

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 6 September 2017									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman Rona Burt</p> <p style="text-align: center;">Vice Chairman Chris Barker</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (9)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole</td> <td style="vertical-align: top;">Stephen Edwards Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (2)</u></td> <td style="vertical-align: top;">Andrew Appleby</td> <td style="vertical-align: top;">David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Members (2)</u></td> <td style="vertical-align: top;">Roger Dicker</td> <td style="vertical-align: top;">Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (9)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
<u>Conservative Members (9)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston								
<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer								
<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell								
<p>A SITE VISIT WILL BE HELD ON MONDAY 4 SEPTEMBER 2017 AT THE FOLLOWING TIME:</p> <p>No coach is to be provided for this site visit, Members are requested to make their own way there and to car share wherever possible.</p> <p style="text-align: center;">Planning Application DC/16/2063/FUL - Land West of Hamilton Road, Newmarket</p> <p style="text-align: center;">Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works</p> <p style="text-align: center;">Site visit to be held at 10.00am (CB8 7JQ)</p>										
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									

Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@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 Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (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 Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) 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 - 6**
To confirm the minutes of the meeting held on 2 August 2017 (copy attached).
4. **Planning Application DC/16/0866/VAR - Motocross Circuit, Hayland Drove, West Row** **7 - 30**
Report No: **DEV/FH/17/032**

Variation of Conditions 5 and 6 of F/2001/768 to extend the opening hours (as per Planning Statement submitted with this application) to allow for continued use of land as motocross track on a permanent basis and variations to conditions
5. **Planning Application DC/16/2063/FUL - Land West of Hamilton Road, Newmarket** **31 - 54**
Report No: **DEV/FH/17/033**

Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works
6. **Planning Application DC/17/1388/HH - 3 Kingsway, Mildenhall** **55 - 62**
Report No: **DEV/FH/17/034**

Householder Planning Application - Two storey side extension

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 August 2017** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman

Ruth Bowman J.P.

Louis Busuttill

Roger Dicker

Stephen Edwards

Brian Harvey

Carol Lynch

Peter Ridgwell

245. **Chairman's Announcements**

Prior to commencing consideration of the items of business on the agenda; the Chairman advised all present that the Service Manager (Planning – Development) would be delivering a briefing to the Committee on conclusion of the meeting on the development control service.

Furthermore, the Committee was advised that Agenda Item 7 had been withdrawn from consideration and Agenda Item 6 was to be brought forward as the first substantive item of business, in view of the Chairman having to declare an interest in the application.

246. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Simon Cole, Louise Marston and David Palmer.

247. **Substitutes**

There were no substitutes present at the meeting.

248. **Minutes**

The minutes of the meeting held on 5 July 2017 were unanimously received as a correct record and were signed by the Chairman.

249. **Planning Application DC/17/1025/HH - 16 High Street, Tuddenham
(Report No: DEV/FH/17/030)**

Councillor Rona Burt declared a non pecuniary interest in this item, as a nearby resident of Tuddenham High Street. She withdrew from the meeting for this item so as not to take any part in proceedings.

In the absence of the Chairman the Vice Chairman took the Chair for this item.

Householder Planning Application - Detached garage/garden store

Prior to making her presentation the Principal Planning Officer introduced the Committee to the Planning Apprentice, who was in attendance, and who was the assigned Case Officer for the application.

This application was referred to the Development Control Committee following consideration by the Delegation Panel. A Member site visit was held prior to the meeting.

Tuddenham Parish Council objected to the application in light of concerns about the scale of the building, which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 31 of Report No DEV/FH/17/030.

Councillor Roger Dicker moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Carol Lynch.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

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

1. Time Limit
2. Compliance with plans
3. Parking/Manoeuvring to be Provided (SCC)
4. Tree Protection Measures
5. Restrict construction hours

On conclusion of this item Councillor Rona Burt rejoined the meeting and took the Chair.

250. **Planning Application DC/17/0938/TPO - 50 The Street, Gazeley
(Report No: DEV/FH/17/028)**

TPO002(2014) Tree Preservation Order - i) Fell - 2no Sycamore (G002 on plan, within group G2 of Order), 1no. Sycamore (T042 on plan, within group G4 of Order), 1no Horse Chestnut (T008 on plan, within Group G1 of Order), 1no Tree of Heaven (T009 on plan, within Group G1 of Order) and 1no Ash (T041 on plan, within Group G2 of Order) and (ii) 1no Sycamore (T032 on plan, within Group G3 of

Order) Remove the two lowest limbs on left side to balance crown (amended 18.07.2017 - T040 on plan, within group G2 of Order - removed from proposal)

This application was referred to the Development Control Committee at the request of the Ward Member (Iceni). A Member site visit was held prior to the meeting.

Gazeley Parish Council objected to the proposal which was recommended for a split decision, as set out in Paragraph 26 of Report No DEV/FH/17/028.

The Planning Assistant in her presentation took the Committee through each of the trees concerned with the application and outlined the Assistant Arboricultural Officer's comments in respect of each.

Speakers: David Southern (resident) spoke against the application
Philip Gilbey (applicant) spoke in support of the application

Members asked a number of questions with regard to the trees in the application which the Assistant Arboricultural Officer responded to.

Councillor David Bowman moved that the split decision be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louis Busuttill.

Upon being put to the vote and with 9 voting for the motion and with 1 against, it was resolved that

Decision

- A. Consent be **GRANTED** for the felling of G002 Sycamore, T042 Sycamore, T008 Horse Chestnut, T009 Tree of Heaven and the removal of the 2 lowest limbs on left side to balance crown of T032 Sycamore subject to the following conditions:
1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)
 2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.
 3. The 2no. Sycamore, 1no. Horsechestnut and 1no. Tree of Heaven, the removal of which is authorised by this consent, shall be replaced by 2no. English Oak (*Quercus robur*), 2no. Small-Leaved Lime and 3no. Beech (*Fagus sylvatica*) planted within 2 metres of the existing trees as shown on the Tree Planting Specification, Drawing No. 6072-D dated 17.07.2017 within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner), unless an alternative scheme is otherwise agreed and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

B. Consent be **REFUSED** for the felling of T041 Ash for the following reason:

The defects in the Ash tree (T041) mean that long term retention is unlikely, but the tree is not at imminent risk of failure. The retention of this tree can be achieved by reducing the south east lateral up to 1.5m and by supporting with a cable and brace system which would allow its safe retention. Due to the loss of a significant number of trees within the site and the resulting lack of tree cover in the short to medium term, the retention of the tree will reduce the immediate impact on the amenity of the area while replacement trees are established.

251. **Planning Application DC/17/0766/HH - 14 Collings Place, Newmarket (Report No: DEV/FH/17/029)**

Householder Planning Application - Two storey rear extension

This application was referred to the Development Control Committee following consideration by the Delegation Panel; the application having been referred to the Panel by a Ward Member (St Mary's) due to concerns raised by neighbours.

A Member site visit was held prior to the meeting. Newmarket Town Council had raised no objections and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 24 of Report No DEV/FH/17/029.

The Committee was advised by the Planning Assistant that the adjoining property to the application site already had the benefit of a single-story rear extension and had recently been granted (via Officer Delegation) permission for a two-storey rear extension. Members were informed that the same neighbours objected to that application as those who objected to the scheme seeking determination from the Committee.

Speaker: Sam Sadler (applicant) spoke in support of the application

Councillor Chris Barker advised the meeting that he was the St Mary's Ward Member who had requested referral of the application to the Delegation Panel. He explained that the neighbours who had raised objections in light of the application (and the neighbouring property) had concerns that further terraced properties in the vicinity would now submit similar planning applications.

Councillor Roger Dicker moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 9 voting for the motion and with 1 abstention, it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) the car parking spaces shown on revised plan 170228-03 Rev 1 shall be retained solely for the parking of private motor vehicles and shall be used for no other purpose.
- 4 Demolition or construction works shall not take place outside 8.00 hours to 17.00 hours Mondays to Fridays and 8.30 hours to 14.00 hours on Saturdays and at no time on Sundays or Bank Holidays.

252. **Planning Application DC/16/0866/VAR - Motocross Circuit, Hayland Drove, West Row (Report No: DEV/FH/17/031)**

As advised by the Chairman earlier in the meeting, this item was withdrawn from the agenda and would be considered at a future meeting of the Development Control Committee.

