suffolk County Council, Flood and Water Manager – No comments to make.**

25. **Environment Agency – No comments to make.**

26. **Mildenhall Drainage Board. No objection.**

**REPRESENTATIONS:**

27. **Third party representations** have been received from the residents of the following property:

- 1 Harvester Lane

28. The following is a summary of the issues raised:

- Car parking already a problem in this area.
- More car parking should be encouraged.
- Existing green space should be used for car parks.
- Open space should be properly managed and maintained.

**POLICIES:**

**DEVELOPMENT PLAN**

29. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

30. The following Development Plan policies are applicable to the application proposal:

**Forest Heath Local Plan (1995) Saved Policies**

Inset Map No.6 - Beck Row Development Boundary.

**Forest Heath Core Strategy 2010**

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
- **T1** – Location of new development where there are opportunities for sustainable travel

Policies

- **CS1:** Spatial Strategy
- **CS5:** Design Quality and Local Distinctiveness
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS13:** Infrastructure and Developer Contributions

**Joint Development Management Policies Document 2015**

- **DM1** – Presumption in Favour of Sustainable Development.
- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM5** – Development in the Countryside.
- **DM7** – Sustainable Design and Construction.
- **DM22** – Residential Design.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

**Emerging Development Plan Policy**

31. **Single Issue Review and Site Allocations Document:** Consultation on two Local Plan documents began on 04 April 2016 and ends on 08 June 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.
32. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before early 2017, with adoption in mid-2017.
33. At the present time, the Single Issue Review and the Site Allocations Document carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

## **Other Planning Policy**

### **Supplementary Planning Documents**

34. 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)

### **National Planning Policy**

- National Planning Policy framework (2012) Core Principles and Paragraphs

## **PLANNING EVALUATION**

35. This application to vary Condition 03 of DC/14/1206/FUL has been made under Section 73 of the Town and County Planning Act 1990. In accordance with The Act, the Local Planning Authority can only consider the condition that is the subject of the application. It is not a complete re-consideration of the original planning application, nor a mechanism for opening up debate about other issues.

36. In accordance with The Act, the issues to be considered in the determination of the application are:

- Principle of development; and
- Highways and parking issues.

### **Principle of Development**

37. The development site has the benefit of planning permission for residential development, under DC/14/1206/FUL which was granted in November 2015. The principle of development is therefore established.

### **Highways and Parking Issues**

38. The current application seeks to vary Condition 03 of DC/14/1206/FUL, to enable occupation of Plot 151 before the completion of highways works required under Section 38 and Section 278 of the Highways Act 1980.

39. Alternative temporary car parking arrangements for Plot 151 have been identified, and are shown on submitted drawing BR3-SK01. This drawing demonstrates alternative car parking at Plot 149, and indicates that Plot 149 will remain unoccupied until the Section 278 works are carried out.

40. Whilst Plot 151 has been occupied since December 2015, it is understood that it is not possible to park off site, due to raised kerb levels. The dropping of these kerbs will only be possible through successful application to the Highway Authority. It is understood that the occupants of this property are using the parking provided adjacent Plot 149.
41. The alternative car parking arrangements for Plot 151 have been considered by the Suffolk County Council Highways Engineer. In consultation correspondence dated 07 March 2016 the alternative arrangements are confirmed as acceptable.
42. Officers are satisfied that the alternative parking arrangement for Plot 151 would address the original purpose of Planning Condition 3 – to prevent vehicular access to this plot until such time as the highway works have been undertaken. It is acknowledged that this would not be a permanent solution, and that vehicular access to Plot 151 would only be possible once the outstanding Section 278 highway works have been completed.
43. Officers have sought further advice on the timescale for undertaking the Section 278 highway works from both the Highways Engineer and the Applicant. It is understood that a Safety Audit has been submitted to the Highway Authority, but this needs to be signed off. At the time of writing this report it is not known how long it will take to sign off or undertake any work arising. A verbal update will be given at the committee meeting.

### Summary

44. Officers consider it disappointing that the Applicant continued to progress the sale of this property in the full knowledge of the restrictive planning condition which prevented occupation until highway works had been carried out. An alternative car parking solution has been put forward which addresses the highway safety concerns raised by Members, which was the basis for securing the condition in the first place. It would therefore be unreasonable to refuse this application to vary the condition.
45. Officers have considered the wording of the existing condition, and consider it would be reasonable for it to be re-worded as follows:

#### PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

46. Officers note that the wording of the original condition restricted occupation of the adjacent Unit 152. It is understood that this property is not currently occupied. It considered appropriate that this restriction remains, and an additional condition relating to this property is recommended as follows:

## TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

47. The Applicant has confirmed the acceptability of this condition.

### Conclusion

48. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the alternative parking arrangements proposed by this application are acceptable, and do not raise significant highways issues such as to refuse the application to vary this condition. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

### **Section 106 Planning Obligation Issues**

49. The satisfactory determination of this application will result in the fresh grant of planning permission. A deed to vary the original Section 106 will therefore be required. The policy compliant developer contributions relating to affordable housing, education, open space, transport and healthcare which were sought and agreed under the Section 106 will remain unchanged.

50. At the time of writing this report, the Planning Applicant had not confirmed the acceptability of entering into a deed of variation. A verbal update will be given at the committee meeting.

### **CONCLUSIONS AND PLANNING BALANCE**

51. The principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **RECOMMENDATION**

52. That planning permission is **GRANTED** subject to:

(1) The variation of the Section 106 agreement relating to DC/14/1206/FUL

(2) And the following amended/new conditions:

PROPOSED AMENDED PLANNING CONDITION:

PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

PROPOSED NEW PLANNING CONDITION:

TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

**(3)** And the following existing conditions under DC/14/1206/FUL (except where these conditions have already been discharged by the Local Planning Authority):

