

Development Control Committee



Forest Heath
District Council

Title:	Agenda														
Date:	Wednesday 4 January 2017														
Time:	6.00 pm														
Venue:	Council Chamber District Offices College Heath Road Mildenhall														
Full Members:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p> <p><u>Conservative Members (9)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>Ruth Bowman</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (3)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> </tr> <tr> <td>Simon Cole</td> <td></td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> </tr> </table>	David Bowman	Brian Harvey	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	David Palmer	Simon Cole		Roger Dicker	Peter Ridgwell
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Stephen Edwards															
Andrew Appleby	David Palmer														
Simon Cole															
Roger Dicker	Peter Ridgwell														
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA **															
Substitutes:	Named substitutes are not appointed														
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.														
Quorum:	Five Members														
Committee administrator:	Sharon Turner Democratic Services Officer (Cabinet) Tel: 01638 719237 Email: sharon.turner@westsuffolk.gov.uk														

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

Material Planning Considerations

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

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
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 must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

**DEVELOPMENT CONTROL COMMITTEE
DECISION MAKING PROTOCOL**

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/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.

Agenda

Procedural Matters

Part 1 – Public

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

To confirm the minutes of the meeting held on 7 December 2016 (copy attached).
- 4. Planning Application DC/16/0465/FUL - Plots 9-11 St Leger Drive, Newmarket** **9 - 24**

Report No: **DEV/FH/17/001**

Single storey B2/B8 industrial units and associated external works (Resubmission of DC/14/2218/FUL)
- 5. Planning Application DC/15/2120/FUL- Kininvie, Fordham Road, Newmarket** **25 - 74**

Report No: **DEV/FH/17/002**

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
- 6. Planning Application DC/16/2444/HH - 2 Wells Court, Mildenhall** **75 - 84**

Report No: **DEV/FH/17/003**

(i) Two storey front extension and, (ii) side extension to existing detached garage to form workshop/home office

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 7 December 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

Simon Cole

Roger Dicker

Stephen Edwards

Brian Harvey

Carol Lynch

Louise Marston

David Palmer

Peter Ridgwell

187. **Apologies for Absence**

Apologies for absence were received from Councillor Louis Busuttill.

188. **Substitutes**

There were no substitutes present at the meeting.

189. **Minutes**

The minutes of the meeting held on 2 November 2016 were unanimously accepted as a correct record and were signed by the Chairman.

190. **Planning Application DC/16/1726/OUT - Jeddah Way, Moulton (Report No: DEV/FH/16/038)**

Outline planning application (means of access and layout to be considered) for 4no. dwellings with associated garages and car parking (revised scheme).

A Member site visit was held prior to the meeting.

Prior to the commencement of the consideration of this application, the Case Officer confirmed to the Committee that the address of the application should read "Jeddah Way, Kentford (in the parish of Moulton)".

The application was referred to the Development Control Committee following consideration by the Delegation Panel.

Moulton Parish Council had objected to the application on the grounds of over-development. A petition had also been received from 12 residents objecting to the application due to the location of the means of access. The access onto Jeddah Way was close to a blind bend and was a potential accident spot. Kentford Parish Council had supported the application on the basis that the development needed completing, although good connecting routes would need to be developed with the main part of Kentford.

Officers were recommending that the application be approved as set out in paragraph 24 of Report No: DEV/FH/16/038.

Councillor Roger Dicker spoke on this application as Ward Member. He supported this application in principle, but raised concerns regarding the access. During the public speaking, the Agent had indicated that following the concerns which had been raised by residents and by Moulton Parish Council on highway safety issues, the Applicant would be prepared to install speed reduction measures (via a Unilateral Undertaking to secure a S278 Agreement under the Highways Act). Councillor Dicker, therefore, requested that if approved by the Committee, a Unilateral Undertaking should be submitted to the Council, prior to the issue of consent to secure the necessary speed reduction measures.

With the vote being unanimous, it was resolved that

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

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the final approval of the reserved matters; or
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
3. The site preparation and construction works including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent

of the Local Planning Authority.

4. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a) site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b) noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c) dust, dirt and vibration method statements and arrangements;
 - d) site lighting.
5. The building envelope and the glazing elements of the dwellings shall be constructed such that sufficient sound attenuation is achieved to meet the indoor ambient noise levels for resting and sleeping as stated in Table 4 of British Standard : BS8233 : 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings".
6. No development shall be commenced until details of the following drawn to a scale of not less than 1:200 have been submitted to and approved in writing by the Local Planning Authority:
 1. Existing and proposed ground levels,
 2. The position and depth of all services to be laid, constructed or installed (including drains, cables, pipes, sewers and soakaways). Where this information is not available the site plan shall be marked up to show all routes available for this use and those areas not marked in this way shall be excluded from this use.
 3. Details of no-dig construction methods to be used on the access road. The development shall be carried out in accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation.
7. Development to be carried out in accordance with the Arboricultural Planning Statement prepared by ADAS UK Ltd and dated August 2016, including tree protection measures as shown on drawing no. DTZ001/PE- CS14/TPP and enhancements as described at section 7.2.
8. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM03; and with an entrance width of 5 metres and made available for use prior to the new dwellings first being occupied.
9. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the

metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

10. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15/926/02 Rev C shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
11. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
12. Prior to first occupation of the dwellings hereby approved the area(s) within the site shown on Drawing no 15/926/02 Rev C for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter that area(s) shall be retained and used for no other purposes.
13. Before the access is first used visibility splays shall be provided as shown on Drawing No. 15/926/02 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Speakers: Kevin Mardell (Resident) spoke against the application.
Councillor Bill Rampling (Moulton Parish Council) spoke against the application.
Karen Charles (Agent) spoke in support of the application.

191. Planning Application DC/16/1233/FUL - 37 Eriswell Road, Lakenheath (Report No: DEV/FH/16/039)

Application for 1no. dwelling with detached garage and associated vehicular access.

A Member site visit was held prior to the meeting.

The application was referred to the Development Control Committee at the request of Councillor Colin Noble (Ward Member for Lakenheath).

Lakenheath Parish Council had objected to the originally submitted plans. Following amendments to the site layout, the Parish Council no longer objected to the scheme, subject to conditions. However, they had objected to the latest amendment which proposed the removal and replanting of four young scots pines. Neighbour objections had also been received from 9 and 11 Eriswell Drive and from 19 and 22 Windmill Close and their objections were summarised in paragraph 15 of Report No: DEV/FH/16/039.

Officers were recommending that the application be approved as set out in paragraph 34 of Report No: DEV/FH/16/039.

Councillor Louise Marston spoke on this application as Ward Member. She supported the representations made by the Parish Council with regard to the changing of the current gravel driveway surface to a hard surface and also the drainage problems in the area. Councillor Marston also requested whether the permitted development rights could also be removed from this site, to restrict the construction of further extensions/out buildings. The Service Manager (Planning – Development) confirmed that additional conditions could be included to require the submission of hard and soft landscaping schemes and also confirmed that it would be reasonable to remove permitted development rights on the site, based on the previous appeal decision referred to in the report.

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 Approved Plans.
3. Construction works.
4. External lights.
5. Construction waste.
6. AL2 bound access onto highway.
7. Bin storage.
8. Discharge of surface water.
9. Submission of tree protection plan.
10. Water consumption.
11. Tree replanting.
12. Details of boundary hedge to be planted and maintained at no more than 1.8m in height.
13. Details of hard landscaping scheme to be submitted and implemented (including removal of gravel to the driveway and replace with hard surface).
14. Details of soft landscaping scheme to be submitted and implemented (including additional trees along the pine line boundary).
15. Removal of permitted development rights.

Speakers: Vicky Miller (Neighbour) spoke against the application.
Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application.
Cecil Elliston Ball (Applicant) spoke in support of the application.

192. **Update to the Appeal Case: Planning Application DC/14/2073/FUL - Land adjacent 34 Broom Road, Lakenheath (Report No: DEV/FH/16/040)**

The Case Officer presented this report which provided an update on the appeal which had been lodged against 'non-determination'. Since the Development Control Committee, at their meeting on 6 July 2016, had resolved to refuse the application had they been in a position to do so, changes in circumstances had since occurred. These changes related to:-

- (i) The role of Lakenheath Parish Council in the appeal (*as set out in paragraph 14.*).
- (ii) Two letters received from the Defence Infrastructure Organisation (DIO) on behalf of the Ministry of Defence (MoD) (*as set out in paragraphs 15. to 24.*).
- (iii) A draft Unilateral Undertaking circulated by the appellant (*as set out in paragraphs 25. to 28.*).
- (iv) Transportation matters, including cumulative impacts upon key local junctions (*as set out in paragraphs 29. to 41.*).

The report also updated the Committee with respect to the status of the emerging Development Plan (the Single Issue Review (SIR) and Site Allocations Local Plan (SALP) documents) and greater clarity would also be provided with respect as to why the proposals were considered to be contrary to the Development Plan (including specific references) and how these policy conflicts should be seen in the light of recent Court decisions (*as set out in paragraphs 42. to 56.*). Therefore, the Council intended to address the matter by the submission of a 'ghost' decision notice. This would include specific reasons for refusal the Council would have resolved, had it been in the position to determine the planning application. The draft reasons for refusal were set out in paragraph 58. of the report.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The updates set out in Report No: DEV/FH/16/040 be noted.
2. In addition to its resolution in regard to this appeal at the Development Control Committee on 6 July 2016, had the Council been in a position to determine the planning application in the normal way, it would have resolved to **REFUSE** planning permission for the reasons set out in paragraph 58. of Report No: DEV/FH/16/040.

Councillor Roger Dicker left the meeting at 7.00 pm, prior to the discussion and voting on this item.

193. **Tree Preservation Order 2016 (No. 8) - Land at St Johns Church, Beck Row (Report No: DEV/FH/16/041)**

The Principal Planning Officer presented this report which explained that a Tree Preservation Order (TPO) had been made on nine trees on the land belonging to St John's Church, Beck Row.

The TPO had been made on 22 July 2016 and was served to protect seven Irish Yew trees, a Common Yew tree and a Norway Maple. The TPO had been made due to a proposal to remove the Irish Yew tree which would have had a negative impact on the local area, as the trees had a high amenity, historical and cultural value.

Representations to the TPO had been made by the Parish Priest, with objections being made in relation to the inclusion of the two Irish Yew trees (Trees T2 and T3). Officers had considered these objections, along with the information submitted with the representations and were now recommending that the TPO be modified to omit these two trees from the Order.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The report be noted.
2. The Tree Preservation Order 2016 (No.8) be confirmed, with the modifications as set out in Report No: DEV/FH/16/041 (namely that Trees T2 and T3 be omitted from the Order).