The meeting concluded at 6.37 pm

Signed by:

Chairman

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Forest Heath
District Council

DEV/FH/17/032

Development Control Committee 6 September 2017

Planning Application DC/16/0866/VAR – Motocross Circuit, Hayland Drove, West Row

Date Registered: 25.04.2016 **Expiry Date:** 25.07.2016 (EOT until 04/08/2017)

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

Parish: Mildenhall **Ward:** Eriswell and the Rows

Proposal: Variation of Conditions 5 and 6 of F/2001/768 to extend the opening hours (as per Planning Statement submitted with this application) to allow for continued use of land as motocross track on a permanent basis and variations to conditions

Site: Motocross Circuit, Hayland Drove, West Row

Applicant: Mr Terry Waters

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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

Background:

1. The Site has a long and complex planning history and currently operates under a restricted planning permission granted in 2002 (Ref: F/2001/768) for the 'continued use of land as motocross track on a permanent basis'. This included conditions that restricted the noise of the motorbikes used, as well as the hours the track could operate. Since 1992, the motocross track has been used subject to a personal permission, and this was renewed on several occasions, subject to conditions.
2. Located just outside the site's boundary, but relevant to the Site's history, is a stadium used for speedway racing. This was originally granted planning permission in 1975. This permission allowed the stadium to be used for speedway racing and associated facilities for a period of ten years. A permission retaining this use was granted in 1985. Use as a greyhound track was permitted in 1989, and stock cars followed in 1997.
3. A bungalow, named 'Fenland', was built in the 1950s, and is located approximately 560m from the speedway stadium and 860m from the motocross circuit. In January 2006 the property was purchased and occupied. By April 2006, the occupiers had become concerned about the noise coming from the stadium and motocross events on the circuit. Following complaints made to the Council, noise abatement notices were issued and attenuation works were carried out in January 2009. However, the appellants pursued their contention that both the stadium and the circuit were not being used in such a way to constitute a nuisance. In early 2008, following discussions held with those owners and leasers of the stadium and circuit, the owners of Fenland issued legal proceedings against the stadium owners in the High Court for an injunction to restrain the nuisance. This contention was maintained following the noise attenuation works carried out in January 2009 and it was contended that the activities at the stadium and the circuit, both individually and cumulatively, constituted a nuisance.
4. The High Court judge issued his decision on 4th March 2011 which stated that when the stadium was being used for speedway, stock car and banger racing (which began post 1984), and also when the circuit was being used for motocross (from 1992), the noise was 'sometimes sufficiently intrusive to generate complaints' and therefore remedies in the form of an injunction to restrain the activities at the stadium or the track which emitted more than a specified level of noise, were required and implemented. These noise levels were fixed by reference to the quantum of noise emitted from various motor racing circuits across the UK. A sum of money was also required to compensate for past disturbance. The owners of the stadium and motocross track appealed against this decision and the Court of Appeal reversed the judge's decision, holding that the owners of Fenland had failed to establish that the activities at the stadium and the track constituted a nuisance. The owners of Fenland then appealed to the Supreme Court, which upheld the High Court judge's injunction to restrain noise levels. At some point during the protracted legal proceedings, Fenland was destroyed in a fire. The injunction would therefore take effect when and if the property was rebuilt and re-occupied.

5. The application is before Members of the Forest Heath Development Control Committee as the views of the Parish Council are contrary to that of the Officer recommendation of approval. The applicant is also related to a Forest Heath District Councillor.

Proposal:

6. The application proposes the variation of Conditions 5 and 6 of planning permission F/2001/768 to extend the opening hours to allow for continued use of land as motocross track on a permanent basis, along with appropriate variations to conditions.

Existing operation of motocross track:

7. Presently, the motocross track operates in accordance with the following restrictions:
 - From April-October inclusive, the track is used every other Sunday only. Six of the Sundays during this period are for event days. The hours of operation for events during this period are from 10.00am to 18.00pm. On other Sundays when the track is used during this period, the hours of use are from 10.00am to 16.00pm;
 - From November to March inclusive, the track is used every Sunday from 10.00am to 16.00pm. This will include 5 event days to be completed by 16.00pm;
 - Every Tuesday as training/practice/nursery days from 10.00am to 16.00pm; and
 - Every Thursday for practice days (10.00am till 16.00pm).

Proposed operation times of the motocross track (as amended):

- i) Two year temporary permission.
- ii) All Saturdays and Sundays throughout Jan-May (inclusive), 09:00 - 18:00. Every other Sunday throughout June-Aug (inclusive), 09:00 - 18:00. Three Saturdays can be requested during June-Aug; the date will be previously agreed in writing with the local planning authority and not less than one months prior notice shall be given.
- iii) All Saturdays and Sundays throughout Sept - Dec (inclusive), 09:00 - 18:00. (no lighting to be installed)
- iv) Every Tuesday and Thursday practise days 09:00 – 16:00 Jan-Dec. With no restriction of riders (unlimited).
- v) As per ACU (Auto Cycle Union) and HSE guidance group riders will be restricted to 45 riders for the main track.
- vi) Limit on events held at the motor cross track(s) as currently restricted to 12 per annum.

vii) On request, as per current approval, sound reports will be supplied to ensure the db. levels are kept to a minimum. (i.e. no more than 85db per hour average).

viii) Removal of 1 hour lunch break (hours rest bite) currently imposed on the track.

ix) Should Pear Tree farm be sold and/or separated from the same ownership of the motocross track, the temporary permission will end and the use of the motocross track will revert back to the restrictions as per previous planning permission F/2001/768.

Application Supporting Material:

8. Following a screening process, the Council issued a Screening Opinion that concluded that the proposed development constituted EIA development. Consequently the application is now accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 & 2017. In accordance with Parts 1 and 2 of these Regulations, the ES includes the following information:

- a description of the Development comprising information about its nature, size and scale;
- an outline of the main alternatives studied and an indication of the main reasons for the choices made taking into account the environmental effects
- a description of the aspects of the environment likely to be significantly affected including population, fauna, flora, soils, water, air, climatic factors, material assets including architectural and archaeological heritage, landscape, and the inter-relationship between the above factors;
- a description of the likely significant effects of the Development on the environment covering, direct and indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive, and negative;
- a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects;
- a non-technical summary of the information specified above.

9. The proposed development is considered to generate non-significant effects on the following subject areas:

- Socio-economic;
- Landscape and Views;
- Ecology and Nature Conservation;
- Water Resources and Flood Risk;
- Air Quality;
- Transport & Access;
- Cultural Heritage;
- Land Contamination;
- Wind Microclimate;
- Agriculture;
- Daylight, Sunlight & Overshadowing;
- Waste; and
- Vibration.

Site Details:

10. The site extends to approximately 7.4ha and is located to the north west of Mildenhall adjoining Hayland Drove, a narrow road leading from the village of West Row. This road forms the western boundary of the Site, which adjoins Cook's Drove to the north east. Further north of Hayland Drove is open countryside. Mildenhall Stadium is located immediately north of the site where various forms of motorsport takes place, including speedway, banger racing and stock car racing. Greyhound racing also takes place within the stadium. Cook's Drove is located to the east of the Site which leads to the village of Thistley Green and West Row in the south east. Pear Tree Farm is also located further east off Cook's Drove, with agricultural land and Mildenhall airfield located beyond. Land to the south and west of the Site is currently undeveloped and used for agricultural purposes. The River Lark is also located approximately 1km to the south of the Site.
11. It is estimated that in a single calendar year, the current planning permission allows the track to be used for motocross for up to 141 days.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/0313/FUL	Planning Application - Construct a new children's (85cc) motocross track adjacent to the existing motocross track	Pending Decision	
DC/16/2630/EIASCO	Request for Environmental Impact Assessment Scoping Opinion under Regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) - following submission of DC/16/0866/VAR	EIA Screening/Scoping Opinion Issued	22.12.2016
F/2008/0173/FUL	Erection of straw bales to form an acoustic barrier, a 5 metre earth bund, stationing of shipping container to form an acoustic tunnel and erection of a 2.7 metre close-boarded fence	Approve with Conditions	02.05.2008
F/92/111	Change of use from agricultural land to use as	Approve with Conditions	28.05.1992

F/97/001	off-road motorcycle track (motocross). Continued use of land as motocross track stationing of three portacabins and retention of earthbanks/fencing		25.04.1997
F/2001/573	Removal of condition 9 of planning permission F/97/001 - requiring all vehicle tests to be kept by the track operator for examination by the Local Planning Authority if required.	Application Withdrawn	10.04.2002
F/94/356	Use as motocross track; extension of operating hours until 6pm on specified Sundays; siting of three portable buildings to provide offices, refreshments and toilets; resiting of motocross bridge		22.08.1994
F/2003/0499/FUL	Retrospective Application - erection of a two-storey portable cabin	Application Approved	01.08.2003
F/95/328	Use of motocross track, siting of 3 portable buildings and bridge for further two year period; use to include organised events and operating hours as specified in letter received by local planning authority on 19/09/1995	Refuse	12.10.1995
F/95/573	Use of land as motor cross track. Stationing of three portacabins with associated works to earthbanks and additional fencing of site as amended by letter received 27.12.95.	Approve with Conditions	12.02.1996
F/2001/768	Continued use of land as motocross track on a permanent basis, and variations to conditions as specified in letter accompanying the application, received by the Local Planning	Approve with Conditions	22.07.2002

Authority on 10th
December 2001.