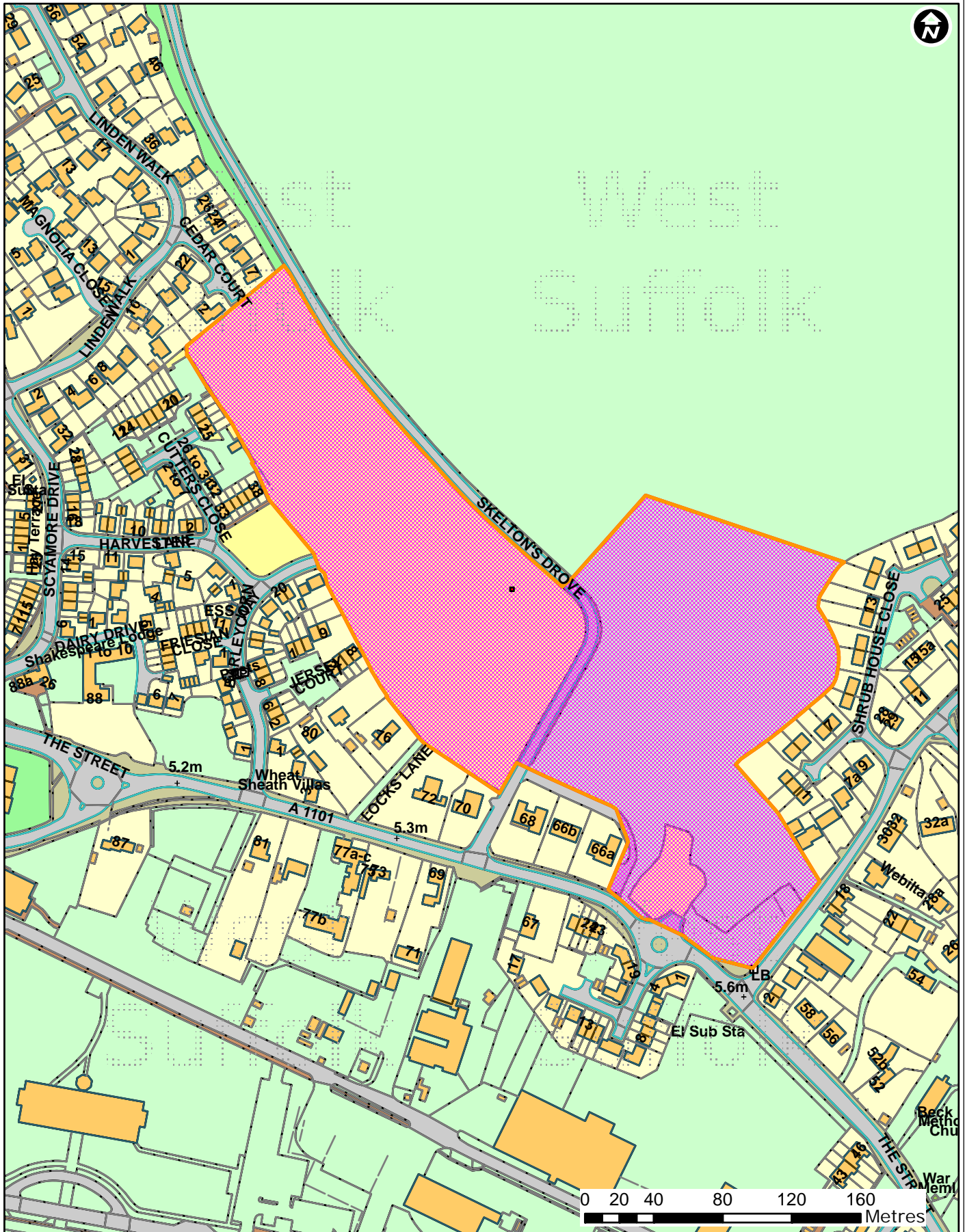
- Compliance with approved plans.
- Highways – Storage of refuse and recycling bins.
- Highways – Details of carriageways and footways.
- Highways – Deliveries Management Plan.
- Highways – Parking.
- Contamination – further investigative work if found.
- Foul water disposal details.
- Surface water drainage details: SuDs management plan.
- Construction method statement.
- Working hours.
- Ground levels details.
- Details of boundary treatment.
- Samples of materials.
- Detailed scheme of hard and soft landscaping.
- Tree protection.
- Details of tree works for retained trees.
- Detailed Arboricultural Method Statement and Tree Protection Plan.
- Open space management plan.
- Details of play equipment.
- Details of lighting.
- Recommendations of Ecological Appraisal to be implemented.
- Provision of fire hydrants.
- 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/applicationDetails.do?activeTab=documents&keyVal=O2G2TZPDN3000>

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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Plot 149 to remain unoccupied until Section 278 works are complete.

Maximum 80m travel distance

Plot 152 to remain unoccupied until Section 278 works are complete.

Temporary parking for plots 151 to be provided at plot 149 until the Section 278 works are complete.

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Drawing No:		Rev:
BR3-SK01 Temp Parking		

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 JUNE 2016**

**DEV/FH/16/011**

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

**PLANNING APPLICATION DC/15/2120/FUL - KININVIE, FORDHAM ROAD,  
NEWMARKET**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Gareth Durrant  
Email: [gareth.durrant@westsuffolk.gov.uk](mailto:gareth.durrant@westsuffolk.gov.uk)  
Telephone: 01284 757345

# Committee Report

**Date:** 6 November **Expiry Date:** 5 February 2016

**Registered:** 2015

**Case Officer:** Gareth Durrant **Recommendation:** Grant Planning Permission

**Parish:** Newmarket **Ward:** Severals

**Proposal:** Planning Application DC/15/2120/FUL - Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

**Site:** Kininvie, Fordham Road, Newmarket

**Applicant:** McCarthy & Stone Retirement Lifestyles Ltd and Frontier Estates.

## Background:

**The planning application is reported to the Development Control Committee at the request of Councillor Andrew Appleby, one of the Local District Council Members for the Severals Ward.**

**The application is also reported given the recommendation to grant planning permission is contrary to views expressed by the Newmarket Town Council that planning permission should be refused.**

## Proposal:

1. Planning permission is sought for the erection of retirement housing of 29 dwelling units in the grounds of an existing dwelling known as 'Kininvie', in Fordham Road. The existing dwelling and its outbuildings would be demolished to make way for the proposed re-development.
2. The proposed development would be provided in a single building, ranging from 2-and-a-half storeys at the Fordham Road Frontage, down to one-and-a-half storeys behind. There is a small element of single-storey building at the very rear. The frontage elements of the proposed building are the tallest measuring up to 10.75 metres to ridge. These elements provide accommodation over three floors (two-and-a-half-storeys). The proposed building reduces in height as it extends back into the site. The two-storey elements of the building, behind the frontage blocks reduce in height to 8.9 and 8.4 metres respectively. Finally, the

single-storey element to the rearmost of the site would be 6.35 metres to ridge.