The Meeting concluded at 7.05 pm

Signed by:

Chairman

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

4 JANUARY 2017

DEV/FH/17/001

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0465/FUL – PLOTS 9-11 ST LEGER DRIVE,
NEWMARKET**

Synopsis:

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

CONTACT OFFICER

Gary Hancox
Email: gary.hancox@westsuffolk.gov.uk
Telephone: 01638 719258

Committee Report

Date 02.03.2016 **Expiry Date:** 01.06.2016

Registered:

Case Officer: Gary Hancox **Recommendation:** Approve

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application DC/16/0465/FUL – Single storey B2/B8 industrial units and associated external works (Resubmission of DC/14/2218/FUL)

Site: Plots 9-11, St Leger Drive, Newmarket

Applicant: CI Industries Ltd.

Background:

This application is referred to the Development Control Committee because the Officer recommendation of APPROVAL is contrary to the views of the Town Council.

It is a major application and has also generated significant local interest.

Proposal:

1. Planning permission is sought for the erection of industrial buildings to accommodate B2 General Industry and B8 Storage and Distribution uses on St Leger Drive in Newmarket. The proposal also includes associated office floor space, car parking, service yards and landscaping.
2. The site has an overall area of 1.33 ha and originally, a single building with a gross internal area of 5,598 sq. m was proposed. The plans have now been amended and propose two smaller commercial units:

UNIT A = 2098m² GIA (11 metres to ridge, 8.25 metres to eaves)
UNIT B = 3226m² GIA (10.9 metres to ridge, 7.5 metres to eaves)
3. Taking into account the sloping nature of the site running west to east, the finished floor level (FFL) of the buildings will be generally lower than the adjoining road level. For example, Unit A would have a FFL of between 1.5 metres and approx. 0.75 metres below existing ground level when viewed from the road.

Application Supporting Material:

4. Information submitted with the application as follows:

- Proposed elevations and plans
- Planting Plan
- Flood Risk Assessment
- Noise Impact Assessment
- Transport Assessment
- Tree Survey
- Street Elevations
- Design and Access Statement

Site Details:

5. The site lies within the built up area of Newmarket towards the northern boundary of the town. The surrounding land is mainly mixed industrial and commercial to the south, east and west of the site, with residential development to the north. The site is currently vacant. It has previously been used to deposit excavation spoil from previous developments in the vicinity and has re-vegetated with native plant life.
6. The northern boundary of the site lies parallel to Studlands Park Avenue which is a residential road with no through access and no access to the site. The boundary of the site with the road is predominantly lined with established indigenous poplar trees, some of which are in decline, and the occasional ash and hawthorn which forms an informal shrubby hedge. The boundary planting whilst established is sporadic in nature with gaps.
7. To the west of the site, is plot 8 St Leger Drive, which is an industrial unit with planning permission for B1, B2 and B8 use. It has recently been completed and occupied. To the east lies Studlands Retail Park. The rear of these units and adjacent service yards face onto the proposed site. The boundary is designated by a concrete post and chain link fence.
8. The southern edge of the site forms the boundary with St Leger Drive. It currently has large bunds at the edge to prevent vehicular access onto the site. The Smiths News and Taylor Wimpey buildings occupy the plots on the opposite side of the road.
9. The site is located approximately 3.0 miles north from Newmarket Railway Station and 2.0 miles from Newmarket town centre. There are bus stops for local bus routes within walking distance to the site (Fordham Road and Studlands Park Avenue) and it lies in close proximity to route 51 of the national cycle network and other minor local cycle routes.
10. The Fordham Road/A14 junction lies in close proximity to the site to the north beyond the Studlands Park residential area.
11. The site is allocated as 'Employment Land' under a saved policy dating back to the Local Plan 1995.

Planning History:

12.DC/14/2218/FUL Planning Application - B2/B8 warehouse and distribution centre Application Refused 05.11.2015 – APPEAL DISMISSED 01.09.2016

Consultations:

Public Health and Housing – No objection, subject to appropriate conditions, including hours of construction, no outside generators, noise limits, deliveries restricted to between 07:00 and 19:00 Mondays to Saturdays, as well as hours of use to be agreed prior to first occupation.

SCC Highways - No objection, subject to conditions, including the requirement for a Travel Plan.

SCC Archaeology – No objection, subject to appropriate conditions.

Environment Agency – No objection.

Anglian Water – No objection, subject to appropriate conditions.

Representations:

Newmarket Town Council:

Object

- Overlooking / loss of privacy
- Loss of daylight / sunlight and overshadowing
- Scale and dominance
- Impact on character and appearance of the area
- Effect of trees
- Previous Planning decisions not different enough to previous rejected application.
- Traffic and parking issues
- Impact on Community

Ward Member:

- 'These plans have basically split the unit in 2, put the loading bays at either end so the noise will be significant for the residents, the 3.5 metre fence will only channel the sound down to where the fence stops so creating a corridor of sound and the height of the units are still way taller than the other units on the estate. I, along with many other residents, do not understand why it is that the office buildings that would up-lift the look of Studlands have been built near to Tesco where no-one can see them and we are being subjected to horrendous applications of monstrosities that should only be considered on the outskirts of a major cities with large rail links and a port.

- The building is only scaled down 4.5% from the original plans and will definitely have a detrimental effect on the residents of Studlands. The building is still not a suitable size building for this size of industrial estate mixed housing estate. The roads are narrow, there is little parking, there would be more employment potential if offices were put up rather than shells of buildings only capable of housing forklift trucks and robots.
- The lorries are already struggling along this small back road, the roundabout is getting churned up and the number of lorries that take a wrong turn and travel through the estate is now verging on dangerous for residents.
- This is a small industrial area, lets provide offices or appropriate sized units to reflect this. The fact that this unit is not on one site but covers 3 shows how inappropriate it is.
- The fact this unit 9 - 11 is so tall it will block all sun light throughout the winter due to the lower sun shows again how inappropriate it is.
- The fact this unit 9 -11 has had to go back to the drawing board and cut itself into 2 but basically stay the same again shows how inappropriate it is. I hope that it will be the case that this is refused as an overbearing building that has a detrimental effect on the people that are already living in this area.
- I hope that in the future what is built will be built with the residents in mind rather than the other way around.'

Local Residents:

A total of 60 letters of objection received

- Buildings are too large, too close to the road and the houses opposite
- 24/7 operational hours should not be allowed
- Two buildings will create additional noise
- Unattractive buildings that will cause harm to the character of the area
- Could lead to parking on Studlands Park Avenue
- Delivery areas should be away from adjacent dwellings
- Buildings should be brick built
- Enjoyment of houses and gardens will be lost
- Buildings will have a detrimental impact on the visual aspect and atmosphere of the entry to the housing estate

(Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

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

13. Joint Development Management Policies Document:

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design & Construction
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM20 – Archaeology.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

14. Forest Heath Core Strategy 2010

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

Other Planning Policy:

15. The National Planning Policy Framework (NPPF) sets out Government's planning policies for England and how these are expected to be applied. The following paragraphs are particularly relevant in this case – paragraphs 8, 14, 19, 32, 61, 64, 128, 141.

Officer Comment:

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

- Principle of Development
- Appeal Inspector's decision in respect of application DC/14/2218/FUL
- Design and layout
- Amenity

Principle of Development

17. Core Strategy Spatial Objectives ECO 1 and ECO 2 seek to attract high quality economic development to the district and diversify Forest Heath's economy to create a strong competitive area. This transfers through to Core Strategy Policies CS1 and CS6, which allocates approximately 5 hectares of employment land to Newmarket.

18. These objectives accord with the Government's commitment to ensure that the planning system does what it can to support sustainable economic growth as set out in the NPPF. Paragraph 19 states that "planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth through the planning system"

19. The site is currently vacant, however it lies within an area identified for employment use and is formally allocated as such by the 1995 Local Plan. In these circumstances, Core Strategy Policy CS6 and DM30 of the Joint Development Management Policies Document, which seek to protect and safeguard employment land for employment uses are relevant in the consideration of the application.
20. The site lies within the settlement boundary of Newmarket, within an area which already contains a mix of industrial and commercial uses and there is considerable policy support for the proposal. As a result it is accepted that a proposed B2/B8 use in this location is acceptable in principle.

Appeal Inspector's decision in respect of application DC/14/2218/FUL

21. This appeal was against the decision of Forest Heath District Council to refuse planning permission for a B2/B8 warehouse and distribution centre on the site. The appeal was dismissed, and the Inspector's decision is a significant material consideration in the determination of this revised application. The building proposed had a gross floor area of 6,720 square metres, and measured 123m in length and 45m in width with a ridge height of 13.5m and an eaves height of 11m.
22. In dismissing the appeal, the Inspector accepted the principle of the development and attached significant weight in favour of the economic and social benefits locally in terms of employment and increased spend. He then assessed the impact of the development on the character and appearance of the area, and on the living conditions of occupiers of Studlands Park Avenue. The Inspector concluded that;

"...the poor quality of the proposed building, due to its large unrelieved scale and mass would cause considerable harm to the character and appearance of the area. This would be contrary to the development plan and the Framework which both seek high quality design. As paragraph 64 of the Framework notes, permission should be refused for poorly designed development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These considerations are of considerable weight against the appeal.

Having regard to all of the matters raised, I conclude that any presumption in favour of the development is clearly outweighed by the degree of harm that the proposal would cause to the character and appearance of the area. As a result, the proposal would not constitute a sustainable development."

23. In respect of the character and appearance impact, the Inspector was particularly concerned with the sheer size of the proposed building without any break or relief on the roof, stating that

"The great monotonous length of this tall, unrelieved elevation would dominate and enclose the Avenue and would be distinctly out of

keeping with its pleasant residential character.”

24. Although the visual impact of the building when viewed from St Leger Drive was felt to be acceptable, in relation to Studlands Park Avenue, the Inspector felt that the proposed development would constitute poor design that would unacceptably harm the character and appearance of the area, contrary to policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (JDMPD).
25. In respect of noise impact, outlook and living conditions for residents of Studlands Park Avenue and Vincent Close, the Inspector concluded that there would be sufficient separation for this outlook from within the front of these dwellings so as not to be oppressive or overbearing. In respect of Vincent Close, the Inspector also concluded that given the significant separation distance that would exist across the Avenue, an acceptable outlook would be provided.