F/92/612

Proposed motocross track layout toilets control building and landscaping as amended by plans received 07/01/93 and 11/02/93

Approve with Conditions

06.05.1993

Consultations:

12. Mildenhall Parish Council – Object. Any increase in hours and days will cause disturbance to the local residents close to the Motocross, plus the extra pollution.
13. East Cambs. District Council - have concerns regarding the intensification of use and potential noise impacts on our residents due to this. I note from the noise report that whilst Isleham Marina has been considered, properties within our district have not. Request that no decision is made until the Environmental Health Officers of both our Council's have discussed this matter or that the developer has provided more evidence to demonstrate that this proposal will definitely not harm the residential amenity of the residents of Isleham. (Officer Note – West Suffolk Environmental Health Officers have discussed the impacts of the development with East Cambs. Environmental Health Officers resulting in amended operational restrictions being agreed with the applicant. No comments have been received in respect of the amended proposals.)
14. Isleham Parish Council (East Cambs.) – Our village already experiences significant noise from the circuit and although we have no choice but to accept the current opening times and conditions, we would deem any increase on this disturbance to be totally unacceptable. We do not have any confidence in the suggested noise levels.
15. Environment Agency – no comments.
16. SCC Highways – No objection.
17. SCC Environment Team – No comments (in respect of air quality and land contamination).
18. Natural England – no comment.
19. Public Health and Housing – Consider that the amended operational conditions are acceptable, subject to the permission being temporary until March 2019 to allow for suitable monitoring to take place. For clarity, practice days should only be between the hours of 9am and 4pm.

Representations:

20. A significant number of objections have been received, mainly from residents of Isleham Marina.

Original plans and documents – 41 objections

21. The following grounds of objection have been raised:

- Motocross bikes generate a large amount of intrusive noise
- The noise from the track impacts on the existing tranquillity of Isleham Marina
- Intrusive noise breaches the rights of property owners to enjoy the peace and quiet
- The additional use of the track will harm existing tourism businesses in the area
- Noise will impact on local wildlife
- Expansion of the facility is unrequired
- Noise survey is not accurate or reflective of actual noise impact
- Increase in traffic on a poor access road

(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.)

22. *Isleham Marina Lodge Owners Association* - All lodge owners and residents are members of the association and we are writing on their behalf to OPPOSE the applications to increase the hours of use and proposed new track on the grounds of noise, potential damage to environment, health and safety risk, potential impact to local businesses and tourism. In summary:

- The noise on the island during track events is already unacceptable and anything that adds to the amount of noise or number of days or hours we have to endure it is totally unacceptable.
- We don't believe the EIA submitted with the application has taken sufficient account of the island's unique environment and lack of manmade noise. The figures they have used are taken from the monitors at the track which includes noise from planes taking off and landing at Mildenhall and Lakenheath. However, the island is not on the flight path and so a baseline should have been taken of the noise level on the island to give a meaningful result.
- The method of calculating the possible impact of the noise on the island in the EIA has been produced by a computer program using baseline levels from the track. As we have shown in this document the suggested levels in the EIA of the LOAEL and SOAEL are not appropriate for the island.
- The figures in the EIA for the increase in noise on the island would suggest that they will at a minimum be between the revised WHO LOAEL 50 dB and SOAEL 55 dB if an adjustment is made for the type of noise.
- We are concerned about the possible pollution or contamination of the River Lark and surrounding land from oil, fuel, waste water (especially from the jet washing of the bikes) and general waste.
- Potential increase in noise from the increase in the number of people visiting the track and overnight camping.
- Potential risk of the storing a large amount of fuel and LPG in such small area.
- We are concerned about the potential impact the noise nuisance will have on the sustainability of local business, pubs and tourism.

(Note: the above is only a summary of the objection to the development from the Lodge Owners Association. The full objection can be viewed on the Council's website.)

Policy:

23. 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:

24. Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM13 Landscape Features
- Policy DM34 Tourism Development
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM43 Leisure and Cultural Facilities

25. Forest Heath Core Strategy 2010

- Policy CS3 - Landscape character and the historic environment
- Policy CS5 - Design quality and local distinctiveness
- Policy CS6 - Sustainable economic and tourism development

Other Planning Policy:

26. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Environmental Impact Assessment
- Planning Balance

Principle of Development

28. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

29. In this case, the proposed development accords with the strategic spatial objective ECO7 and Core Strategy Policy CS6, which both seek to support the growth of the visitor economy in the District and to allow sustainable economic development. Development Management Policy DM42 allows for the enhancement or expansion of amenity, sport or recreation facilities, subject to compliance with other relevant Local Plan policies. The further development of the existing site, as opposed to the development of a 'greenfield' site accords with a key principle of the NPPF (par. 17) and also represents an investment in the local area by a local business. The principle of the development is supported by both National Policy and the Development Plan.

Environmental Impact Assessment

30. Following the issue of the Screening Opinion, Officers also undertook a scoping exercise which identified that the main subject area for inclusion in the Environmental Statement (ES) should be 'noise'. The scoping opinion also identified both air quality and ecology as areas which could be affected, although not significantly. Although scoped out of the main ES, separate reports have been prepared by the applicant assessing the Development's impact on both ecology and air quality.
31. Other non-significant impacts of the development include socio-economic, landscape, water resources and flood risk, transport and access, cultural heritage, land contamination, agriculture, and waste. These are considered below.

Socio-economic impact

32. The ES indicates that the site currently employs two fulltime employees and 12 part-time employees. It is expected that the increase in usage of the track will result in the requirement for additional part-time employees (estimated to be an increase of 18 part time staff.) There will also be limited benefit to the local economy in terms of increase spend from visitors to the area.
33. The development is considered to accord with Core Strategy Policy CS6 as well as paragraph 28 of the NPPF in this regard.

Landscape impact

34. As the nature of the land use is not changing and the proposal only seeks to change how the track operates, significant landscape and visual effects are not anticipated and therefore this topic has been scoped out of the ES. The scheme is considered to accord with Development Management Policies DM2 and DM5 in this regard.

Water resource and flood risk

35. The Site is located within Flood Zones 2 and 3 and is therefore at a medium/high risk of flooding. However, the Environment Agency has identified that the proposal will have a minimal impact on flood risk in the area as the Site already benefits from flood defences present along the River Lark to the south, along with multiple drains in the area with sufficient free board to cope with any excess drainage capacity required in small scale events. The proposal does not propose any change in land use, and no

objection to the development is raised by the Environment Agency or Suffolk County Council's flood risk team. This topic was therefore scoped out of the ES. The scheme is considered to accord with Development Management Policy DM6 and paragraph 103 of the NPPF in this regard.

Transport and access

36. The increase in the use of the track will cause an increase in traffic using the local highway network throughout the course of a year. However, this increase is not likely to be significant, and will not intensify traffic on any particular day. The site also has sufficient parking capacity to accommodate the additional use of the track. No objection has been received from the Local Highway Authority. The transport impact is therefore considered to be negligible and in accordance with Development Management Policy DM2 in this regard.

Cultural heritage

37. There are no built heritage features in close proximity to the site that could be affected by the proposed development. The proposal does not propose any built development or change in land use and therefore the impact on the cultural heritage is considered to be negligible.

Land contamination

38. No development is proposed that could give rise to new or additional sources of contamination and no works are proposed that could mobilise existing contamination. The risks to human health are therefore likely to be negligible and the development is considered to be in accordance with Development Management Policy DM2 in this regard.

Agriculture

39. The proposal relates to an existing motocross track which is already in operation and located on brownfield land. There is to be no loss of previously undeveloped, agricultural land as part of the Development. Impacts on existing agricultural land are likely to be negligible.

Waste

40. As the Development seeks to change the conditions of an existing planning application, no construction waste is anticipated and no demolition is required. Operational waste is unlikely to be significant or complex and will be managed in accordance with local disposal systems and all applicable legislation. No likely significant impacts are expected.

Ecology and Nature Conservation

41. During the scoping of the application in accordance with the EIA regulations, ecology was an area where it was felt there could be some impact from the increased use of the motocross track. Consequently, an Ecological Appraisal of the site was undertaken, which concluded that the mature trees which border the site have high ecological importance at a local scale, as well as having the potential to support nesting birds and foraging/commuting bats. A

waterbody was also identified adjacent to the site, which was found to have the potential to support water vole and amphibian species.

42. As there are no physical development works that would affect the trees surrounding the site, or the nearby adjoining water course, the impact on these features and their supported species is considered to be insignificant. Furthermore, there are no nationally or internationally designated sites such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Site of Special Scientific Interest (SSSI's) in the wider area, on or directly adjacent to the Site. Natural England has been consulted on the proposals and no do object. Significant impacts on ecology and nature conservation are not therefore considered likely. The scheme accords with Development Management Policies DM2 and DM10 in this regard.

Air Quality

43. Again, during the scoping of the application in accordance with the EIA regulations, air quality was an area where it was felt there could be some impact from the increased use of the motocross track. A desk top study of the potential air quality impact on the local environment from the development has been undertaken by the applicants. The ES concludes that *'Using the guidelines set out in the Land-Use Planning & Development Control: Planning for Air Quality, the Development is not expected to generate a significant traffic impact which would impact on air quality. The Site is not located within or close to an Air Quality Management Area (AQMA) and likely significant effects from the operation of the Development are not anticipated.'*
44. The Council's Environment Team concur with this conclusion, and the proposal is considered to accord with Development Management Policies DM2 and DM14 in this regard.