3. The existing vehicular access into the site would be improved to serve the proposed development. Information submitted with the planning application confirms that foul drainage would be discharged to the mains sewer and surface water to soakaways. The application forms indicate the use of facing brick and render to walls and slate/flat interlocking clay tiles to roofs of the proposed building.
4. The application has been amended since submission in order to address specific concerns raised during the consideration of the planning application. This has resulted in the number of flats proposed by the application falling from 31 to 29 units. Additional information has also been submitted to assist with the consideration of potential transportation and highways impacts. Further consultations have been carried out as a consequence.

### **Application Supporting Material:**

5. Information submitted with the application as follows:
  - Signed application forms (including ownership certification).
  - Drawings (including location plan, block plan, roof plan, elevations, floor plans, tree protection plan and a detailed landscaping plan. The application is also accompanied by visual montage, contextual and perspective drawings. Further highway related drawings have been received to illustrate proposed vehicle movement tracking.
  - Planning Statement
  - Transport Statement
  - Statement of Community Involvement
  - Social Needs Report
  - Design, Access, Heritage and Sustainability Statement
  - Drainage Information
  - Archaeological Desk Based Assessment
  - Ecology Report
  - Contaminated Land Desk Study Report
  - Bat Inspection and Survey Report
  - Planning Obligations and Affordable Housing Statement

### **Site Details:**

6. The site is situated within Newmarket along the Fordham Road. It is approximately 0.48 hectares in size and currently supports a single detached bungalow in landscaped gardens.
7. Site boundaries forward of the existing dwelling are marked by mature planting, save for the vehicular access point. The side and rear boundaries are also marked with a mixture mature hedgerows and/or timber panelled fencing. The site is surrounded on all sides by existing dwellings, save for the site frontage which abuts the Fordham Road highway. The site is within the settlement boundary of the town and sits outside, but adjacent to, the Newmarket Conservation Area designation.

### **Planning History:**

8. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).

### **Consultations:**

9. Natural England (November 2015) – has no comments to make.
10. Anglian Water Services (December 2015) – **no objections** and provide the following comments:
  - The foul drainage from this development is in the catchment of the Newmarket Water Recycling Centre that will have available capacity for these flows.
  - The sewerage system at present has available capacity for these flows.
  - The preferred method of surface water disposal would be a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. The surface water strategy is unacceptable at present and the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (Suffolk County Council).
  - We request a condition requiring a drainage strategy covering the surface water drainage issues to be agreed.
11. Suffolk County Council - Local Highway Authority: In December 2015 the Authority **objected** to the planning application and **recommended refusal** for the following reasons:
  - The applicant has provided insufficient parking within the site for the proposed development and, consequently, this is likely to lead to parking on the highway which is a busy “A” class road and unsuitable for on-street parking.
  - The TA refers to parking guidance from the 2010 SCC Local Transport Plan, however, these are superseded by The Suffolk Guidance for Parking (updated 2015) which recommends a minimum provision of 1 space per dwelling within retirement developments. In addition I would expect 1 space for the full-time employee and the Guidance also requires visitor parking at 0.25 spaces per dwelling. This gives a total requirement of 40 spaces.
  - The application includes 26 spaces none of which are marked out as larger disabled bays which should form a proportion of the parking and would further reduce the total provision. In addition, the Transport Statement provides some swept paths which show that cars can manoeuvre in the car park but there is inadequate space for emergency vehicles and delivery vehicles and this may result in reversing into the highway.

- The Transport Statement refers to a lower than average car ownership rate at other sites operated by the developer. However, these sites may not be comparable in location and proximity to local facilities and we would have no guarantee that this site will remain under the control of the current applicant. Therefore, we consider the parking provision inadequate.
12. The Highway Authority went on (in the same correspondence) to provide the following general comments about the planning application:
- The access will be subject to a significant intensification of use and should be improved to the appropriate standard. The Transport Statement refers to visibility standards from Manual For Streets which we would not normally accept for an "A" class road which is predominantly vehicle dominated. We have taken into account speed count data and the proposal to move the access and to remove a tree to improve visibility and consider that acceptable visibility can be provided. However, we would emphasise that the proposed tree removal shown on the Visibility Splay drawing no. 050.0016.004 will be essential to achieve an acceptable access and the LPA should take this into account.
  - With regard to the traffic generated by the new development we do not consider the effect on the local road network is significant and will not justify any mitigation.
13. In April 2016, following consultation with respect to the amended (reduced) scheme, the Highway Authority maintained its **objections** to the planning application on the grounds that the proposed parking provision still falls short of the requirements of the adopted Parking Standards.
14. In May 2016, following receipt of further information from the applicants highway consultant, the Suffolk County Council confirmed it had **no objections** to the planning application, subject to conditions requiring further details of i) the proposed vehicular access (including gates and visibility) and, ii) bin storage areas. A further condition is recommended to ensure the parking and manoeuvring areas within the site are provided and maintained.
15. The Authority provided the following comments to explain its changed stance on the planning application:
- We have considered further information provided by the applicant on the level of vehicle use likely to be expected at this retirement facility in comparison to the requirements of the Suffolk Guidance for Parking. The Guidance makes allowance for a reduction in the standard if evidence supports a lower parking provision. Although we would still maintain that the location is not highly sustainable, as are some of the sites provided for comparison in the applicant's evidence, we accept that the level of car ownership of residents is likely to be lower than the equivalent of one car per unit.
  - Given that the proposal is now for a reduced number of units, and evidence supports the conclusion that it is unlikely that parking will occur on the highway we wish to remove our recommendation of refusal.