Design and Layout of the amended scheme

26. The applicant's have sought to address the concerns raised in the Inspector's decision, and in particular have attempted to reduce the amount of unrelieved elevation through splitting the building floor space up into two separate units. The buildings have also been reduced in size and unit B has been moved further away from the road. The differences between the original scheme and the amended scheme can be summarised as follows:

Original building:

Gross Internal Area (GIA) 5598m² (12.97 metres to ridge, 10.5 metres to eaves, 8.3 metres to eaves measured outside the site)

Revised scheme:

UNIT A – GIA 2098 m² (11 metres to ridge, 8.25 metres to eaves, 6.75 metres to eaves measured outside the site)

UNIT B – GIA 3226 m² (10.9 metres to ridge, 7.5 metres to eaves, 6 metres to eaves measured outside the site)

27. The revised scheme therefore proposes a reduction in floor area of 274 m², a ridge height reduction of 1.97 metres, and eaves height reduction of 2.25 metres for Unit A and 3 metres for Unit B.
28. The area available for landscaping has also increased at the east end of the site from 6 metres in depth to 9 metres in depth. This planting area will enhance the current partial screening to the buildings from Studlands Park Avenue.
29. The other major change to the scheme is that Unit B is re-located to occupy the east end of the site, adjacent the superstore building. The service yard area is relocated to the west side of the building. This results

in the two buildings having open areas in between them, reducing the bulk and continuous mass of the previously proposed single building.

30. The splitting of the original single very large building into two smaller, albeit still large buildings, has significantly reduced the dominance within the street scene, and allows for gaps between the structures breaking up its mass and bulk. The buildings are still large, but critically there is no longer a continuous elevation to the street frontage. The increase in the landscaping strip to the eastern end of the site also represents an improvement in the scheme, and will allow for more successful planting areas with an increased screening effect.
31. In terms of sustainability of construction, the proposed development has been designed to incorporate sustainability initiatives and reduce the buildings energy consumption. These initiatives are driven primarily by statutory requirements. Initiatives to achieve this include: a waste management plan, low energy lighting, roof lights (to minimise the lighting requirement), improved energy metering, low flush WC's, low carbon monoxide heating and cooling systems and PV panels to south facing roof slope. Due to the inherent constraints of the site, it is not possible to achieve all the mandatory credits for an 'excellent' rating under BREEAM. This is acknowledged, and the application is considered to generally accord with Policy DM7 in this regard.
32. The above changes are considered to be a significant improvement to the scheme, and result in a design and layout that better takes account of the site's location close to a residential area, and provides opportunities for significant landscaping to help soften the edge of the development and to enhance biodiversity. The amended scheme now accords with Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (JDMPD) and the NPPF in this regard.
33. With Unit B being several metres further away from Studlands Park Avenue, the separation distance between the this building and the dwellings on the opposite side of the road is also increased, further reducing any potential overbearing impact. Amenity is addressed in the following section.

Amenity

34. In respect of the impact on the living conditions of the adjacent properties at Studlands Park that faced the building, the Inspector concluded that

'...there would, on balance, be sufficient separation for this outlook from within the front of these dwellings not to be oppressive or overbearing.'

In respect of the properties along Vincent Close, it was concluded that

'...given the significant separation distance that would exist across the Avenue, an acceptable outlook would be provided.'

In conclusion, the Inspector stated that;

'Taking all these matters into account, with regard to outlook living conditions would not be materially harmed by the proposed development. The proposal would therefore comply with policy DM2 of the JDMPD which, amongst other matters, seeks to prevent such harm.'

35. The amended scheme reduces the height of the buildings and increases the separation distance at the east end of the site. Furthermore, the location of two smaller buildings on the site results in 77-81 Vincent Close backing onto, and 30-36 Studlands Park Avenue facing the service yard areas. This situation is considered to be an improvement on the previous scheme.
36. In respect of noise, the Inspector agreed with the views of Officers that noise can be adequately controlled by the proposed acoustic fencing, restrictions on the hours of operation and limits on noise levels. The application is considered to accord with Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (JDMPD) and the NPPF in this regard.

Other matters

37. In reaching the conclusion below, Officers have had regard to the significant amount of objection from local residents and the comments of the Town Council. In respect of loss of outlook and impact on living conditions, officers have had to give due consideration to the conclusions of the appeal Inspector as well as a reassessment of the amended scheme. It must also be noted that the hours of use of the buildings, and the delivery hours, are yet to be agreed with the Council. Deliveries to the site can be restricted to working hours only by condition. This will further help to limit the impact of the proposal in respect of noise.
38. In terms of Highway Impact, both the original and amended schemes are adequate in terms of access and parking provision. The Local Highway Authority raises no objection to the amended application, subject to appropriate conditions and the submission and Implementation of a Travel Plan. The proposed access and parking arrangements accord with Policies DM2, DM45 and DM46 in this regard.

Conclusion:

39. The site is suitable in principle for the proposed employment use and there would be economic growth, which the Framework attaches significant weight to the planning system supporting. Such growth would have economic and social benefits locally in terms of employment and increased spend. As stated by the Inspector, these considerations were of significant weight in favour of the appeal.
40. There would clearly be a degree of harm to the street scene and character of the area due to the significant scale of the proposed buildings located at the edge of a residential area. However, as explained above, the amended proposals have reduced this level of harmful impact, and

importantly, have broken up and reduced the large unrelieved scale and mass that in the previous scheme the Inspector felt was unacceptable. The amended scheme is now considered to be more appropriate taking into account the context of the site, both in terms of the shared industrial estate and residential estate character of the area.

41. In dismissing the previous appeal on the site the Inspector gave 'significant' weight to the benefits of the scheme as well as 'considerable' weight to the identified harm to the character and appearance of the area. On balance, he felt that the level of harm outweighed the benefits of the proposed development.
42. Applying the same balancing exercise to this revised application, it is considered that the benefits of the proposal are no longer outweighed by the identified harm, and that the development constitutes sustainable development.
43. 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:

44. It is recommended that planning permission be **APPROVED** subject to the following conditions:
 1. 003 year time limit
 2. In accordance with approved plans
 3. Implementation of a programme of archaeological works
 4. Hours of construction (08:00 to 18:00 Mon to Fri, 08:00 – 13:30 Sat)
 5. No external generators used outside normal working hours
 6. Notification of the Local Planning Authority for any extended concrete pouring outside agreed hours of construction.
 7. Scheme of dust mitigation to be submitted and agreed
 8. No security lights erected on site without prior approval of the Council
 9. Noise levels restricted to 34dB (A) LA90 (1 hour daytime 07:00 – 23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime background noise levels measured as 44 dB(A) LA90 (1 hour daytime 07:00 – 23:00 hours) in noise assessment SA-3418/rv.01) and;
 10. Shall not exceed 25.7dB (A) LA90 (15 minute night time 23:00-07:00) at the facade of the nearest residential property (that being -10dB (A) below the night time background noise levels measured as 35.7dB (A) LA90 (15 minutes night time 23:00 – 07:00 hours) in noise assessment SA-3418/rv.01.).
 11. An acoustic screen as specified in noise assessment SA-3418/rv.01 shall be installed, prior to the development being brought into use.
 12. Prior to the development being brought into use, details of the operational hours of deliveries and working on site shall be agreed in

- writing with the Local Planning Authority.
- 13.No deliveries shall be dispatched until a delivery method statement is provided detailing times of operation in the service yard including the use of roll cages has been submitted to and approved in writing by the Local Planning Authority.
 - 14.The use and movement of roll cages within the service yard shall take place between the hours of 08:00 to 19:00 Mondays to Fridays and at no other times unless agreed in writing with the Local Planning Authority.
 - 15.The light intrusion of the external lighting of the premises shall not exceed 10 lux between the hours of 07:00 to 23:00 and 2 lux between the hours of 23:00 to 07:00 at the façade of any neighbouring residential property. The main beam angle of all lights of the premises shall not be more than 70 degrees. Details of the proposed lighting to achieve this condition shall be provided to the Local Planning Authority for approval in writing. (The applicant may wish to refer to the ILP's 'Guidance notes for the reduction of obtrusive light GN01:2011).
 - 16.Details of refuse/bin storage to be agreed
 - 17.Parking and manoeuvring areas to be provided before first use
 - 18.Foul water drainage scheme to be agreed
 - 19.Permitted Development rights removed for additional floor area (including mezzanine level)
 - 20.Use restricted to B2 and B8 use only
 - 21.Development shall be implemented and operated in accordance with the Travel Plan

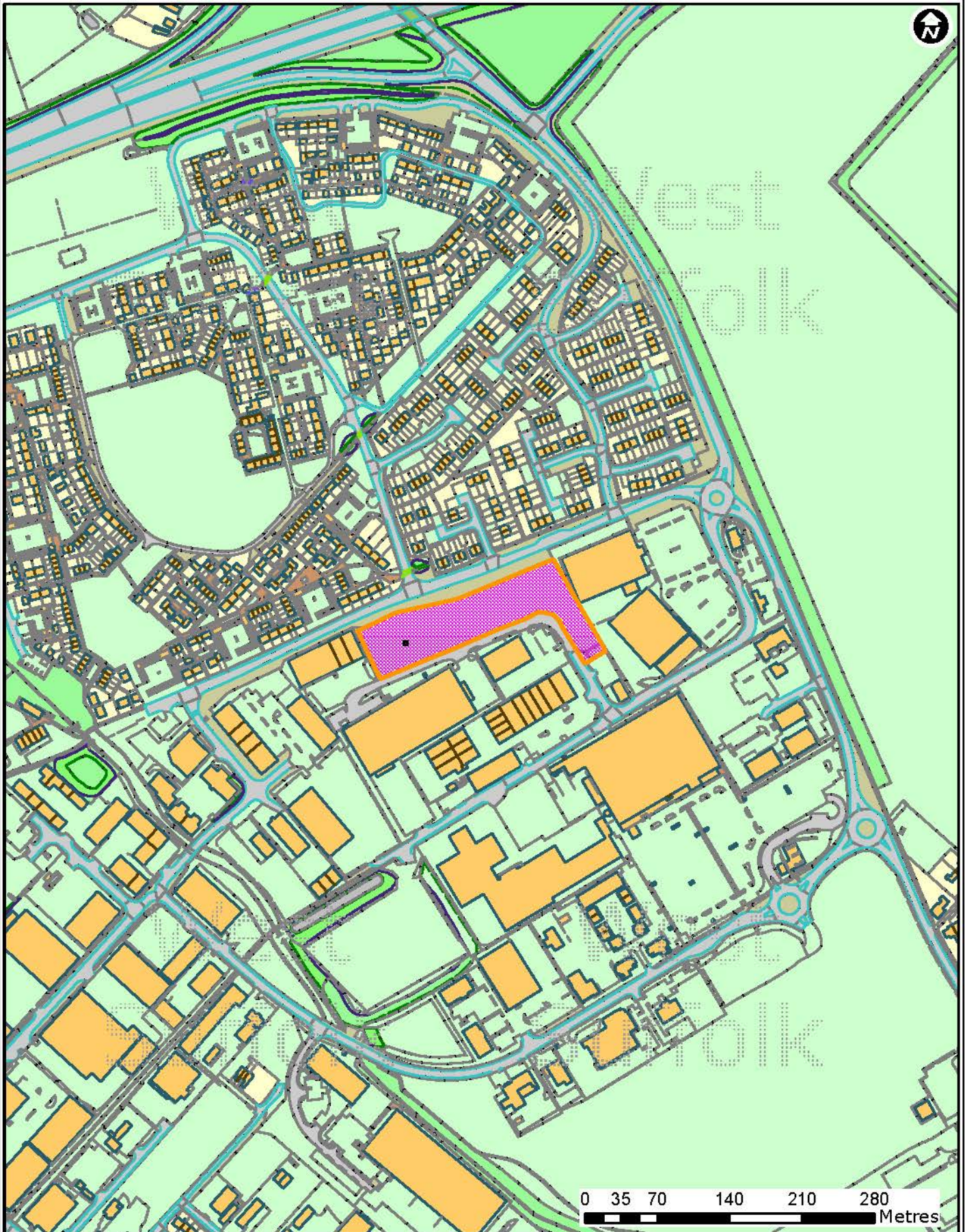
Documents:

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=O3D9B0PDFPU00>

DC/16/0465/FUL

Plots 9-11 St Leger Drive, Newmarket



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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

4 JANUARY 2017

DEV/FH/17/002

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.