Noise

45. The noise impact from the proposed increase in the use of the track is considered to be the main issue for consideration within the ES. An assessment of this impact is set out in detail below.
46. As referred to in the ES it is useful to first set out the background to the site in respect of noise issues. The site is the subject of a considerable history in relation to noise emissions, but in summary, noise emissions, both cumulatively and individually, from the motocross circuit and the adjacent Speedway stadium were found to be a nuisance in a Civil noise nuisance case taken by a nearby resident. The outcome of the noise nuisance case was that the court imposed a noise limit (an injunction) on both the Speedway Stadium and motocross track, individually and cumulatively. This has the effect of limiting noise emissions to 45 dB LAeq (15mis) when measured at the property "Fenland". This is a very strict and low limit and is below the World Health Organisations Guidelines for Community Noise values for moderate annoyance during daytime (50db). The injunction only comes into force as and when "Fenland" (which is currently empty and derelict) is re-occupied by the complainants in the nuisance case.
47. The Council has in the past however, concluded that a statutory noise nuisance did not exist under the Environmental Protection Act. Accepting that

the use of the site for motocross is deemed to be a civil 'noise nuisance', it is appropriate to assess any proposed increase in the operation of a noisy activity, and to what extent and significance any additional harm may be demonstrated.

48. The applicants have submitted a detailed noise assessment within the ES, which has been carefully considered by Officers, and the baseline data and impact thresholds used (referred to below) are accepted by Officers.

Noise Policy Statement for England (May 2010)

49. Paragraph 123 of the NPPF requires decision makers to '*avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.*' This paragraph also refers decision makers to the 'Noise Policy Statement for England' (NPSE). The NPSE contains the current Government policy aims in relation to noise and its impact.
50. Inter alia, the NPSE aims to "*avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*" Impacts to quality of life can include annoyance and sleep disturbance.

51. However, at paragraph 2.18 the NPSE states that;

'..there is a need to integrate consideration of the economic and social benefit of the activity or policy under examination with proper consideration of the adverse environmental effects, including the impact of noise on health and quality of life. This should avoid noise being treated in isolation in any particular situation, i.e. not focussing solely on the noise impact without taking into account other related factors.'

52. The NPSE refers to lower and upper threshold noise levels (LOAEL – 'low observed effect level' and SOAEL – 'significant observed effect level'), the latter within which mitigation may be required to reduce the overall impact. This concept is reinforced in the National Planning Practice Guidance – Noise (PPG-N) where it states:

"At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise). Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise

causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring."

53. Included in the ES is a table taken from the PPG-N, which usefully summarises the above, and also provides the basis for a subjective assessment of noise impacts to be made. This is reproduced below.

Perception	Outcome Examples	Increasing Effect Level	Action
Not noticeable	No effect	No observed effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly effect the acoustic character of the area but not such that there is a perceived change in the quality of life.	Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed adverse effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and disruptive	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most	Significant Observed Adverse Effect Level	Avoid

	of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting back to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.		
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable adverse effect	Prevent

54. The applicant's ES also includes an objective assessment of noise impact based on relevant policy and available guidance. The approach taken in the noise survey was to apply the World Health Organisation's (WHO) LOAEL value of 50db as the lower threshold, with the 'significant' impact threshold (SOAEL) being 10db higher. The Council's Public Health and Housing team consider this approach and the methodology used in the ES (including modelling undertaken using computer software taking into account of source noise levels, local topography, wind direction and screening to reduce noise), appropriate in this case.
55. The noise survey tested 10 receptor locations, ranging from closest residential property to the track, Pear Tree Farm (570 metres distant to the east), to the property known as Canham, (1100 metres distant ESE). Isleham Marina was also included as a receptor location. The existence of aircraft noise was also taken into account, as was the most recent information published by the Ministry of Defence, which indicates that the site and the majority of the identified noise receptors are located within a 66 db noise contour, and could therefore be exposed to aircraft noise in excess of 60 db on a regular basis).
56. The ES survey results show a variable noise climate, ranging from quiet periods to very high levels of noise from aircraft on approach and on take off from RAF Mildenhall, as well as from jet aircraft taking off from RAF Lakenheath and/or undertaking manoeuvres at RAF Mildenhall. This concurs with the conclusions of Officers following a visit to the site and Isleham Marina during a Tuesday practice day. This varied noise climate exists with or without the motocross track operating, although when the wind is blowing from the NE, bikes on the motocross track (and it is assumed the stadium if also operational) can be heard over and above the ambient noise climate.
57. The objective survey results for a race day event indicate that only at the site boundary and Pear Tree Farm do noise levels exceed LOAEL, although Spring Hall Farm and Fenland come quite close to the threshold. Results are lower

for practice days, again with LOAEL threshold being breached at the site boundary and Pear Tree Farm. Again this concurs with the noise heard at Isleham Marina during a site visit where bike noise could be heard over the ambient climate, but not excessively so.

Cumulative impact with stadium

58. As already stated there will be occasions when the stadium and the motocross track will operate at the same time, albeit under two separate planning permissions. Evidence suggests that the stadium has up to 22 speedway events between May and October, and up to 24 Stock Car racing events on Sundays between March and October. The noise survey within the ES suggests that this combined impact will be at worst 'moderate adverse' overall, and 'major adverse' at the property Pear Tree Farm. Generally the noise levels from the stadium are higher than those at the motocross track and would occur irrespective of whether or not the motocross track is operating. Indeed, it is likely that on many occasions, noise heard some distance from the track (e.g. Isleham Marina and Isleham itself) is actually noise being generated by stadium activities and not the motocross track.

Summary of likely effects

59. The track currently operates under conditions that allows it to be used for a maximum of 141 days per year. The amended proposals increase this use to a maximum of 193 days per year, or a potential 37% increase. The amended proposal does not propose to increase operational conditions during the months of June, July, August, which will remain as currently restricted (i.e. every other Sunday). However, it has to be remembered that due to unfavourable weather conditions in the autumn and winter months, the usage of the site is likely to be less than the proposed maximum.
60. Subjectively, the table at paragraph 44 above indicates that for the most part, noise emissions are within the '*Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly effect the acoustic character of the area but not such that there is a perceived change in the quality of life*' threshold. However, given prevailing weather conditions, noise emissions are on the cusp of the threshold where noise is sufficient to change behaviours or attitudes (e.g. such as going inside or putting on quiet background music). The magnitude of the impact, although variable, is considered to be low. However, it is acknowledged that whilst the proposed development does not increase the magnitude of the impact, it does increase its frequency throughout the year. Breaking this proposed operational increase down further indicates that the application (as amended) only represents an increase in the use of the site on Saturdays between October and May (inclusive) as the site is already used on Sundays (Oct to May inclusive) and every other Sunday (June to September inclusive). Sunday operations during June, July and August shall continue every other week as existing. Limited harm can be attached to this increase in operation, and this needs to be considered in the planning balance.

Local resident's comments

61. The significant level of comments from local residents (mainly Isleham Marina) is acknowledged, and their grounds for objection to the development have been taken into account in the assessment of this application. The comments of Isleham Parish Council have also been considered. It is accepted that the noise from the motocross track can be intrusive, but in terms of impacts on specific properties in the area, the intrusive nature of this impact is often dependant on certain variables with the ambient climate. This can include wind direction, aircraft movements and stadium events (i.e. speedway, stock car racing, banger racing and greyhound racing.) These events also often occur during more anti-social hours (e.g. later into the evening), something that the motocross does not do as it is restricted to a 6pm finish. Impacts on tourism and businesses in the area, both positive and negative will be taken into account in the planning balance below.

Injunction

62. In the background throughout all of the above assessment is the 'Fenland' court injunction. It is acknowledged that the noise limits for the operation of the track set out within it will be exceeded by the existing and proposed operation of the track. The applicant has accepted that as and when the derelict bungalow is rebuilt and re-occupied, they will comply with the requirements of the injunction. However, it has to be remembered that the injunction is in place as a result of a private civil action, and is separate to the planning process and any statutory considerations under the Environment Protection Act 1990.

Conclusion and planning balance

63. Having considered the ES as a whole, Officers are satisfied with the conclusions and assessments undertaken in that the operational development the subject of this application would not give rise to significant environmental impact. Specifically, the conclusion of the noise survey within the ES is that the noise levels from the motocross track are at or just below the threshold which will bring about a very low magnitude of effect resulting in negligible impact. Officers can find no evidence, either subjective or objective, to form a different view. The impact on Pear Tree Farm would, on occasion, be major adverse, and this is acknowledged by the applicants. Although this property is currently owned and occupied by the applicant, this may not be the case in the future, and the separation of the ownership of the property away from the motocross track could result in future noise complaints (the legal case brought by the owners of 'Fenland' being an example of this.) The applicants are agreeable to this property being tied to the business use at the site, thereby removing potential future conflict. This can be secured by a Unilateral Undertaking.