16. Suffolk County Council – Flood and Water Management (December 2015) **objects** to the planning application and requests further detailed information regarding the design and approach to a surface water system.
17. In February 2016, following receipt of details of a surface water drainage scheme, the Flood and Water Management Team at Suffolk County Council confirmed the overall design of the proposed surface water system was acceptable but could not fully recommend approval until details of infiltration rates had been provided.
18. Suffolk County Council – Strategic Development (Development Contributions) – **no objections** and does not wish to comment.
19. West Suffolk – Environmental Health (December 2015) - no objections – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction.
20. West Suffolk – Public Health and Housing – (November 2015) no objections, subject to conditions relating to, i) control over construction hours, construction noise and dust and, ii) control over external lighting of the site following occupation.
21. In February 2016, following submission of further information and clarification regarding the siting and specification of an electricity sub-station, the Public Health and Housing Team again raised **no objections** to the planning application, subject to conditions requiring >5 metre separation between the sub station and any dwelling and further (and more precise) details of the sub-station.
22. West Suffolk – Strategic Housing – (November 2015) support the planning application in principle, but question the applicants assumptions about development viability. The team supports the approach to secure financial contributions to be used off-site, but questions some of the assumptions made in the viability report which seeks to justify a specified level of contribution.
23. In April 2016, following re-consultation with respect to the amended (reduced) scheme, the Strategic Housing Team did not wish to make any further comment, but noted the submitted viability assessment was in the process of independent assessment.
24. West Suffolk – Planning Strategy (Ecology, Trees and Landscape) – no objections and provides the following comments with respect to trees and ecology matters:

Impact on trees

- The proposals include the removal of a number of garden trees to allow for the development however in general the trees that mark the boundary and are most significant in terms of the wider visual amenity are to be retained. Tree T56 is a pollarded lime tree located on Fordham Road. This tree forms part of a linear landscape feature and the loss of this tree to provide a safe



entrance is regrettable. However the tree is described as having decay pockets within the historic pollard points and more seriously a fungal fruiting body at the base. The arborist has estimated that the tree's remaining contribution is less than 10 years and under these circumstances the removal of the tree to allow the development is acceptable so long as a replacement tree is planted. This would preferably be to the front of the site. I note that the landscape proposals allow for the planting of 16 new trees including three pine trees to be planted on the boundary with Fordham Road. The implementation of the soft landscaping should be conditioned.

- A tree protection plan has been submitted and implementation of the tree protection should be conditioned

#### Impact on biodiversity

- An ecology report (March 2015) and a bat inspection and survey report (October 2015) have been submitted to support the application. These reports make recommendations in section 7 and section 6 respectively. These recommendations will need to be implemented in full by condition. This may require some amendments to the detailed landscaping scheme in respect of incorporation of the particular plant species mentioned; the bat and bird boxes could also be included in this plan (can be resubmitted by condition). A lighting mitigation strategy should also be conditioned.

#### **Representations:**

25. In relation to the first round of public consultation (November 2015, following receipt of the planning application) the following representations were received.
26. Newmarket Town Council – **objected** to the application on the grounds of overdevelopment of the site and the impact of additional traffic on Fordham Road.
27. Newmarket Horseman's Group – raises **no objections** and comments that horseracing industry assets are unlikely to be affected by the proposals (noting there are stables on the opposite side of Fordham Road). The main concerns of the group are in relation to increased traffic movements on Fordham Road (in combination with development at the Maltings and the enlarged Tesco store).
28. The Group notes the application is for retirement dwellings, notes the trip generation data accompanying the planning application as realistic and suggests a contribution towards safety improvements at the Rayes Lane/Fordham Road crossing would be appropriate. Furthermore the Group requests the developer liaises with the two training yards during construction in order to minimise risks during noisy demolition/construction activities.
29. Letters/e-mails/web forms were received from 10 local residents raising **objections** to the proposed development. The issues and objections raised are summarised as follows:
  - Some of the trees would have too much work undertaken to them, leaving

them unsightly.

- Overlooking of existing property, leading to loss of privacy.
- Refuse collection should be from within the site, not the road side in order to avoid traffic congestion, but there appears to be little room for this.
- There is no access to the rear of the site for emergency vehicles.
- The development would exacerbate the traffic problems on Fordham Road.
- If the site is to be redeveloped, it should be with a small number of private houses in keeping with the locality and prevailing traffic conditions.
- The bulk and massing of the building is large and over bearing and does not respond to the local context and would overshadow neighbouring properties.
- The tree within the highway should not be felled to make way for this development.
- No method has been proposed to deal with surface water drainage. The roof area of the buildings is to be massively increased and surface water may require some kind of attenuation system. Where is this to be sited?
- Gross overdevelopment of the site showing over-grabbing of a majority of the existing garden space of the property.
- Light pollution at night from internal and external sources.
- Where would the electricity sub station be provided?
- Trees on site requires greater consideration than the developers are suggesting.
- The construction process will generate noise, dust and vibration for a period of a year. This should be strictly controlled by planning condition.
- Detrimental impact upon the Conservation Area, owing to inappropriate amount, and scale of development, urbanisation of the area and loss of trees.
- Inadequate levels of parking for residents, staff, visitors and services.
- There is not a cycleway on Fordham Road, irrespective of their mention in the developers' proposals.
- Properties in the area are mostly two-storeys.
- The building would be visually imposing in public and private views.
- Adverse impact upon highway safety.
- Adverse impact upon ecology.
- The proposed building is too close to the road.
- There are no bus stops serving the site.
- Odour from bin storage.
- Increased demands upon sewerage infrastructure.
- Subsequent felling of mature trees would further expose existing properties to overlooking from the development.
- Devaluation of surrounding properties.
- The sub-station is too close to our property and is a potential health hazard.

30. One letter was received in **support** of the planning application. The following comments (summarised) were received:

- The applicants' developments are high quality and well thought out, sympathetic to the environment and an asset to the community.
- Newmarket is woefully short of such good standard homes for the elderly.

31. In relation to the second and third rounds of public consultation (January and March 2016 - details of the proposed electricity sub-station and reduction in the scheme by x2 units) one further representation was received **objecting** to the

proposals.