CONTACT OFFICER

Gareth Durrant
Email: gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Committee Report

Date 6/11/2015 **Expiry Date:** 25/11/2016 (with agreed extension)
Registered:

Case Gareth Durrant **Recommendation:** Refuse planning permission
Officer:

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:

This planning application was first referred to the Development Control Committee at its meeting on 1 June 2016. Members expressed concerns about the impact of the development on its surroundings and resolved they intended to refuse planning permission. Members did not determine the planning application but deferred their final decision to the following meeting to enable a risk assessment to be considered in advance of determination.

A copy of the Officer report to the 1 June 2016 meeting of the Development Control Committee is attached to this report as Working Paper 1.

The planning application was referred back to the following meeting on 6 July 2016. At that meeting Members resolved to grant planning permission for the proposed development, subject to prior completion of a S106 Agreement to secure off-site affordable housing contributions. The Committee provided delegated authority for officers to negotiate and agree an appropriate level of affordable housing contribution in the light of a viability claim that had been presented by the applicants.

A copy of the Officer risk assessment report to the 6 July 2016 meeting of the Development Control Committee is attached to this report as Working Paper 2.

Officers have not been able to agree an appropriate affordable housing contribution with the applicant and, consequently, have not been able to complete a S106 Agreement. The applicants have indicated they are no longer willing to discuss viability matters as they cannot foresee agreement being reached and have effectively requested the Council determines the planning application based on their current affordable housing offer, (which now includes a minor upwards adjustment).

In accordance with the resolution of the 6 July 2016 meeting of the Development Control Committee, the planning application is returned to Committee for further consideration given that S106 obligations for affordable housing have not been agreed with the applicant.

Proposal:

1. The development proposed by this application is described at Paragraphs 1-4 of the report to the 1st June 2016 meeting of Development Committee (attached as Working Paper 1).

Application Supporting Material:

2. The material supporting the planning application is listed at Paragraph 5 of the report to the 1st June 2016 meeting of the Development Control Committee (attached as Working Paper 1).

Site Details:

3. The application site is described at Paragraphs 6 and 7 of the report to the 1st June 2016 meeting of the Development Control Committee (attached as Working Paper 1).

Planning History:

4. Relevant planning history is set out at Paragraph 8 of the report to the 1st June 2016 meeting of the Development Control Committee (attached as Working Paper 1).

Consultations:

5. Consultation responses received are summarised at Paragraphs 9-24 of the report to the 1st June 2016 meeting of Development Committee (attached as Working Paper 1). Further consultation response were reported to the subsequent committee meeting held on 6th July 2016. These are set out at paragraphs B6 and B7 of Working Paper 2.

Representations:

6. Representations received are summarised at Paragraphs 25-32 of the report to the 1st June 2016 meeting of Development Committee (attached as Working Paper 1). Further representations were reported to the subsequent committee meeting held on 6th July 2016. These are set out at paragraphs B9 and B10 of Working Paper 2.

Policy:

7. Relevant Development Plan policies were listed at Paragraph 33 of the report to the 1st June 2016 meeting of Development Committee (attached as Working Paper 1).

Other Planning Policy:

8. Other relevant planning policies were discussed at Paragraphs 34-39 of the report to the 1st June 2016 meeting of Development Committee (attached as Working Paper 1).

Officer Comment:

9. At the Development Control Committee meeting of 6th July 2016, Members resolved to grant planning permission for the proposed development, subject to the prior completion of a S106 Agreement to secure a developer contribution to be used to deliver affordable housing requirements off-site. At the time, the applicant had sought to demonstrate they could not provide the full 30% provision required by the Council's planning policies because of adverse viability. At the time Members considered the planning application in June and July 2016, officers were not in a position to advise whether the viability claim was reasonable, or even it were deemed to be reasonable, whether the level of contributions being offered was also reasonable.
10. Members' decision was informed by an Officer assessment of the planning application at Paragraphs 40-124 of the report to the 1st June meeting of the Development Control Committee (attached as Working Paper 1). Further discussion is set out within the subsequent 'risk assessment' Committee report to the 6th July meeting, at Sections 'C' to 'G' (attached as working paper 2).
11. The 1st June Committee report includes a discussion about the legal parameters of S106 Agreements, policy context with respect to affordable housing and development viability. A discussion about the respective positions of the applicant and your officers at that time was also included. Members will note the unresolved nature of the viability position at the time and the indication there was an emerging issue with the applicant's viability evidence. This discussion is set out at paragraphs 107 to 118 of Working Paper 1.

12. An independent viability consultant was appointed by the Council to advise it with respect to the applicant's appraisal. The submitted viability appraisal is confidential, at the request of the applicants. Accordingly, the figures input into the appraisal are not discussed in detail as part of this report. The consultant's agreed that a contribution of around £1.1M would be sufficient to enable the 30% affordable housing required from the application proposals to be provided off site. The applicant's offer of circa £285,000 therefore represents around 5.5% affordable housing provision, set against the policy target of 30%.
13. The Council's viability consultant, having undertaken his own financial appraisal of the proposed development has concluded the developer should be able to provide a fully policy compliant financial contribution of circa £1.1M for affordable housing and does not consider the scheme to have genuine viability issues, certainly not to the extent that is being claimed by the applicant. The principal differences between the parties relate to the build costs of development which the Council's consultant believes have been over-inflated (or double counted) in the applicant's appraisal. The applicant disputes these conclusions and considers the appraisal is suitably robust.
14. The applicant's viability appraisal is beginning to age given it is dated March 2016 and is now some 9 months old. There is evidence the market has improved still further in the intervening period such that the increase in build costs have been out-paced by increases in sales values over the period. Accordingly, even if it could be agreed that the applicant's viability appraisal was robust as of March 2016, it is highly likely to have improved since. Officers understand relevant building costs have risen by circa 5% over this period and average sales values in Newmarket by circa 10%.
15. There is no recognised planning guidance with respect to development viability. Advice provided for the surveying industry via the RCIS is often referenced to assist with considering viability at the planning (S106) stage. The RCIS guidance document entitled 'Financial Viability in Planning' confirms "*Viability assessments may occasionally need to be updated due to market movements or if schemes are amended during the planning process*". As discussed above, there are indicators that market conditions have improved over the 9 months since the viability assessment was prepared.
16. To date, the applicant's have not updated the viability appraisal. Notwithstanding this, officers are confident there is sufficient evidence to demonstrate the applicant should be providing a significantly higher contribution than that indicated by the viability assessment, even when using March 2016 as a base date. The applicants have marginally increased their affordable housing contribution offer to £300,000 which they say is for "commercial expediency" reasons, but this is insignificant given the major differences that continue to divide the parties.

17. Should Members resolve to refuse planning permission for the scheme, the applicants will need to update the appraisal to the date of the appeal given an appeal is unlikely to be determined for a further 6 to 12 months away, depending upon the appeal type.
18. It is of relevance to this case that a more 'conventional' housing development of the application site would deliver greater viability (likely to be a policy compliant 30% provision) and would also deliver its affordable housing requirements 'in kind' at the site. This adds weight to the officer recommend refusal of planning permission in the absence of a policy compliant level of affordable housing provision and would carry weight even if the applicants own appraisal is deemed suitably robust.

Conclusions

19. The Council is able to demonstrate a five year supply of deliverable housing sites. Furthermore, Development Plan policies relating to affordable housing are not 'absent' or 'silent' with particular respect to affordable housing requirements. Paragraph 14 of the NPPF, which sets out the presumption in favour of sustainable development and suggests planning permission should be granted where the benefits of development are not significantly and demonstrably outweighed by the dis-benefits, is not engaged in this case. The planning application therefore falls to be considered against the provisions of the Development Plan in the first instance, to which a great deal of weight must be attributed.
20. Officers are advising the Committee the proposals are contrary to the Development Plan with respect to affordable housing provision, given that it has not been satisfactorily demonstrated the scheme cannot be viably delivered. Officers consider there are no material considerations in favour of the proposals which would outweigh the need to deliver a policy compliant level of affordable housing from a development of this site. This includes any perceived need for specialist 'retirement' housing in the District which, in any case, would be significantly and demonstrably outweighed by the need to provide for the well documented and evidenced need for affordable homes.
21. Whilst the proposed scheme remains acceptable in all other material respects, it is recommended that planning permission is refused given the absence of a policy compliant contribution towards affordable housing provision being secured from the scheme.

Recommendation:

22. It is recommended that planning permission be **REFUSED** for the following reasons:
1. The proposals for the erection of 29 retirement dwellings is contrary to national planning policies in the NPPF. The proposals are also contrary to the provisions of Policy CS9 of the Forest Heath Core Strategy (2010) and its supporting 'Joint Affordable Housing Supplementary

Planning Document'. The aforementioned Development Plan policies require new housing developments of this scale to provide 30% of the total number of proposed dwellings as affordable housing on site, or if agreed, an equivalent cash contribution to enable affordable housing requirements to be provided off-site. In this case, the applicants' have offered an off-site affordable housing contribution equivalent to circa 5.5% and have claimed any enhanced provision would render the development unviable and undeliverable. The Council does not agree with the viability appraisal submitted in support of the planning application and, having sought independent professional advice, considers the scheme can deliver a policy compliant level of affordable housing, both when considering market conditions at the date of the viability appraisal (March 2016) and in current housing market conditions.