64. The proposed operational conditions set out in paragraph 7 above will result in an approximate 37% increase in the potential number of days that the track can be used in any one year. However, it has been adequately demonstrated that the existing noise levels from the motocross activity at the site (taking into account the operation of the adjoining stadium) are not significantly harmful to the amenity of local residents. Subject to appropriate planning conditions, it is considered that that the impact of the proposed development on the amenity of the vast majority of receptors is acceptable having regard to Development Management Policy DM2 and paragraph 123 of the NPPF.

65. Taking into account that the noise survey within the ES uses computer modelling within its assessment, and the sensitivity of the noise impact to variable background noise levels and wind direction, it is not considered appropriate to accept a full permanent permission without the opportunity for further noise monitoring. Therefore, whilst the Council is confident that the additional harmful impact will not be significant, taking a precautionary approach, it is considered appropriate that any such grant of planning permission should be for a limited period. In this case a period of 20 months from the date of permission (to March 2019) will allow for a full winter and summer season to be monitored.
66. It is noted that the properties known as 'Fenland' and 'Pear Tree Farm' would be subject to a major adverse impact during periods when both the motocross track and the stadium are operating. However, 'Fenland' is derelict and unoccupied and should it be re-built and re-occupied, a separate Injunction will be come in to force restricting the use of the track anyway. 'Pear Tree Farm' is owned and occupied by the applicant, and this relationship can be legally tied together by legal agreement following any future permanent grant of planning permission for the proposed development.
67. The further development of the existing site, accords with a key principle of the NPPF (par. 17) and also represents an investment in the local area by a local business. The motocross track is nationally recognised and is an established business that contributes to the economy of the area. The principle of the development is supported by both National Policy and the Development Plan.
68. The environmental impact of both the existing and proposed operating conditions of the track have been found not to be significant and conditions can be applied to any permission to restrict the use of the track to that as applied. Importantly, the use of the track during the summer months; June, July, August, will continue as existing (i.e. every other Sunday). A temporary permission (20 months) will allow for the noise conditions to be monitored and any such future application for permanent planning permission will be considered in light of these monitoring results.

Recommendation:

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

1. Temporary planning permission to March 2019
2. Permission shall be for Mildenhall Moto-Cross Limited only, and shall not enure for the benefit of the land.
3. Development restricted to the use of the land as an off-road motor cycle track only
4. Events and practises on site to be supervised at all times either by Mildenhall Moto-Cross Limited, or by their nominated representative, in accordance with the Auto Cycle Union code of practice and/or handbook

5. The motocross track shall only be used in accordance with the following restrictions
 - (i) All Saturdays and Sundays throughout Sep-May (inclusive), 09:00 - 18:00. Every other Sunday throughout June-Aug (inclusive), 09:00 - 18:00. Three Saturdays can be requested during June-Aug (the date will be previously agreed in writing with the local planning authority and not less than one months prior notice shall be given.)
 - (ii) Tuesday and Thursday practise days 09:00 – 16:00. Jan-Dec.
 - (iii) As per ACU (Auto Cycle Union) and HSE guidance group riders will be restricted to 45 riders for the main track.
 - (iv) On request, as per current approval, sound reports will be supplied to ensure the db levels are kept to a minimum. (i.e. no more than 85db per hour average).
6. Other than to call emergency services or to announce the commencements of a race, no tannoy system shall be used on the site.
7. All vehicles using the track shall comply with current Auto Cycle Union noise regulations.
8. Random testing of individual motorcycles shall be undertaken on all days that the track is in use and test results shall be kept by the track operator and produced for examination by the Local Planning Authority if so required.
9. The level of noise emitted from the site shall not exceed Leaq85db over a time period of 1 hour at the boundary of the site.

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=O5XEUDPD05L00>

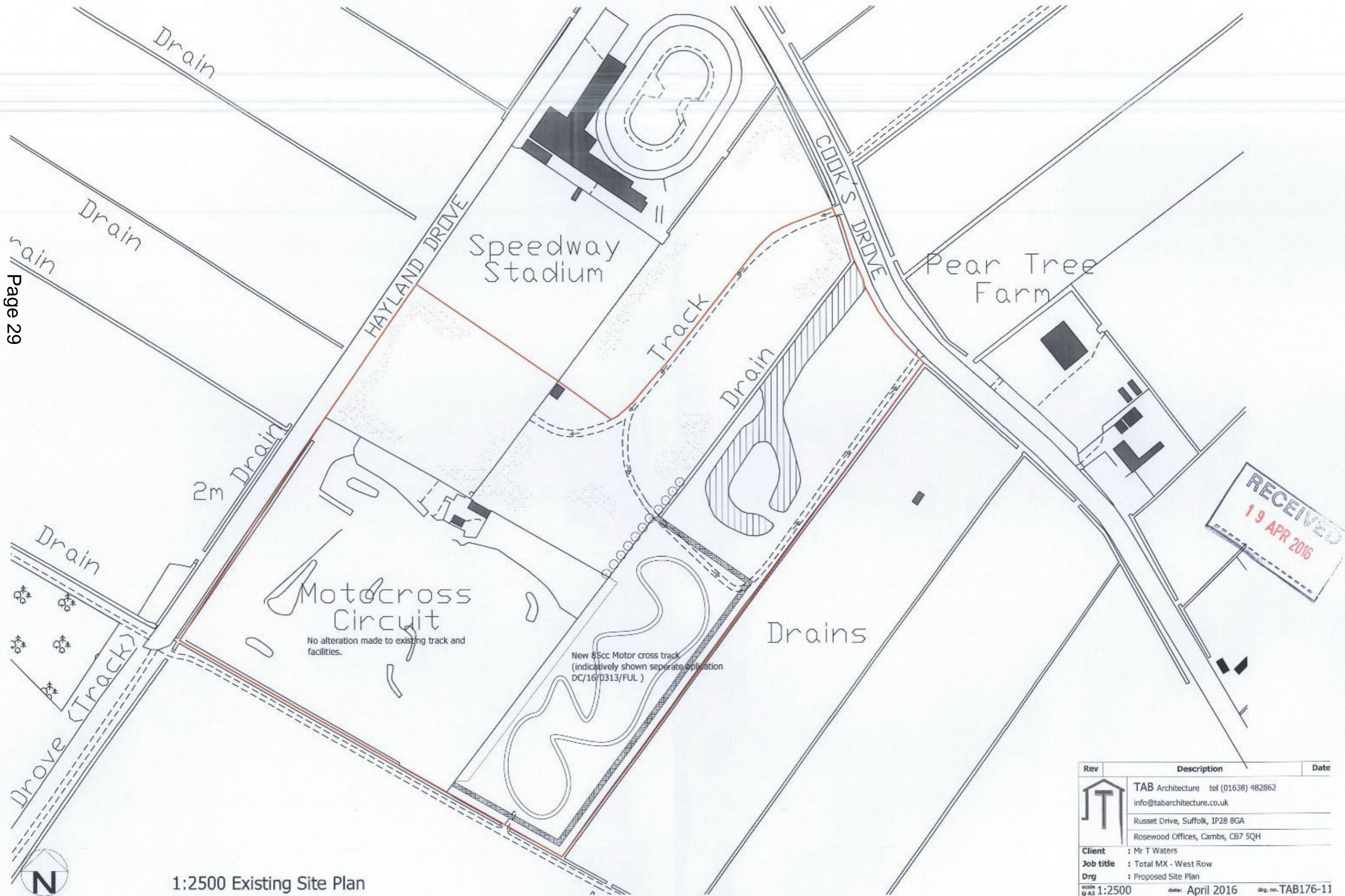
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DC/16/0866/VAR

Motocross Circuit Hayland Drove West Row



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1:2500 Existing Site Plan

Rev	Description	Date
 TAB Architecture tel (01638) 482862 info@tabarchitecture.co.uk Russet Drive, Suffolk, IP28 8GA Rosewood Offices, Cambs, CB7 5QH		
Client	: Mr T Waters	
Job title	: Total MX - West Row	
Drg	: Proposed Site Plan	
Scale	: 1:2500	date: April 2016 drg. no.: TAB176-11

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Forest Heath
District Council

DEV/FH/17/033

Development Control Committee 6 September 2017

Planning Application DC/16/2063/FUL – Land West of Hamilton Road, Newmarket

Date Registered:	21.09.2016	Expiry Date:	21.12.2016
Case Officer:	Gary Hancox	Recommendation:	Seeking further information
Parish:	Newmarket	Ward:	St. Mary's
Proposal:	Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works		
Site:	Land West of Hamilton Road, Newmarket		
Applicant:	Jockey Club Estates Limited		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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

Background:

1. The application is before members of the Forest Heath Development Control Committee as it is a significant proposal in connection with the Horse Racing Industry in Newmarket, and raises issues of more than local importance.