32. The author had already submitted objections in response to the first consultation and added the following comments (summarised):

- The amended proposal remains a gross overdevelopment of the site. The size and proportions of the proposed building is wholly out of character with other properties in the area, which are low density residential properties. The remaining garden size would be limited and out of keeping.
- The roof area increases by more than 1,000 square metres. The potential for flooding or surrounding properties remains an issue.
- The amendments have not resolved visitor parking spaces. It is likely that visitor parking will make Fordham Road impassable, particularly at weekends.
- The proposals will result in the loss of privacy and amenity from overlooking (first floor windows), increased noise and light pollution.
- If planning permission is granted, there should be controls over working times (construction; 9-5 and no working weekends or public holidays), no on-site burning of waste and controls over noise, given the build will last around 1 year.

**Policy:**

33. The following policies of the Forest Heath Local Plan 2016 (saved policies) the Core Strategy (2010) and the Joint Development Management Policies Document (2015) have been taken into account in the consideration of this application:

*Saved Policies of the Forest Heath Local Plan 2005*

A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of those 'saved' policies subsequently replaced following the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document.

- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.

*Forest Heath Core Strategy December 2010*

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.

- Policy CS1 – Spatial Strategy
- Policy CS2 – Natural Environment
- Policy CS3 – Landscape Character and the Historic Environment

- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- Policy CS9 – Affordable Housing Provision
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport
- Policy CS13 – Infrastructure and Developer Contributions

Joint Development Management Policies Document (2015)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM22 – Residential Design.
- DM23 – Special Needs Housing.
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM46 – Parking Standards
- DM48 – Development Affecting the Horse Racing Industry.

**Other Planning Policy:**

National Policy and Guidance

34. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
35. 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."

36. 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".
37. The relevant policies of the Framework are discussed below as part of the Officer Comment section of this report.
38. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

#### Supplementary Planning Documents

39. The following Supplementary Planning Documents are relevant to this planning application:
  - Open Space, Sport and Recreation Facilities.
  - Affordable Housing.

#### **Officer Comment:**

40. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Highway Safety
  - Natural Heritage
  - Built Heritage
  - Environmental Conditions
  - Design and Layout
  - Residential Amenity
  - Sustainable Construction and Operation
  - Impact upon the Horse Racing Industry
  - Planning Obligations

#### Principle of Development

41. 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.
42. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in

practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

i) economic (contributing to building a strong, responsive and competitive economy),

ii) social (supporting strong, vibrant and healthy communities) and,

iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

43. 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.

44. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

45. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy).

46. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.

47. Paragraph 49 of the Framework states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites".

48. The latest 5-year housing supply assessment for Forest Heath (considered by Members of the Local Plan Working Group on 1st March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites.

49. Core Strategy policy CS1 defines Newmarket as a market town, recognises the importance of the horse racing industry and confirms land will be allocated for a minimum of 240 dwellings on brownfield land within the development boundary. Provisions relating to the allocation of greenfield land for housing development were quashed (removed) from the Plan following the ruling of the High Court.
50. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.
51. Policy DM1 of the Joint Development Management Policies repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
52. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation. The outcome of the planning application will therefore be dependent upon the localised impacts of the proposals. The remainder of this section of the report considers these.

#### Highway Safety

53. The Framework states 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. It also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
54. Core Strategy Spatial Objective 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 confirm 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.
55. Policy DM46 of the Joint Development Management Policies Document sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
56. Vehicular access to the proposed development, which would be via the existing access (following improvements) is considered safe and suitable for vehicles and pedestrians and the development would not lead to significant highway safety issues or hazards. The proposed improvements to the access and requirements for provision of protected visibility splays could be secured by means of appropriately worded conditions.

57. Given its relatively small scale and the nature of its use and intended occupation, the development would not lead to congestion of the highway network, particularly during am and pm peak hours.
58. A total of 26 car parking spaces are provided for the 29 retirement flats proposed by the planning application, which is three spaces short of the minimum levels 'required' by the 2015 Parking Standards. Suffolk County Council, as Local Highway Authority initially objected to the planning application and expressed concerns that demand for car parking at the development is likely to out-strip its supply, thus leading to pressure for street parking on the Fordham Road, which itself could cause highway safety and congestion issues.
59. In response to the objections, the applicants provided additional information to assist consideration of the levels of parking provision proposed, including analysis of the way in which the Parking Standards approach 'care' facilities and drawing upon experiences of other schemes provided and operated by the applicants and the age profiles and parking needs of their developments. Upon further consideration of the additional evidence and, notwithstanding the 'minimum' parking requirements expressed in the Parking Standards, the Highway Authority has resolved to withdraw its objections to the proposals and is now recommending imposition of conditions (paragraphs 11-15 above).
60. The level of off-street car parking proposed for the development is thus considered acceptable, despite being contrary to (slightly below) the Parking Standards.

#### Natural Heritage

61. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.
62. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
63. The planning application is accompanied by a preliminary ecological appraisal and bat surveys. The Ecology report (March 2015) concluded there is unlikely to be any significant ecological impacts arising from the development and made the following recommendations for ecological mitigation and enhancement:
  - Protection of trees to be retained.
  - Site clearance to be carried out outside the bird nesting season (March to August inclusive) unless supervised by a suitably qualified ecologist.
  - Areas of habitat to be created as part of the development should be designed to offer nesting opportunities for birds, especially spotted flycatcher.
  - Species of cotoneaster should be destroyed on site to prevent their spread.



- Installation of bat and bird boxes, bird feeders and bird baths.
  - Native species to be incorporated into the landscaping scheme.
  - Incorporation of a meadow area to encourage small heath butterflies.
  - Incorporation of log piles in landscaping areas to provide shelter, foraging and hibernation sites for invertebrates, amphibians, reptiles and mammals.
64. The ecology report also recommended bat surveys are carried out of the buildings proposed for demolition and a tree stump, all of which were initially deemed potentially suitable for bats. As a consequence of this recommendation a bat survey was carried out and the findings were submitted in a separate report (dated October 2015). Bats were found to be using the site, but no roosting sites were identified. The report repeated a number of the recommendations of the more general Ecology Report (summarised above) with the following additional measure:
- Operational lighting should be controlled during construction and post occupation of the development; bats are highly sensitive to light disturbance.
65. 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 acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed and operated development is likely to result in net ecological gains. The implementation of the enhancement measures set out in the Ecological Report and Bat Survey could be secured by means of an appropriately worded planning condition.