Documents:

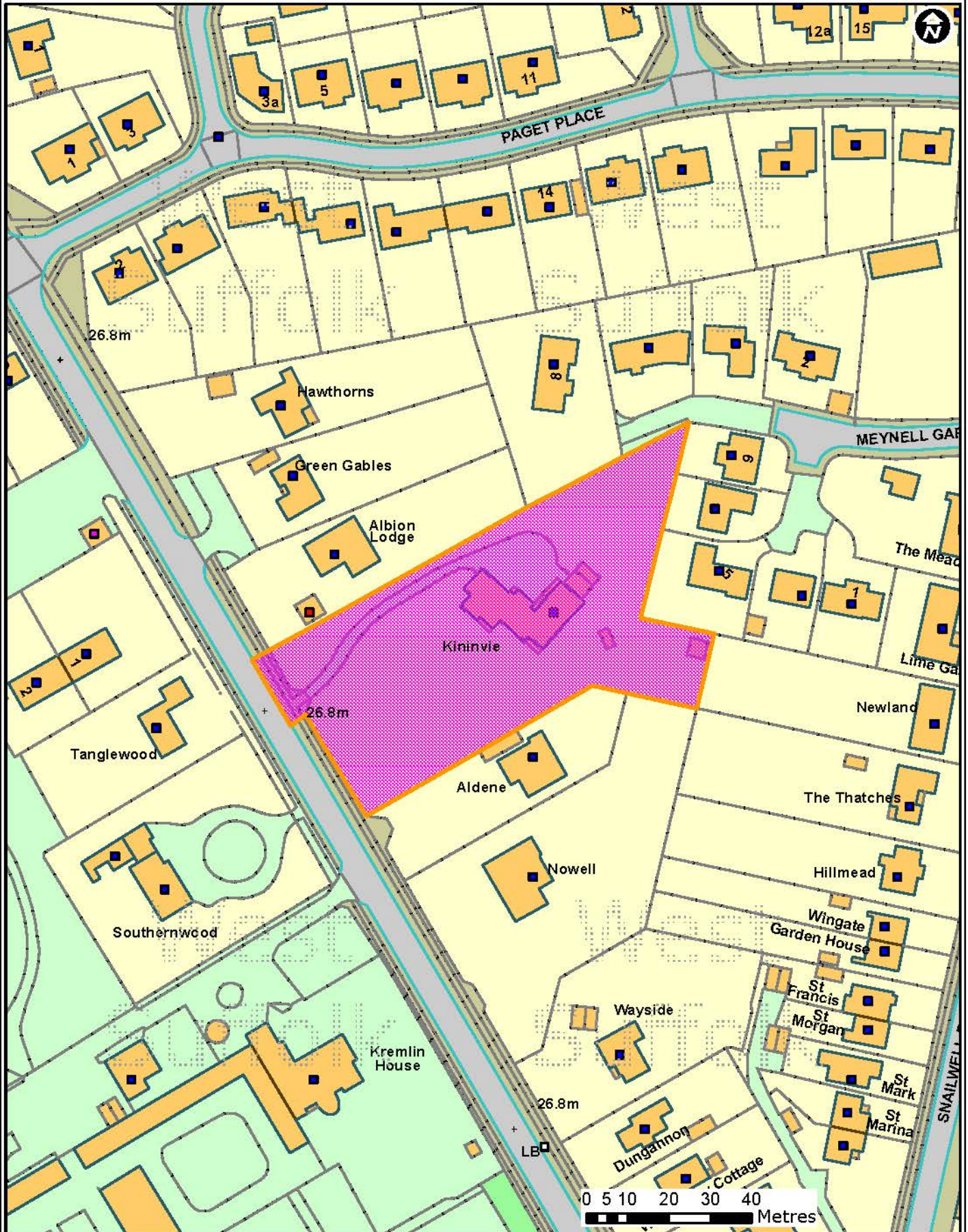
1. Working Paper 1 – Officer report to the 1 June 2016 meeting of the Development Control Committee.
2. Working Paper 2 – Officer report to the 6 July 2016 meeting of the Development Control Committee.

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

Case Officer: Gareth Durrant

Tel. No: (01284) 757345

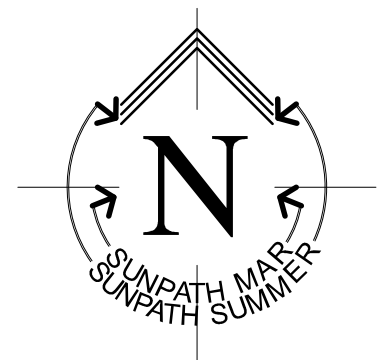
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Rev.	Date	By
A	Jan 2016	IDP
B	Aug 2016	IDP
C	Sept 2016	IDP



ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
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Project Title
Proposed Retirement Living Development
Fordham Road,
NEWMARKET

Drawing Title
Site Plan
Planning

Scale 1:200@A1	Date Sept 2015
Drawn IDP	Checked IDP
Drawing No. MI-2080-03-AC-004	Rev. C

CAD plot date: _____

Site Layout

1:200@ A1 SCALE

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
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=NWBPP6PDKXNOO>

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 JULY 2016

DEV/FH/16/016

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
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Committee Report and Risk Assessment

Date 6th November **Expiry Date:** 5th 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.

Section A – Background and Summary:

A1. This application was deferred from consideration at the Development Control Committee meeting on 1 June 2016. Members resolved they were 'minded to refuse' planning permission contrary to the officer recommendation of approval. Members were concerned that the proposal would result in; i) unsatisfactory parking provision for the proposed development and, ii) Excessive scale of the buildings being harmful to the character of the area (Fordham Road streetscene).

A.2 The previous Officer report for the June 2016 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.

A3. This report sets out updates from the written papers presented to the meeting of Development Committee on 1st June and includes a risk assessment of the two potential reasons for refusal.

A4. The officer recommendation, which is set out at the end of this report remains that planning permission should be granted.

A5. Since the Committee Meeting on 6th June, the applicants have provided two further documents, specifically to assist Members consideration of the planning application in light of the risk assessment. The first is a paper on the need for the proposed development (Working Paper 5). The second is a further paper with respect to parking requirements (Working Paper 6).

Section B – General Information:

Proposal:

B1. Please refer to Working Paper 1, Paragraphs 1 to 4 for a description of the application proposals, including amendments made in advance of the June meeting. There have been no further amendments since the June meeting.

Application Supporting Material

B2. Please refer to Working Paper 1, Paragraph 5 for details of the drawings and technical information submitted with the planning application and to Working Papers 5 and 6 for additional information submitted by the applicants following the June meeting of the Development Control Committee.

Site Details:

B3. Please refer to Working Paper 1, paragraphs 6 and 7 for a description of the application site.

Planning History:

B4. Please refer to Working Paper 1, paragraph 8 for details of relevant planning history.

Consultations:

B5. Please refer to Working Paper 1, paragraphs 9 to 24 for details of consultation responses received.

B6. In relation to the discussion set out at paragraph 75 of Working Paper 1, the Archaeological Unit at Suffolk County Council has confirmed they have no archaeological concerns about the development proposals and there is no requirement for archaeological related conditions to be imposed.

B7. Members will recall that confirmation received from the Floods Planning Team at Suffolk County Council that they were content with the surface water drainage system was reported verbally to the June meeting. The Flood Planning Team recommended the imposition of a single condition requiring submission of further technical detail of the surface water drainage proposals for approval.

B8. Any further consultation responses received will be reported verbally to the meeting.

Representations:

B9. Please refer to Working Paper 1, paragraphs 25 to 32 for details of representations received. Members should also refer to the additional representations received after the committee report to the 6th August meeting was prepared. Members will recall that one further letter was received objecting

to the planning application and was reported verbally to the Committee and thus is not included within Working Paper 1. This made the following points:

- The plans would be extremely detrimental to the area. The cramming of buildings on the land next door would bring noise pollution, adverse effects to the environment, drainage problems, road safety issues, not to mention take privacy away to the surrounding buildings.

B10. One further letter from a local resident has been received since the Committee meeting on 1st June. It is understood Members of the Committee were sent copies of the representations. A copy of the representations is included as Working Paper 2.

B11. Any further representations received will be reported verbally to the meeting.

Policies:

B12. Please refer to Working Paper 1, paragraph 33 for details of relevant planning policies.

Officer Comment:

B13. Please refer to Working Paper 1, paragraphs 40 to 124 for a comprehensive officer assessment of the application proposals. The officer assessment remains unchanged following the Development Control meeting on 1st June 2016.

Section C - Risk Assessment

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

C2. As set out in the Background section of this report, Members deferred their consideration of this planning application from the 1st June 2016 meeting of Development Committee. Members were 'of mind' to refuse planning permission on grounds of i) Unsatisfactory parking provision for the proposed development and, ii) Excessive scale of the buildings being harmful to the character of the area (Fordham Road streetscene).

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

Section D - Potential Reason for Refusal 1; Car Parking:

D1. Members should also refer to attached Working Paper 1, paragraphs 53 to 60. Also attached as Working Paper 2 and Working Paper 3 are two technical notes prepared by the applicants' highway consultants in response to the initial objections received from the Highway Authority (paragraphs 11-13 of Working

Paper 1). These documents were carefully considered by the Local Highway Authority prior to their change of recommendation (paragraph 14 of Working Paper 1).

D2. What does the evidence say? –

- The planning application was accompanied by a Transport Statement. At the time, the planning application proposed 31 units in the overall scheme. This has since been reduced by two to 29 units. The Transport Statement considered the impacts and parking requirements for 31 units and set out the following commentary in relation to car parking:

- *3.9 Suffolk County Council’s (SCC) Local Transport Plan (2010) gives maximum parking standards for ‘Residential Care Homes’ and ‘Retirement Developments’ accommodation and these are shown in Table 2.*

	Maximum Standards	Maximum number of spaces for 31 units	Number of spaces proposed
Residential Care Homes	1 space pre full time staff + 1 visitor space per 3 beds	10 spaces	26
Retirement Developments	1 space per dwelling	31 spaces	

Table 2: Parking Requirements and Provision

- *3.10 McCarthy & Stone developments differ from typical retirement/sheltered accommodation as they intend to facilitate residents living a relatively independent lifestyle with only a single full time staff member (a house manager) at any one time. This helps reduce parking demand on site as fewer spaces are required to accommodate staff.*
- *3.11 As McCarthy & Stone developments differ from typical retirement/sheltered housing, they have undertaken parking surveys at comparable McCarthy & Stone sites over a number of years to help understand the specific needs of their residents and inform future developments. The studies show an average car ownership across such developments of 0.33 cars per 1 bed units and 0.37 cars per 2 bed units, with 39% of residents giving up their car within the first year of occupancy. Based on the proposed accommodation schedule of 16 one bed apartments and 15 two bed apartments, the McCarthy & Stone surveys suggest an average of 11 cars would be owned by site residents overall.*
- *3.12 Parking demand per apartment has also been assessed which generates an average of 0.36 per ‘Retirement Living’ apartment, and a worst case of 0.44 per apartment when including visitor and*

staff demand. This would generate a demand of 13 spaces for 31 units as a worst case scenario. An extract from the McCarthy & Stone car ownership and parking requirement research is included as Appendix E

[note Appendix E to the Transport Statement is not included as part of this report, but it is available for viewing on the website].