Proposal:

2. The proposals include the construction of new artificial 'uphill training' gallop, lagoon, car park, access and all associated works. The gallop itself would be linear in form stretching almost the full extent of the application site from south west to north east. The gallop intends to replicate the existing topography as the site already has an incline from south west to north east. The gallop would be 904 metres long and 8.7 metres wide, and would include a 30 metre incline. The construction of the gallop would include earthworks, bridge decking, concrete supporting structure and landscaping. At its southernmost point, (the start of the gallop), the gallop will sit approximately 5.2 metres below existing ground level. From here it will extend in a north easterly direction at a level gradient. Approximately 246 metres along the gallop it will cross underneath and perpendicular to an existing track/bridleway which will be bridged to run over the top.
3. The gallop will continue to rise at a gradient of approximately 1:61. As the gallop rises up above ground level the construction will change to that of a bridged deck comprising a concrete structure supported on concrete columns. The bridged deck section of the gallop will terminate on an embankment.
4. A lagoon is proposed to the south west of the application site that will collect drainage water from the gallop whilst also creating a source of irrigation for the wider Newmarket site for use by the Jockey Club. The use of this harvested grey water by the Applicant will reduce their consumption of fresh water resources, including pumping from private boreholes. The lagoon will be approximately 7,217 sqm in area at ground level and is capable of storing approximately 15,000 cubic metres of water. Its lowest point it will be 3.3 metres deep.
5. A small private car park will be created (12 parking spaces) for the use of trainers/owners of horses using the gallop.
6. Vehicular access to the site will be provided via the existing access from Hamilton Road (a private road), which joins the B1103 to the north of the Site at a T junction. The site can then be accessed via an existing track from Hamilton Road which will lead to the car park. Horses will principally access the site from Hamilton Road having utilised the existing network of horse walks/bridleways throughout the town. An asphalt route within the gallop structure to allow for emergency vehicle access will also run the entire length of the gallop. This will be for horse ambulance / emergency use and maintenance of the gallop. Two vehicular access points will serve the construction of the gallop, one from the existing track from Hamilton Road and one from the existing track leading to Southfields Farm.
7. Landscaping will be provided within the site in the form of new tree planting as well as lower level shrub and grass planting. Where tree

removal is required along the route of the gallop and at the northern vehicular access, this will be replaced with new woodland planting on the existing woodland both north and south of the route of the gallop.

8. Finally, no lighting on the gallop, horse walk or in the car park during operation or maintenance is proposed. All maintenance and repair works will be undertaken during daylight hours. The gallop will only be used during daylight hours.

Application Supporting Material:

9. Following a screening process, the Council issued a Screening Opinion that concluded that the proposed development constituted EIA development. Consequently the application is now accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 & 2017. In accordance with Parts 1 and 2 of these Regulations, the ES includes the following information:

- a description of the Development comprising information about its nature, size and scale;
- an outline of the main alternatives studied and an indication of the main reasons for the choices made taking into account the environmental effects;
- a description of the aspects of the environment likely to be significantly affected including population, fauna, flora, soils, water, air, climatic factors, material assets including architectural and archaeological heritage, landscape, and the inter-relationship between the above factors;
- a description of the likely significant effects of the Development on the environment covering, direct and indirect, secondary, cumulative, short, medium, long term, permanent, temporary, positive, and negative;
- a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects;
- a non-technical summary of the information specified above.

10. Included within the ES are various technical reports, which inform the assessment of the impacts of the development. The reports include:

- Ecology Phase 1 Habitat Survey
- Hydrological and Hydrogeological Impact Assessment
- Flood Risk Assessment
- Archaeological Geo-Physical Survey
- Archaeological Trial Trenching Evaluation Report
- Landscape and Visual Impact Assessment

Site Details:

11. The application site is located to the north west of Newmarket in between the A14 and the Hamilton Road area of the town. The site extends south as far as the petrol filling station on the A14, and as far north as the Eriswell Road, with all of the site to the north of the Racecourse. The site extends to approximately 31.84 hectares (ha) and is within the ownership of the Jockey Club Estate. The site currently comprises blocks of woodland and grassed paddocks linked by a series of managed hedgerows, all currently used for equestrian purposes. The paddocks are fenced and used for turn-out of racehorses, whilst the majority of the woodland is subject

to a Woodland Management Plan and managed by the Applicant accordingly.

12. The surrounding land uses largely comprises managed woodland and paddocks. Buildings associated with equestrian uses are located adjacent to the south western boundary and north eastern boundary of the Site, along Hamilton Road. The proposed gallop itself is located approximately 300m north west of the closest building off Hamilton Road.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/2063/FUL	Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works	Pending Decision	

Consultations:

13. Newmarket Town Council - No objection.

14. Exning Parish Council - Strongly supports the Suffolk County Archaeology statement with regard to this site; in that 'this site lies in an area of high archaeological potential recorded on the County Historic Environment Record' and 'that no development shall take place within the indicated site until the implementation of a programme of archaeological work has been secured.

15. Highways England - No objection.

16. Tree Officer - No objection, subject to securing the proposed mitigation woodland planting.

17. Ecology and Landscape Officer – Although disagreeing with elements of the LVIA conclusions, the development is capable of being accommodated within the landscape subject to the following conditions:

- provision of an arboricultural method statement and tree protection plan
- full details of landscaping proposals to be agreed
- details of habitat creation for chalk grassland, woodland and hedges to be agreed
- 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be agreed.

18. Natural England – No objection, subject to conditions requiring the removal of horse waste from the site.

19. National Planning Casework Unit (NPCU) – No comments.

20. Ramblers Association – No objection.

21. SCC Highways – No objection, subject to conditions.

- 22.SCC Rights Of Way – No objection, but offer comment on the works affecting Bridleway 1 crossing the site.
- 23.SCC Archaeology – No objection, subject to conditions securing the implementation of a programme of archaeological work.
- 24.Suffolk Wildlife Trust – No objection, however request that the recommendations made within the ecology section ES are implemented in full, via a condition of planning consent, should permission be granted. In particular, Newmarket Heath County Wildlife Site (CWS) lies adjacent to the southern boundary of the development area and it should therefore be ensured that measures are put in place to make sure that works do not impact on the CWS.
- 25.Environment Agency - No objection, subject to appropriate conditions.
- 26.SCC Flood and Water Management – No objection.
- 27.East Cambridgeshire District Council - Whilst Policy EMP 5 the East Cambridgeshire Local Plan supports proposals for the horse racing industry, careful consideration should be given to the visual impact of the raised structure on the wider landscape.
- 28.Public Health and Housing – Further to our memorandum of the 17 October 2016 and the 10 April 2017, Public Health and Housing would not wish to make any further comments with regard to the above application following the re-submission of the revised Chapter 10 of the Environmental Statement relating to Landscape and visual with Appendices 10.1 to 10 on the 3 August 2017.
It is however recommended that the following conditions are included in any consent granted so as to minimise the impact of the proposed development during construction, on the residential occupiers within the vicinity of the application site.
- i. 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 07:30 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.
 - ii. Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
 - iii. 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;
- d) site lighting.

29. Anglian Water - We have had constructive discussions with the applicant and their consultants to address our concerns. We have now reached agreement on the preferred mitigation, as confirmed in the Environmental Statement Addendum dated March 2017, and can confirm that we remove our holding objection to the above application, as submitted, subject to an appropriately worded condition and legal agreement to secure the necessary mitigation. The preferred mitigation is in the form of network modifications to enable alternative Anglian Water groundwater sources to be used to serve customers during the cutting period of the construction phase.

30. Suffolk Chamber of Commerce – Strongly support the proposal.

Representations:

31. None received.

32. **Policy:** The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

1. Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM20 Archaeology
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Policy DM47 Development Relating to the Horse Racing Industry
- Policy DM48 Development Affecting the Horse Racing Industry

2. St Edmundsbury Core Strategy December 2010:

- Policy CS1 - Spatial Strategy
- Policy CS2 - Natural Environment
- Policy CS3 - Landscape character and the historic environment
- Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Policy CS5 - Design quality and local distinctiveness
- Policy CS6 - Sustainable economic and tourism development

Other Planning Policy:

33.National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Environmental Impact Assessment
- Planning Balance

35.For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of Development

36.In this case, the proposed development is a significant project by the Jockey Club that is intended to enhance the ability of the horse racing industry in Newmarket to cope with current and future demand as well as facilitate further growth in the horse racing industry and for existing and new businesses in the town. The applicants state that the project will deliver infrastructure to enable growth on the racecourse side of town opening this area of Newmarket to investment in new and existing yards for the next 10 years and beyond. It will create employment opportunities for new roles both directly and indirectly related to the horse racing industry. For these reasons it is noted that the Suffolk Chamber of Commerce support the application.

37.Policy CS1 of the Forest Heath Core Strategy (FHCS) recognises the importance of the horse racing industry and seeks to protect it. Specifically, the economic and cultural role of Newmarket as the living heart of British horse racing will be developed and promoted.