#### Built Heritage

66. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
67. The approach in the Framework to considering impacts upon a heritage asset requires the decision maker to begin by assessing the degree of 'harm' a development would cause. Paragraph 133 of the Framework states; "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Paragraph 134 states; "Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

68. The development proposals would not impact upon any listed buildings, (including their settings). The site is outside the Newmarket Conservation Area, the boundary of which is situated on the opposite side of the Fordham Road. Indeed the Conservation Area boundaries have been deliberately drawn to exclude a suburb of residential development between Fordham Road (east of) and Snailwell Road (west of).
69. Notwithstanding the location of the application site outside the Conservation Area, the impact of the development (with particular regard to the frontage of the site) on views into and out of the Conservation Area does require consideration and assessment, given its close proximity on the opposite side of Fordham Road.
70. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states
- ...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
71. The proposed development would be viewed from certain areas of the Conservation Area, particularly on the opposite side of Fordham Road, to the application site (west side) and Fordham Road itself, both of which are within the Conservation Area. The relevant starting point is to consider the impact of the development upon the Conservation Area, as a whole before deciding whether any adverse impact identified is 'substantial', or 'less than substantial', as discussed at paragraphs 133 and 134 of the Framework.
72. There is no doubt that re-development of the application site would increase its visual prominence and influence in the Conservation Area given the new frontage buildings, being over 10 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained mature frontage planting or in breaks in the landscaping for vehicular/pedestrian access. The rear elements of the proposed development, behind the frontage elements, would have no visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped garden areas currently in that position on the site.
73. The proposed building and parking area would be situated behind mature boundary planting on the front and side boundaries of the application site such that the visual influence of the proposed development would be significantly reduced from and protected against public vantage points from within the Conservation Area. Public views would be limited to glimpses in-between dense vegetation or through access points.
74. Such views would be greater in winter when deciduous trees are not in leaf but not to the extent that development would be visually prominent or dominant in the streetscene (including the elements of the Conservation Area which include the east facing frontage onto Fordham Road). The application site would be re-developed and has been purposefully designed with a building of domestic scale

and appearance and which would be set back into the site from its frontage towards the Conservation Area. Accordingly, glimpses of the proposed development (which would not be experienced by the receptor in the context of the character and appearance of the conservation area as a whole) would not be significant and, in the opinion of your officers, would not lead to even the 'less than substantial harm' benchmark set out in the Framework. Accordingly, the impact of the proposed development upon the character of the Newmarket Conservation Area (as a whole) would, in your officers view, be neutral.

75. The application site does not contain any known archaeological deposits and is outside sites designated because of their known or potential archaeological interest. The application is accompanied by an Archaeological Desk Based Assessment which concludes the site has low potential for archaeological remains which (if present) may have been damaged by the construction of the existing development on the site. The report, however, recognises there is a degree of potential for archaeological artefacts to remain at the site particularly at previously undisturbed locations and recommends, purely as a precautionary approach, a condition requiring further archaeological investigations to be carried out prior to development. This seems to be a sensible approach to resolving archaeological interests in the light of the context of the low potential for archaeological deposits to be found.

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

76. 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.
77. 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.
78. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
79. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.

80. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed development would be at risk of flooding from any existing watercourse.
81. The application is accompanied by a surface water drainage scheme which is largely agreed by the Flooding Team at Suffolk County Council (paragraphs 16 and 17 above). SCC has requested further information relating to infiltration rates which underpin the scheme. The applicants have provided the requested information which, at the time of writing, was resting with Suffolk County Council for further/final comment. The Committee will be updated at the meeting of any further comments received from Suffolk County Council. In the meantime, the recommendation below has been crafted to ensure the matter is satisfactorily resolved in advance of any decision notice being issued.
82. The planning application is accompanied by a Desk Study Appraisal of ground conditions. This concludes that it unlikely that contamination is present at the site, given its history of use and does not recommend any further mitigation. The Council's Environmental Health team has agreed those conclusions and no conditions relating to remediation of contamination, or potential contamination, are required.

#### Design and Layout

83. 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.
84. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
85. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 sets out similar requirements but is specific to proposals for residential development.
86. The site is situated in a residential suburb to the north of Newmarket. Westley Road is a primary entrance into the town from the A14(T) and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions), albeit the individual plots are much smaller than the application site.

87. The redevelopment of the application site with a larger building on a larger site would not be out of keeping with the prevailing pattern of development in the area. The application site would not be subdivided into a number of smaller plots, which would necessarily occur with a more traditional open market housing development, in which case, its character would be more befitting to the sizes of other plots in the vicinity. The singular character of the large site would be retained via the development. The proposed building is large; it has to be in order to contain the 29 flats proposed in a single block. That in itself leads to concerns in principle given this approach would be at odds with the grain of development in the area which is characterised by single detached dwellings on generous plots.
88. That said, the proposed building has been designed to appear, certainly from the public façade at the frontage, as a pair of large 'detached' two-and-a-half-storey dwellings and has been detailed and articulated in this manner (albeit these buildings would clearly be linked together). To that extent the building retains a domestic feel and scale from the frontage. The depth of the building is much more difficult to disguise by design given its coverage of around 60 metres from front to rear walls. However, the roofspaces and walls of the rear elements have been articulated and broken down into a number of individual components (through changes in height, materials and architectural detailing) in order to create visual interest to the side facing elevations and break up into more legible parts what would otherwise have been long and monotonous elevations of 'institutional' character. To the extent that the rear elements of the proposed building have some architectural interest, and are visually progressive, the design of the scheme is successful and, in your officers' view, mitigates the potential design impacts of providing a building with a large footprint and bulk. Whilst the sheer size of the footprint of the building would be at odds with the prevailing character of the area by reason of that sheer size, that would, because of the approach to the design, only be particularly apparent in views from above (i.e. aerial photographs) and would not be immediately apparent in views from the ground, particularly from public vantage points. Accordingly, it is your officers' view that only limited 'harm' to the character of the wider area would accrue from the proposed development, despite its large size and scale of the proposed building.
89. The design and detailing of the proposed building follows a pastiche approach which is acceptable at this location such that it would not draw the eye or overly compete with other buildings in the context of the wider streetscene or the adjacent Conservation Area.
90. In light of the above assessment, your officers conclude the form, scale, bulk and detailed design of the scheme (and the materials proposed in its construction) are acceptable and accord with relevant national and local design based policies.