- *3.13 The level of car parking proposed falls within SCC's maximum standards for 'residential care homes' and 'retirement developments'. Furthermore, the site is in an accessible location within 900m of Newmarket Town Centre and within easy reach of public transport opportunities. The provision of 26 spaces for 31 units (0.83 spaces per unit) would ensure all parking demand can be kept within the site, accommodating resident demand as well as staff and visitor demand.*
- *3.14 All parking spaces would be provided at standard geometries of 2.4m x 4.8m, with at least a 6m aisle width to allow sufficient room for manoeuvring. This is demonstrated in a vehicle tracking exercise of the car parking spaces, included as Appendix F.*
- *3.15 McCarthy & Stone research suggests that cycle parking facilities should be provided for 1 in every 62 residences given the low demand for cycling in retirement living accommodation. However the proposed development incorporates a mobility buggy charging and cycle storage room located next to the main entrance of the building, which would meet any resident/ visitor demand. McCarthy & Stone continually monitor cycle and mobility buggy demand to ensure that the appropriate form of storage is provided.*
- Following receipt of objections from the Local Highway Authority on parking grounds, the applicant prepared two further technical notes to support the level of car parking proposed by the scheme and requested the Local Highway Authority re-consider its position with respect to the proposals in the light of the evidence provided in the technical notes. The technical notes are attached to this report as Working Paper 3 and Working Paper 4.
- Upon careful consideration of the all the evidence available to it, the Highway Authority changed its stance on the planning application and no longer raises concerns about parking (or other highway related matters), subject to the imposition of a number of conditions (reference paragraphs 14 and 15 of Working Paper 1).

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

- The applicants have provided a further paper with respect to the parking requirements of the proposed development, specifically to assist Members with their consideration of this point, in response to the 'of-mind' resolution of the June 2016 meeting to refuse planning permission on this ground. The paper is attached as Working Paper 6.

D4. Officers consider a refusal of planning permission on grounds of insufficient car parking provision to serve the proposed development could not be sustained at appeal and the Council would not be able to produce evidence to substantiate a reason for refusal.

Section E - Potential Reason for Refusal 2 - Scale of development harmful to the character of the area:

E1. Members should also refer to attached Working Paper 1, paragraphs 83 to 90.

E2. What does the evidence say? –

- There is no evidence per-se given matters of design and impact upon character are, to a degree, subjective and are to be considered in relation to the specific circumstances of the site and its wider context.

E3. Have there been any further developments or changes in circumstances which Members need to consider? –

- There have been no changes in circumstances or further developments since the Development Committee meeting on 1st June.

E4. What is the officer view? –

- This essentially remains the same as stated at paragraphs 83-90 of the Committee report to the June meeting (Working Paper 1), insofar as officers consider the form, scale, bulk and detailed design of the scheme (and the materials proposed in its construction) to be acceptable and in accordance with relevant policies.
- Members are not duty bound to accept officer advice, particularly with respect to matters of design and impact upon character which are, to an extent, subjective. Furthermore, it is unlikely that a design to refuse planning permission on grounds of poor design or adverse impact upon character would be vulnerable to an award of costs if that concern is genuine and the harm arising from that 'poor design' or 'adverse impact upon character' is properly demonstrated at any subsequent appeal.

- It is noted that not all of the Committee Members were able to visit the application site as part of the organised visit in advance of the June meeting of the Development Control Committee. The site visit which did take place was made particularly challenging by inclement weather such that it was difficult for those Members whom did attend to properly and fully the site particularly with respect to its relationship to the surrounding area. The Committee was shown a number of photographs as part of the officer presentation at the June Committee meeting, but photographs do not always give justice to the full context and visual presence of the site.
- Given that a majority of the June Committee were concerned about the scale (height) of the proposals and its impact upon the character of the surrounding area, a further site visit is to be arranged in advance of the forthcoming meeting where this planning application will be determined. Members will have opportunity to access the site, but also view the plans from the Fordham Road.

Section F - Implications of a refusal of planning permission:

F1. It is likely that should Members subsequently resolve to refuse planning permission the applicants will appeal that decision.

F2. Officers consider that it would be difficult to defend a refusal of planning permission on grounds of car parking provision given the strength of the evidence provided by the applicants (Working Papers 2 and 3) demonstrating the development proposals would not be harmful in this respect.

F3. On the other hand, a case could be made at appeal to defend the second potential reason for refusal on design grounds (scale of the proposed building), but officers consider the case to defend would be weak and probably result in a lost appeal.

F4. A refusal of planning permission for any development on indefensible and/or unsubstantiated grounds is likely to lead to planning permission being granted at appeal. This outcome could have administrative and financial implications for the Council.

F5. Firstly, the Council's reputation would be adversely affected by its inability to properly defend all its reasons for refusal at appeal.

F6. Secondly, if a Local Planning Authority experiences more than 20% of its major development appeals allowed in any two-year period, it is deemed a failing authority and would face Government sanction. This would include introduction of a right for applicants proposing major development to submit planning applications directly to the Planning Inspectorate, effectively taking the decision making power out of the hands of the Local Planning Authority. A lost appeal in this case would contribute to that possibility.

F7. Finally, the applicants would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from the Council should the Inspector appointed to consider the appeal conclude it has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance (paragraph 49). Three of the numerous examples cited in the advice are as follows:

What type of behaviour may give rise to a substantive award against a local planning authority? Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

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

F8. In the absence of evidence to substantiate its reasons for refusal on parking and given the absence of a Suffolk County Council Highways objection to the planning application, officers consider it would be difficult to defend a potential claim for the partial award of costs at appeal. An award of costs (including partial costs) against the Council could have financial implications for the Council and particularly so if the appeal is determined by public inquiry.

Section G – Conclusions:

G1. Members should also have regard to paragraphs 119 to 124 of the attached Working Paper 1 where officer conclusions and assessment of the 'planning balance' of competing issues are set out.

G2. Officers are concerned the earlier Committee resolution that Members are 'of mind' to refuse planning permission for this development on grounds of parking provision and excessive scale of development are ill-founded and, on the case of parking provision, not grounded in evidence.

G3. Officers consider that, should planning permission be refused on one or both of the grounds resolved at the last Development Control Committee meeting, the Council would find it difficult to defend its decision at a subsequent appeal and, with respect to the parking capacity reason for refusal, is likely to face a claim for award of cost against it (on top of having to fund its own defence).

G4. In considering the merits of this planning application, Members are reminded of the requirements set out in the National Planning Policy Framework for the decision maker to balance the benefits of the proposed development against its dis-benefits and only where those dis-benefits would significantly and demonstrably out-weigh the benefits should planning permission be refused (reference paragraph 14 of the National Planning Policy Framework).

G5. In this case, officers consider the weight of evidence is clear that limited dis-benefits are outweighed by the benefits of development proceeding and clearly points to the grant of planning permission in this case.

Section H – Recommendation:

H1. That, **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).and,
- (2) conditions, including:
 - Time limit
 - Samples of materials
 - Details of finishes (colours to be applied to detailing)
 - As 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.
 - Occupancy restriction (over 55's only + any dependents)

H.2 That, in the event of failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds) 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>

Working Papers:

1. Officer report to the 1 June 2016 Development Committee (Report No DEV/FH/16/011)
2. Objection letter received from local resident
3. Technical note named "Parking Technical Note"
4. Technical note named "Review of Parking Standards Guidance"
5. Document entitled "Meeting a Critical Housing Need" prepared on behalf of the applicants.
6. Document entitled "Car Parking Provision" prepared on behalf of the applicants.

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

4 JANUARY 2017

DEV/FH/17/003

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/16/2444/HH – 2 WELLS COURT, MILDENHALL

Synopsis:

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

CONTACT OFFICER

Jonny Rankin
Email: jonny.rankin@westsuffolk.gov.uk
Telephone: 01284 757621

Committee Report

Date: 04.11.2016 **Expiry Date:** 30.12.2016 (extension of time until 05.01.2017)
Registered:
Case Officer: Jonny Rankin **Recommendation:** Approve
Parish: Mildenhall **Ward:** Great Heath

Proposal: Planning Application DC/16/2444/HH - (i) Two storey front extension and, (ii) side extension to existing detached garage to form workshop/home office

Site: 2 Wells Court, Mildenhall

Applicant: Mr Stuart & Mrs Helen Hardinge

Background:

This application is referred to the Development Control Committee because the applicant is an employee of the Council.

Proposal:

1. Planning permission is sought for a two storey front extension and side extension to existing detached garage to form workshop/home office.
2. The two storey front extension subsumes an existing single storey porch and has a footprint of 4.6m x 2.1m, a height to the eaves of 4.7m and 6.5m to the ridge line of the pitched roof. The garage extension has a footprint of 3.3m x 5.4m with a height to the eaves of 2.4m and 4.4m to the ridge line of the pitched roof.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application form
 - Location plan
 - Photographs and photomontages
 - 3d render
 - Existing block plan
 - Existing floor plan and elevations
 - Proposed block plan
 - Proposed block plan (including parking)
 - Proposed floor plans and elevations
 - Proposed garage elevations

Site Details:

4. The application site is a two storey dwelling fronting Fincham Road and accessed via Wells Court situated within the Housing Settlement Boundary. There is shared garaging provision and access to no.1 Wells Court to the front elevation of the property.

Planning History:

Reference	Proposal	Status	Decision Date
F/90/396	Two storey rear extension as completed by plans received 03/09/1990	Approve with Conditions	13.09.1990
F/85/151	23 houses, bungalows and associated works	Approve with Conditions	26.04.1985
F/84/456	O/A Residential Development	Approve with Conditions	15.10.1984
F/93/521	Single storey extension.	Approve with Conditions	30.11.1993

Consultations:

5. None received.

Representations:

6. Mildenhall Parish Council: supports the application.
7. Neighbour: 1no. neighbouring property made comments in support of the application.

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

8. Joint Development Management Policies Document:
 - Policy DM1 – Presumption in Favour of Sustainable Development
 - Policy DM2 – Creating Places, Development Principles and Local Distinctiveness
 - Policy DM24 – Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
9. Forest Heath Core Strategy (2010)
 - Policy CS5 – Design Quality and Local Distinctiveness

Other Planning Policy:

10.National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on neighbouring amenity

12.Policy DM24 states that extensions and alterations shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the plot of the dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.