38. Policy CS6 of the FHCS indicates that support will be given to developing and sustaining Forest Heath's existing economy with particular priority given to key sectors including the equine industry around Newmarket.
39. Policy DM47 of the Joint Development Management Policies Document allows for development relating to the horse racing industry provided that it complies with specific criteria. Those relevant to non-residential development are:
- a. That there is evidence of business viability, functional need for and scale of the proposal;
 - b. The development is designed to make a positive contribution to local character and distinctiveness;
 - c. Access proposals (including for the movement of horses for training) and the impact of all other movements on highway safety and the network capacity for all relevant modes of transport, are acceptable.
40. In terms of viability and need, the applicants have indicated that the proposal would provide better facilities for existing trainers and stables based in the area, and be a catalyst for future growth of the horse racing industry. The scheme would in effect enhance the business viability of existing trainers and stables, and attract others to the town. In terms of need, JCE state that the number of horses in training in Newmarket has increased from 800 in 1970 to over 2500 in 2015 (an approximate three-fold increase). However, training facilities on the north east side of the town are operating at near capacity and therefore the proposals will meet a functional need to ensure the growth of the horse racing industry, particularly on the racecourse side of town.
41. In terms of scale, the applicants have indicated that the proposed gallop has been designed having regard to similar uphill training gallops in Japan, and feedback from existing trainers in Newmarket as to the optimum training requirements for their horses.
42. In respect of the design of the proposal making a positive contribution to local character and distinctiveness of the area (as required by Policy DM47 (b)), it is unlikely that a scheme of such scale can ever be expected to fully comply. The degree of conflict with this element of the policy is considered separately below.
43. In terms of access and impact on the highway network, the applicants state that *'there would be a reduction in horses traversing Newmarket to get to the existing Warren Hill gallop. In terms of vehicular movements, the length of combined trips is expected to reduce overall as those trainers using the car park at the proposed gallop are most likely to be located in the Hamilton Road area of Newmarket and so will no longer need to travel across Newmarket to observe the gallops at Warren Hill.'*
44. Subject to full consideration of the environmental impact of the proposal, including landscape character and highway impact, the proposal is considered to be broadly in compliance with Core Strategy Policies CS1, CS6 and Joint Development Management Policy DM47.

Environmental Impact Assessment

45. Following the issue of the Screening Opinion, Officers also undertook a scoping exercise which identified the main subject areas for inclusion in the Environmental Statement (ES). These included, but were not limited to, Hydrology and Drainage, Ecology, Landscape and Visual Impact, Archaeology/Cultural Heritage. The applicants undertook their own scoping exercise, which also scoped in Surface Water Drainage, but scoped out Transport impacts. This is considered to be an incorrect omission, and therefore an assessment of the highway impact of the proposal will still be undertaken. A full assessment of all the environmental impacts is set out below.

Hydrology, Hydrogeology and Water Quality

46. The geology of the majority of the site is chalk, with some sand and gravel across the north-east end of the site. The chalk beneath the Site is classified by the Environment Agency as a 'Principal' aquifer where there is a high level of water storage supporting a water supply in the surrounding area. The nearest public water supply abstraction borehole to the Site is operated by Anglian Water (AW) and is located at Southfield Farm Pumping Station, approximately 230m to the south. The majority of the Site is located within the Inner (Zone 1) groundwater Source Protection Zone (SPZ1) of the pumping station. SPZ1's are designated to inform the planning process of where constraints and measures would be required to provide the highest level of protection to groundwater quality. It is essential to protect the public water supply sources from contamination from any activities that might cause pollution, both during construction and when operational.

47. The NPPF at paragraph 143, stresses the need to ensure planning applications do not have unacceptable adverse impacts on the environment or human health, including impacts on groundwater and migration of contamination from a development. Development should not constrain the future use of the safeguarded area.

48. The proposed development would cause some changes to the run-off characteristics of the site as a result of the use of a combination of impermeable and permeable surfaces in the construction of the gallop and its exit ramp. Consequently, as part of the original submission the applicant proposed a number of mitigation and monitoring measures, including management through standard procedures and best practice such as the creation of small ditches to convey water, silt fences or silt mats. AW advised that due to the highly vulnerable nature of the Chalk aquifer in this location, and in the context of the level of risk to public water supply, these were considered to be insufficient and would not provide the necessary level of protection.

49. Following discussions with AW, the applicants submitted revised drainage proposals, and mitigation and modifications to the existing water supply network have been agreed. This will enable alternative Anglian Water groundwater sources to be used to serve customers during the construction phase. This option means that AW will temporarily cease the use of the Southfields pumping station and the risk of interruption to supply as a result of contamination during the construction phase is

removed. Following completion of the cutting construction phase of the gallop, the Southfields source will be reintroduced once inspections and pumping to waste procedures have been followed and water quality can be confirmed.

50. AW have confirmed that this mitigation requires a change to the water supply network and may require ground works, and that the costs of this work have not been included as part of investment planning and are required directly as a result of the proposed development. Therefore, a S106 legal agreement and financial contribution is necessary to ensure that this work is completed. An appropriately worded planning condition will also be necessary to ensure that construction on the site only commences once the mitigation is in place. Subject to this condition, AW raises no objection to the scheme.

Drainage and Flood Risk

51. The Site is located entirely within Flood Zone 1 and the residual risk of increased flooding on the site and external receptors is therefore negligible. However, as discussed in the above section dealing with Hydrology and Hydrogeology, the majority of the site is directly underlain by the chalk principal aquifer and is located within a groundwater source protection zone (SPZ), namely SPZ1 (Inner Zone) of a public water supply abstraction. The Environment Agency (EA) comment that the north east part of the site is located in SPZ2 (Outer Zone) where groundwater is shallow beneath parts of the proposed development. The environmental sensitivity of the site is considered to be very high. The EA also confirm that the proposed works (including the excavation extending beneath the resting groundwater level within SPZ1) have the potential to effect the water quality and water availability at the public water supply abstraction boreholes as well as the groundwater flow within the chalk aquifer.
52. However, the EA are satisfied that the proposed scheme is acceptable, subject to conditions requiring details of a dewatering scheme, its associated monitoring and mitigation, along with a Construction Environmental Management Plan (CEMP), to be submitted and approved. The CEMP will allow potential impacts on surface and groundwater during the construction phase to be assessed, managed and controlled. Subject to these conditions the scheme is considered to accord with Joint Development management Policy DM6 in this regard.

Archaeology and Cultural Heritage

53. In accordance with Joint Development Management Policy DM20 and paragraph 128 of the NPPF, the ES considers both direct and indirect impacts and effects upon cultural heritage. Direct impacts are those that physically affect a cultural heritage asset and indirect effects can occur as a result of significant changes to the setting of a cultural heritage landscape or asset, whether permanent or temporary. There would be no direct impacts upon any designated heritage assets during construction or operation. Five listed buildings, including Southfields Rubbing House, as well as Exning Village Conservation Area lie within approximately 1km of the Site boundary. None of these are considered to have a visual or contextual relationship with the Site due to a combination of topography,

the divorcing effect of the A14 corridor, mature woodland and intervening development.

54. With respect to archaeology, the site lies in an area of high archaeological potential recorded on the County Historic Environment Record. A programme of archaeological investigation, including geophysical survey and trenched evaluation has been undertaken on the areas of land south-west and north-east of Seven Springs Wood, within the footprint of the proposed works. The results of these investigations identified significant and extensive archaeological remains of regional importance, including evidence for Roman occupation, and ritual activity and burial of probable Prehistoric and later date. Based on this evidence, it is also highly likely that further heritage assets of equal importance will exist within the area of the woodland which it has not been possible to investigate, especially given the ritual significance of springheads to pre-modern cultures.

55. The groundworks for the development will impact on the heritage assets present in the ground. Suffolk County Council has advised that there are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Landscape and visual amenity impact

56. Joint Development Management Policy DM13 seeks to ensure that development leading to an unacceptable impact on the character of the landscape, landscape features, wildlife or amenity value is not allowed. Emphasis is placed on areas of particularly landscape sensitivity and their very limited capacity to absorb change without significant impact on their character and/or condition. Such sensitive areas include, Special Landscape Areas, The Brecks, and The Stour Valley. All development should demonstrate that its location, scale, design and materials will protect and where possible enhance the character of the landscape. It is essential that commensurate provision must be made for landscape mitigation so that harm to landscape character is minimised with no net loss of characteristic features. If this can not be achieved, then development should be refused.

57. In this case the site is not located within a sensitive landscape setting, and is outside of any areas designated as such. In terms of Landscape Character, the site is located within 'Rolling Estate Chalklands' (as defined in the Suffolk County Landscape Character Area Assessment). This landscape type is found on the western fringe of Suffolk, running from the county boundary in the west around Newmarket and through Snailwell, Chippenham and Freckenham, to Barton Mills on the south side of the River Lark. Key Characteristics of the Rolling Estate Chalklands include:

- Very gently rolling or flat landscape of chalky free draining loam;
- Dominated by large scale arable production;
- "Studscape" of small paddocks and shelterbelts;
- Large uniform fields enclosed by low hawthorn hedges;
- Shelter belt planting, often ornamental species;

- A "well kept" and tidy landscape;
- Open views;
- Clustered villages with flint and thatch vernacular houses; and
- Many new large "prestige" homes in villages.