#### Residential Amenity

91. 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. 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.

92. Concerns have been expressed by some local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings because of increased overlooking from first-floor windows, overshadowing/loss of light and general noise and disturbance from the intensification of the use.
93. The applicant has reacted positively to those concerns by removing two units from the rear of the development (dropping down from two-storeys to single storey accommodation in this area) and by re-arranging fenestration on a couple of other units (use of obscure glazing and 'dummy' windows at first floor level in affected areas). The amendments, combined with the distances between the proposed building (its first floor windows in particular) and potentially affected properties to each side in Fordham Road and abutting the site to the rear would not experience significant overlooking, with no direct/close overlooking into windows or garden spaces of existing properties.
94. The proposed development would not dominate over or lead to significant reductions in light reaching the adjacent dwellings or their gardens given the separation of the proposed building to the relevant boundaries (separation of a minimum of 4.8 metres, with much greater separation to the boundary in potentially sensitive areas).
95. In light of the above discussion and having carefully assessed the information submitted with the planning application (as amended) and having viewed the application site from most of the properties and gardens of properties abutting the site boundaries, it is your officers view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be justified.

#### Sustainable Construction and Operation

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

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
99. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
100. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
101. The planning application is accompanied by a sustainability statement (part of the Design and Access Statement) which sets out how Building Control requirements for energy efficiency will be achieved (or perhaps exceeded).
102. The planning application does not address water efficiency measures in detail and does not presently propose a strategy for ensuring water use does not exceed 110 litres per person, per day set out in Policy DM7. The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

#### Impact upon the Horse Racing Industry

103. Vision 2 (Newmarket) of the Core Strategy recognises the importance of the horse racing industry to the town and wider District. This is reflected in Policy CS1 which states it will be protected and conserved through the plan period. The Joint Development Management Policies Document contains a number of policies relating to the horse racing industry in Newmarket. One of these, policy DM48, states any development within and around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic etc) will not be permitted

unless the benefits of development would significantly outweigh the harm to the horse racing industry.

104. Given the relatively small scale of the proposed development and the nature of its use (particularly the expected age profile of its residents) it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. Indeed, this is confirmed via representations received on behalf of the horse racing industry (paragraphs 27 and 28 above). The Horseman's Group request for a S106 Agreement to be used towards enhanced horse crossing facilities at the Rayes Lane/Fordham Road junction cannot be justified in law given that the proposed development is not anticipated to impact upon it significantly. Accordingly, will not be appropriate to secure such a contribution from this particular development.

#### Other issues

105. The application proposals, given their relatively small scale and the characteristics of their intended occupation are unlikely to have significantly adverse impacts upon local infrastructure provision (including education, sewerage capacity, energy supply and demands upon public open space) such that no further investigations or mitigation is required.
106. Some concerns have been expressed that a grant of planning permission for this development would have a negative impact upon property values in the area. The perceived impact of new development upon third party property or land value is not a material planning consideration.

#### Planning Obligations

107. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
  - be directly related to the development, and
  - be fairly and reasonably related in scale and kind to the development.
108. The development proposals are not required to provide any general infrastructure contributions to off-set impacts, given that none have been identified (eg education, libraries, policing, off-site public open space etc). However, given the planning application proposes a 'housing' scheme, it is appropriate, and in accordance with planning policy, to secure an element of affordable housing from it.

#### Affordable Housing

109. 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.

110. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
111. The planning application is for a 'housing' development and therefore the provision of policy CS5 relating to affordable housing contributions apply. In this case, given the nature of the internal design and layout of the buildings (with all flats accessed internally from shared spaces and with management levies applicable) and the intended specialist function of the new community with communal services provided to and paid for by future residents of the scheme, it is appropriate in this case for the affordable housing to be provided off-site. This could be secured by means of a financial contribution via a S106 Agreement such that it would allow (with the social providers contribution included) the equivalent level and specification of affordable housing to be provided off-site. Both the applicant and the Council's Strategic Housing Team have agreed, in principle, to that approach.
112. The developer has submitted a confidential viability report with the planning application, claiming the development would not be viable with the level of S106 contributions that would be required to provide an equivalent level of affordable housing away from the site. This is discussed in the next section.

#### Development Viability

113. The Framework states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
114. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
115. The National Planning Practice Guidance sets out the following advice on development viability:

*"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.*

*A site is viable if the value generated by its development exceeds the costs of*

*developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."*

116. The applicant has provided a financial appraisal of the proposed development to demonstrate that, with reasonable developer profit and land value, the development would not be viable with a full package of S106 contributions. In this case, the sole S106 contribution would be a financial contribution towards the off-site provision of affordable housing. Whilst the precise amount of that contribution (equivalent to 30% provision on site) is yet to be precisely calculated, initial calculations suggest such a contribution would be in the region of £800,000. The applicant's viability assessment has suggested a viable scheme could provide a total contribution of £285,620.
117. A revised viability assessment was received by the Council in late March 2015 and is presently the subject of discussion between officers (guided by an appointed independent expert) and the applicants. Whilst it must be acknowledged discussions and negotiations are on-going, the initial assessment of the Council's appointed expert consultant is suggesting the scheme could provide a greater level of financial contribution than that offered via the applicant's viability assessment.
118. The final amount of affordable housing to be secured remains subject to agreement and the recommendation at the end of this report reflects the fact it is not presently resolved. It is suggested that, for the purposes of assessing the planning balance (see next section) Members consider the proposals on the basis of the affordable housing contribution being offered now (at around 10% equivalent) based on an assumption it will not be increased, but in the knowledge it may be increased following conclusion of the separate and on-going viability discussions. That said, it should not be interpreted that circa 10% affordable housing provision is acceptable for this development per se, because if the reduction from policy compliant levels is not subsequently proven on viability grounds, the Council would still be entitled to secure policy compliant provision or else refuse planning permission. This would be true even if the Committee has assessed, with respect to its consideration of the planning balance, that development would be acceptable with the reduced level of affordable housing.