13.In this case, the dwelling is positioned within a curtilage which is able to accommodate a degree of expansion without over-development occurring.

14.There is a somewhat unusual relationship with the neighbouring property no.1 Wells Court which share a courtyard access area and garaging with the application property. No.1 Wells Court is accessed and viewed via a 'pinch point' between the garages and frontage of no.2 Wells Court. Whilst the proposed two storey front extension does increase the massing of the application dwelling, it does not do so in the immediate proximity to no.1 Wells Court, with a natural separation instilled by the existing single storey side extension to no.2 Wells Court.

15.The extension is of an appropriate design, scale and form to respect the character of the dwelling and the wider area. It is a modest addition to the dwelling, is subservient in appearance and there are no windows proposed in the side elevations and no side windows on the adjacent property that would be affected.

16.The proposed garaging extends the existing two bays of garaging (one per property - no.1 and no.2 Wells Court) away from the applicant and neighbouring dwellings and at the same height and scale as the existing. As such the proposed garaging is considered acceptable also.

17. As such, given the location, nature and scale of the proposed extension and the relationship between the neighbouring properties, it is considered that there will be no adverse impact on neighbouring amenity by virtue of loss of light, overbearing or overlooking.

Conclusion:

18.In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

19. It is recommended that planning permission be **APPROVED** subject to the following conditions:

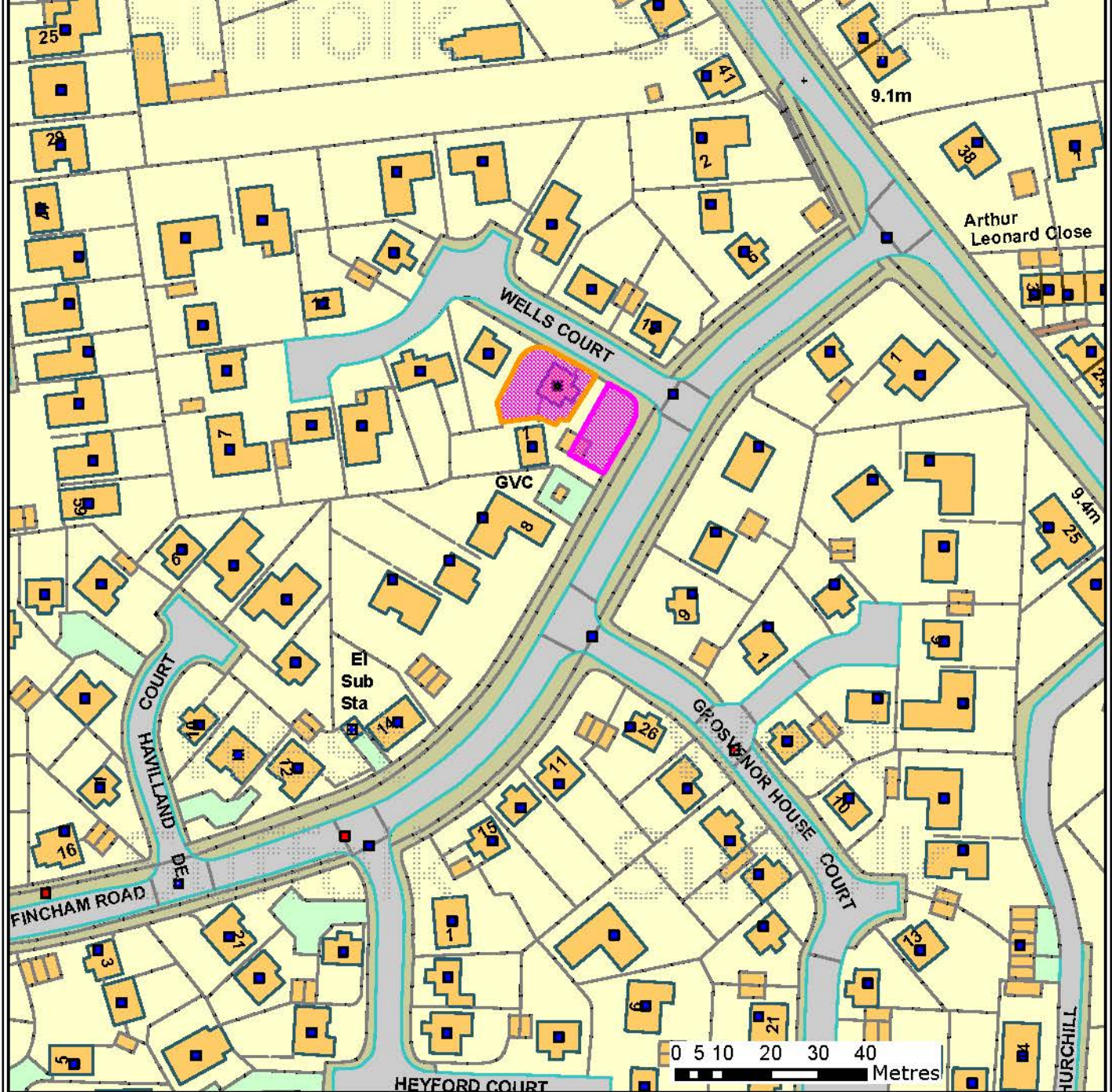
1. Standard Time Limit
2. Approved Plans

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OG41YOPDKOK00>

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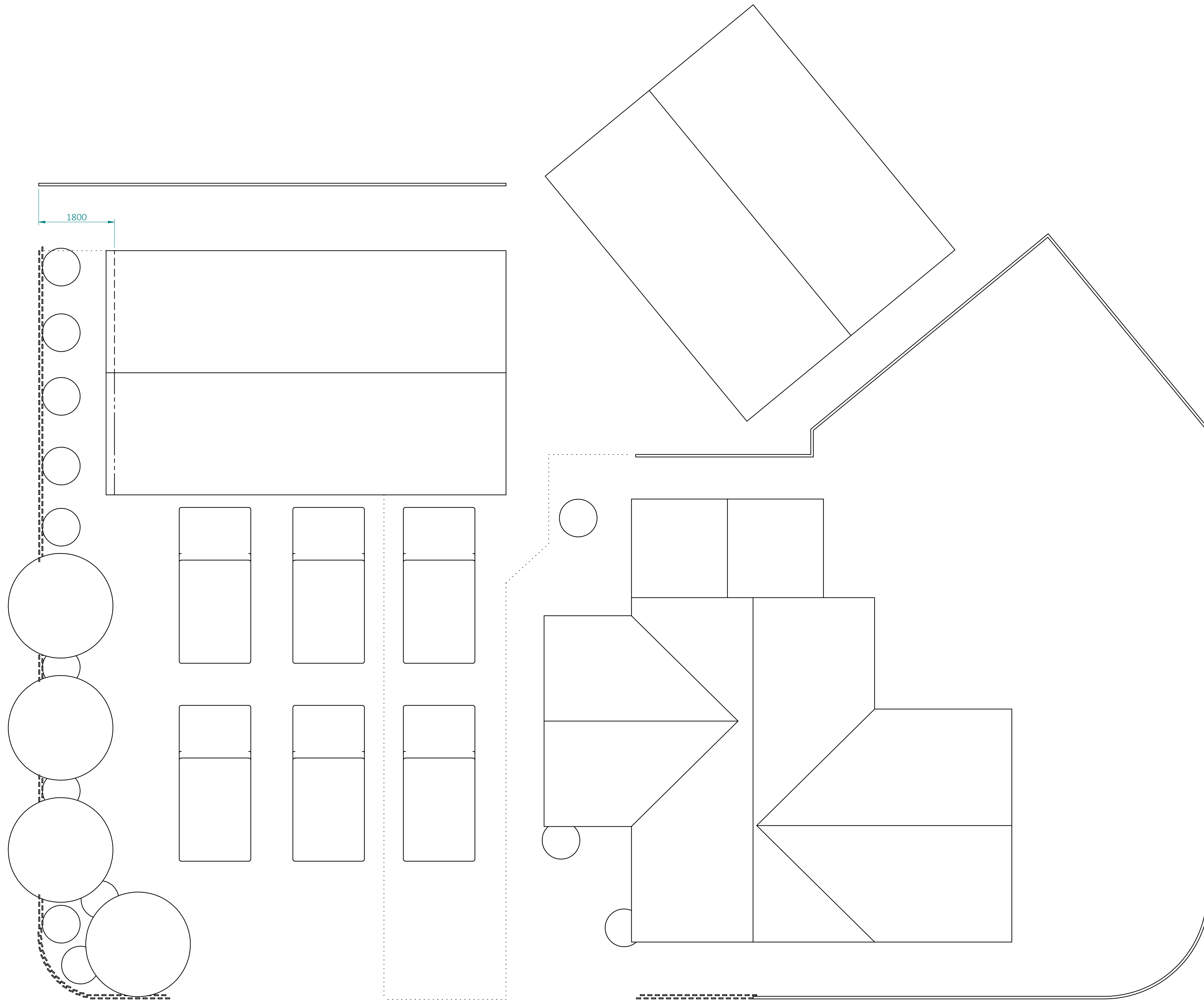
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working together