### **Conclusions and planning balance:**

119. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits against negatives) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.
120. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect (albeit limited in this case) on economic output both in terms of construction employment and the longer term availability of housing for increased population which leads to higher local spend and general economic growth.

121. In terms of the social role of sustainability the development would provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development would result in a built environment of high quality. The development would be seen in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area than the existing bungalow on the site, but not to the extent that material harm would arise as a consequence. The proposal would rely on the viability and accessibility of existing local services to service its needs, both within Newmarket and further afield. The scheme would also provide an element of affordable housing provision (off-site in this case), the precise level of which is yet to be determined. Notwithstanding this, the current offer of circa 10% equivalent provision of affordable housing would add to the benefits of the scheme.
122. In relation to the environmental role it is self-evident that the character of the site would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.
123. The proposals would result in a more efficient use of the site and achieve a high quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The development is 'sustainable development' as defined by the Framework and, subject to subsequent satisfactory resolution of affordable housing provision, would not be contrary to extant Development Plan policies.
124. The proposals are therefore recommended for approval.

**Recommendation:**

125. That, subject to the subsequent receipt of confirmation from Suffolk County Council Floods Team they do not object to the planning application, **FULL PLANNING PERMISSION BE GRANTED** subject to:
- (1) The prior satisfactory completion of a S106 agreement to secure:
    - Off-site affordable housing, precise amount to be agreed following conclusions of viability assessment (minimum contribution of £265,620).
  - (2) And subject to conditions, including:
    - Time limit
    - Archaeological investigations
    - Samples of materials
    - Details of finishes (colours to be applied to detailing)
    - As may subsequently be reasonably recommended by SCC Floods Team
    - As recommended by the Local Highway Authority
    - Implementation of recommendations of the ecology and bat reports
    - Landscaping

- Protection of retained trees and shrubs during construction
- Construction Management Plan
- Timing of the provision of obscure glazing (prior to first occupation and retention thereafter) as illustrated on the plans.
- Lighting strategy and scheme.
- Water use efficiency.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).
- Further details of the proposed electricity sub-station.

That, in the event of one or more of the following arising;

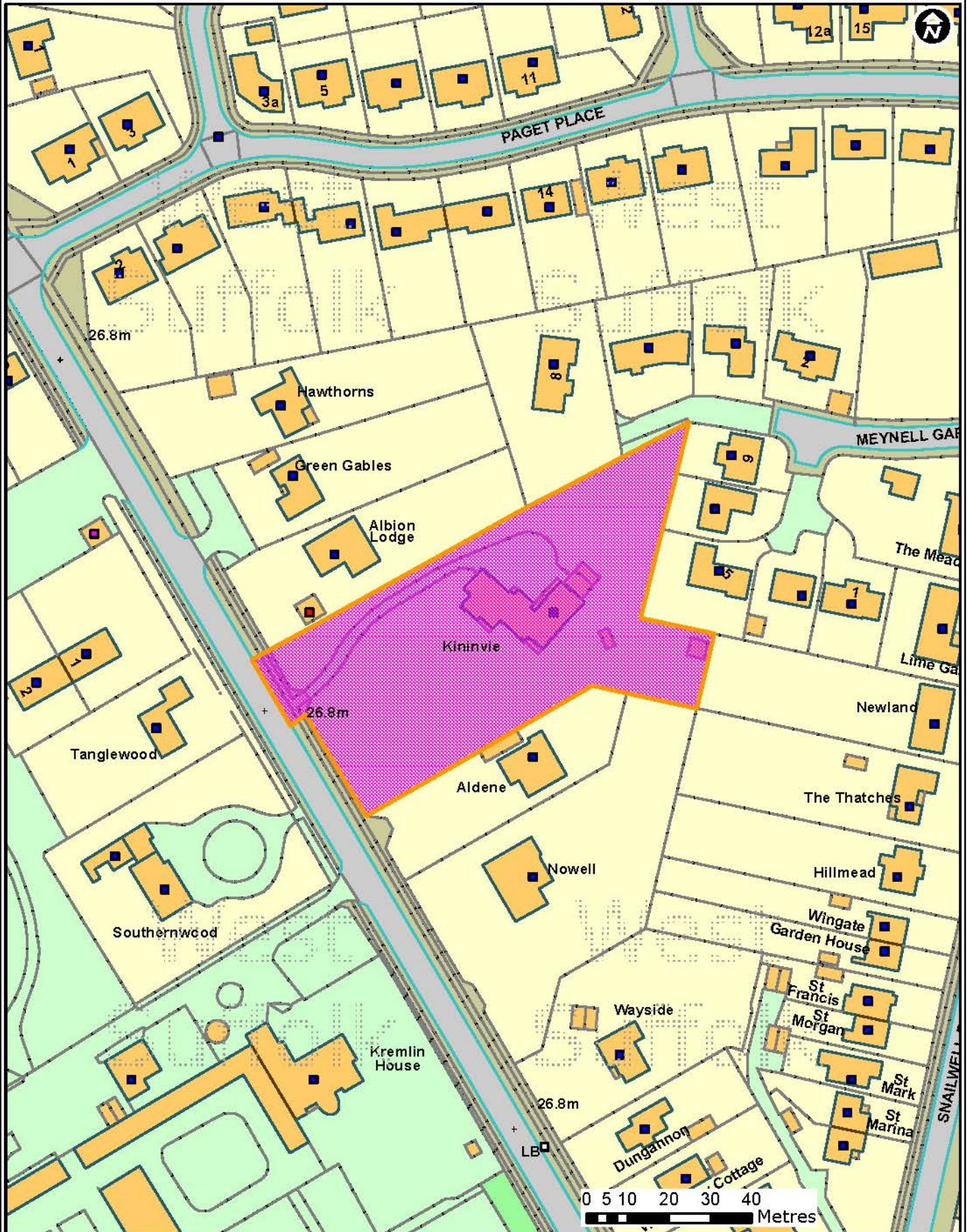
- i.) failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds), or
- ii.) failure to conclude a S106 Agreement to secure an agreed contribution for off-site provision of public open space, or
- iii.) Suffolk County Council Floods Team subsequently providing negative comments or objections to the planning application,

The planning application be returned to the Development Control Committee for further consideration.

**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=NWBPP6PDKXN00>



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