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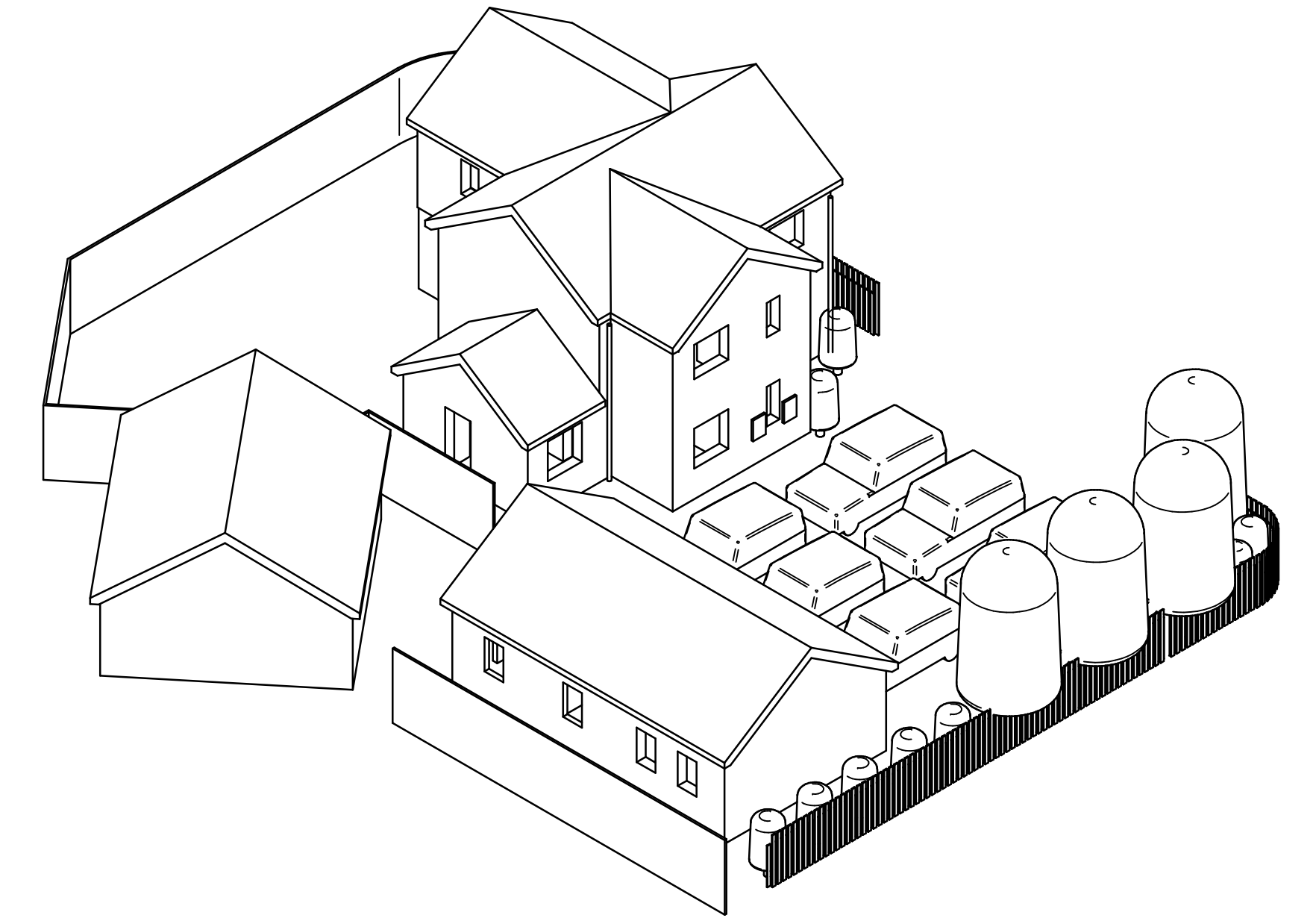
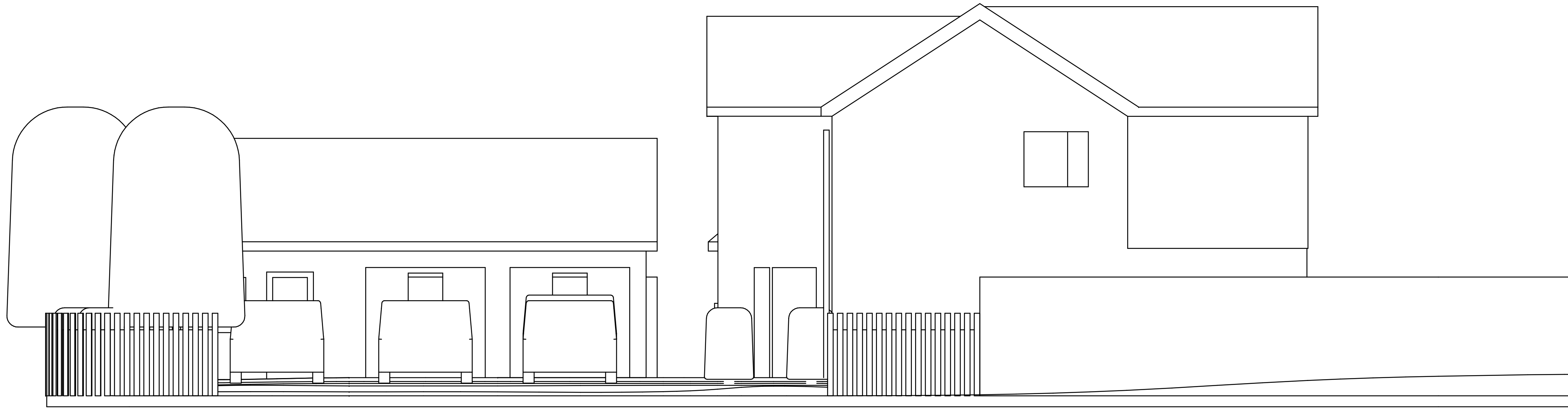
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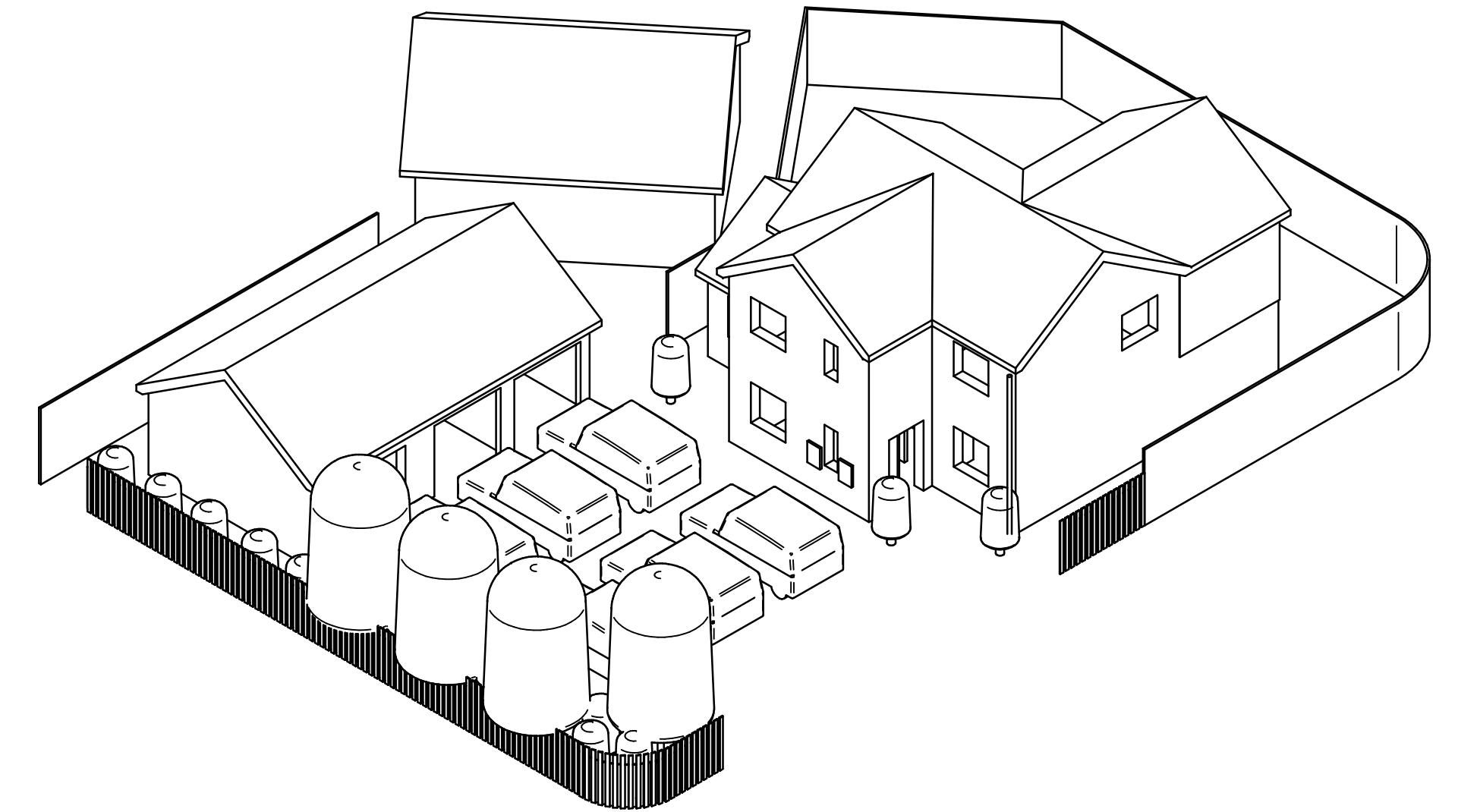
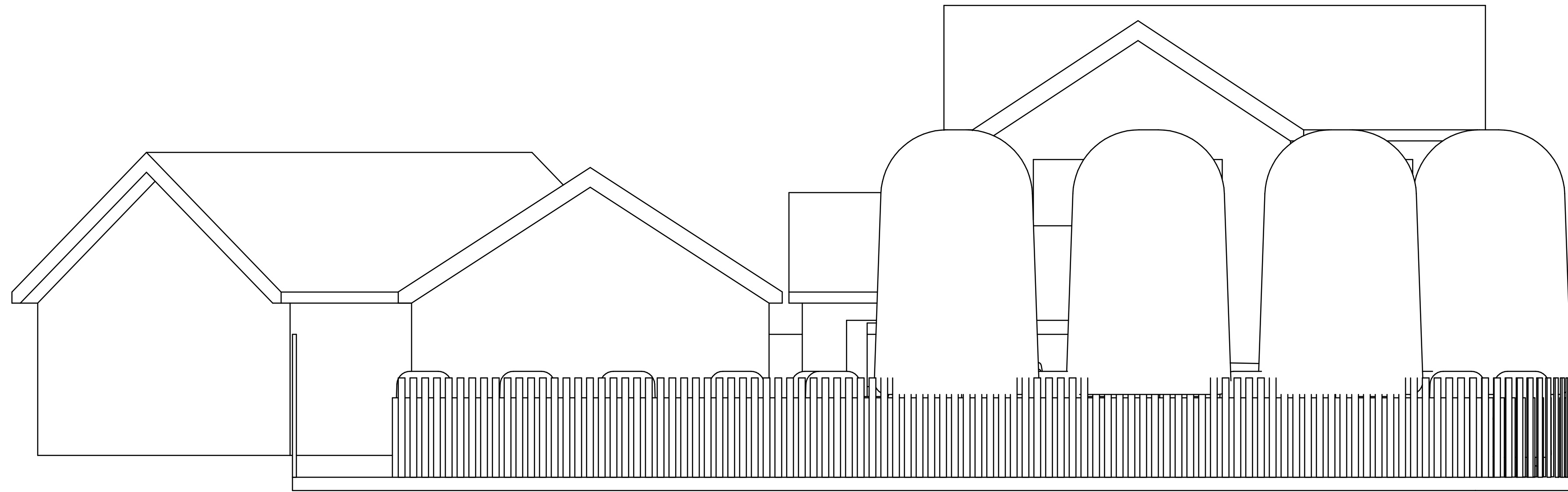
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	PART NO.	Proposed Block Plan Showing Parking	
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WELLS COURT



FINCHAM ROAD



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THICKNESS	CUSTOMER		
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