58. The landholding and enclosure pattern within the Rolling Estate Chalklands is described as:

"Newmarket Heath area to the west of the town was formerly more open, but is now occupied by the world-famous racecourse and racehorse studs with rectangular paddocks and linear plantations. Elsewhere, planned enclosure in the 18th and 19th centuries has replaced the extensive areas of common fields that dominated the landscape in the 17th century, with geometric late-enclosure fields. Where land is devoted to horse racing, as in Exning, the enclosure pattern is a small network of paddocks divided up by post and rail fencing and narrow shelterbelts."

59. The visual experience within the Rolling Estate Chalklands is described as:

"The feel of this landscape is one of open space with long views, which is emphasised by the straight roads and regimented pattern of belts and hedges. However, where the "studscape" is most apparent, belts of trees and woodland planting confine the views."

60. In terms of local landscape character, the applicant describes the site as being 'on the north-west edge of Newmarket comprising a number of pastoral fields subdivided by species poor hedgerows, and a large woodland block to the centre of the Site. Much of the pastoral land is used as exercise grounds for race horses. The Site adjoins further areas of pastoral land and areas of woodland and beyond this the landscape is enclosed by the A14 to the west, the B1103 to the north, Hamilton Road to the east and a local access track to the south.' Officers concur with this assessment.

61. The impact of the development in respect of landscape and visual amenity impact is considered in chapter 10 of the ES, which contains a Landscape and Visual Impact Assessment (LVIA). This LVIA includes a landscape strategy that seeks to avoid and minimise the adverse effects and maximise potential beneficial effects of the development within the wider landscape setting. The LVIA explains that based on site observations and visibility mapping, taking into account the scale of the proposed development, screening afforded by surrounding vegetation and adjacent built environment it was considered that a 2km study area would be appropriate for the assessment (i.e. a maximum 2km offset from the Site). This approach is considered appropriate by Officers.

62. Following discussions with Officers further information was submitted in the form of a supplementary Environmental Statement (SES) submitted in March 2017. In June 2017, following further meetings and submission of comments, it was agreed that a replacement Landscape and Visual Impact Assessment should be submitted, which should include photomontages from several agreed locations around the site. This was duly received at the beginning of August 2017. Specifically, the revised LVIA provided additional information with respect to views of the site from the Devils Dyke area to the SW of the site, from the racecourse itself (publically accessible in the afternoons by consent of JCE), and from Hamilton Road.

63. The overall landscape sensitivity within which the site is located is described in the LVIA as being 'medium'. The LVIA defines this level of landscape sensitivity as being a landscape with some features or sub-areas that are intact and/ or in good condition, of moderate aesthetic appeal, but that contains distinctive landscape features or that is replicated elsewhere in a regional or national context. The landscape makes a moderate contribution towards the public recreational experience. Officers concur with this assessment.
64. Having regard to the photomontages submitted with the LVIA, and having viewed the site and its surroundings from various vantage points in the area, it is clear that the landscape has partial enclosed areas and woodland pockets that offer screening potential for development. Views of the site from the north and west, beyond the A14, are limited due to the presence of intervening tree belts and vegetation. However, the creation of the gallop will intensify and extend the equine character of the landscape around Newmarket. The development proposals would result in the introduction of uncharacteristic landform features and the addition of a bridge structure and car parking, and significant sections of fencing, which could have a degree of harmful urbanising impact upon the rural landscape character of the study area.
65. Additional adverse impacts would also occur during the construction period, including the construction of a temporary site compound, erecting temporary security fencing, construction of temporary haul roads, creation of temporary soil storage mounds, and the introduction of plant and machinery. However these impact would be temporary and short term in nature.
66. Visually, the scheme has been assessed from 17 viewpoints, with photomontages provided for key receptor locations (i.e. where there are likely to be views of the site from publically accessible locations). Of particular importance to Officers were the views from the racecourse itself and from Hamilton Road. Officers concur with the conclusions of the LVIA that visibility of the development from residential properties is confined to a relatively small number of houses within or adjoining the Site. Views of the development from Exning would not be possible from ground floor levels, though slight glimpses of the elevated parts of the development may be afforded from upper floors of a small number of houses to the south western edge of Exning.
67. Views of the site from Public Rights of Way (two bridleways, a cycle route and Devils Ditch to the south of the site) are limited, although the bridge structure would be visible at certain positions along the routes. However, this adverse impact is not considered to be significant.
68. Proposed mitigation measures include the planting of a new larger replacement woodland block joining the existing woodland, and the seeding of the newly formed side-slopes with calcareous grassland, will overtime help to lessen the landscape impact of the proposal, however this will not be significant until perhaps between 10 to 15 years of completion of the scheme.
69. The residual landscape effects of the scheme, following the establishment of mitigation planting and seeding, can be summarised as follows:

- Moderate adverse impact on the existing landform (moderate meaning medium effect on landscape with a medium sensitivity to change)
- Moderate adverse impact on existing vegetation cover
- Moderate adverse impact on landscape pattern, character and tranquillity

70. In conclusion, the landscape in which the site is located can be described as attractive, however it is not an area of high landscape value. The proposed use is in-keeping with the current equine use of the land, albeit it is acknowledged that there will be an intensification of this use along with a degree of urbanising visual impact. The majority of views of the gallop structure will be glimpsed from relatively small geographical locations, and although harm has been identified and this needs to be taken into account in the planning balance, the residual landscape and amenity impact of the proposed development would not be significant. Whilst the development can not fully accord with Joint Development Management Policy DM47, as it is not considered to have been designed to make a positive contribution to local character and distinctiveness, the ES and its associated LVIA has demonstrated that the adverse residual landscape impact of the development will be acceptable and in accordance with Joint Development Management Policy DM13.

Ecology

71. The application site is in close proximity to Devil's Dyke Special Area of Conservation (SAC), which is notified at a national level as Devil's Dyke Site of Special Scientific Interest (SSSI). It is also within 700m of Newmarket Heath SSSI and approximately 5km from Chippenham Fen Special Area of Conservation (SAC). Joint Development management Policies DM10 does not allow development that would have an adverse effect on SSSI's or significant harm to biodiversity in general Policy DM11 does not allow development that would have an adverse impact on protected species unless there is no alternative and adequate mitigation can be provided. Furthermore, Policy DM12 requires development to protect biodiversity, mitigate for any adverse impact, and enhance commensurate with the scale of the development proposed.
72. Natural England has confirmed, following the submission of additional information, are now satisfied that Newmarket Heath SSSI will not be directly damaged due to a greater level of horses crossing the SSSI to reach the new training gallop. Furthermore, it considers that the identified impacts on Newmarket Heath Site of Special Scientific Interest (SSSI) and potentially sites further afield such as Devil's Dyke Special Area of Conservation (SAC), due to changes in air quality can be appropriately mitigated with measures secured via planning conditions or obligations. This will ensure that horse waste is removed from the new gallop daily, and whilst on site (waiting for removal offsite), the waste must be stored in a completely secure container at all times.
73. In terms of overall ecological impact, the ES surmises the following adverse impacts, all of which are classified as having a 'small' magnitude of impact and include appropriate mitigation:

DESCRIPTION OF IMPACT	MAGNITUDE / SIGNIFICANCE	MITIGATION	IMPACT AFTER MITIGATION
Temporary loss of 2.95 ha species poor grassland for access and soil replacement	Small/Minor	Reinstatement with general seed mix	Negligible/Beneficial
Permanent loss of 4.08 ha of species poor grassland to gallop, lagoon and horsewalk	Small/Minor	Reinstatement of a minimum 1.1 ha surrounding gallop with priority Habitat chalk grassland	Minor/Beneficial
Temporary loss of 0.29 ha plantation woodland	Small/Minor	Reinstatement	Negligible/Beneficial
Permanent loss of 0.35 ha of plantation woodland	Small/Minor	Creation of a 2.2ha new woodland adjoining existing	Minor/Beneficial
Permanent culverting of stream (35m)	Small/Minor	None possible	Minor/Adverse
Fragmentation of woodland	Small/Negligible	None possible	Negligible/Adverse
Permanent loss of 266 metres of species poor hedges to gallop and horsewalk	Small/Minor	Creation of 300 metres of hedgerow	Minor/Beneficial
Temporary loss of 70 metres species poor hedges to bridge construction	Small/Minor	Reinstatement	Negligible/Beneficial
Loss of three isolated trees	Small/Negligible	None	Negligible
Plants, invertebrates, birds	Small/Negligible	None	Negligible
Foraging bats	Small/Minor	None	Minor/Beneficial
Disturbance to bat roosts	None/Negligible	10 bat boxes	Minor/Beneficial
Dust	Small/Negligible	None	Negligible
Hydrological effects	Small/Negligible	None	Negligible

74. Officers have considered the above assessment of impacts and broadly agree with its conclusions in terms of overall impact. Following mitigation, there will be some enhancement for biodiversity, and the overall ecological impact of the development would not be significant. Taking into account the above, and subject to the implementation of the proposed mitigation, the development is considered to accord with the Joint Development Management Policies DM11 and DM12.

Access and impact on the Local Highway Network

75. Vehicular access to the site will be provided via Hamilton Road (in the control of the applicant), which itself connects with the Exning Road to the north of the site. An existing track off Hamilton Road will provide access to the Gallop car park as well as for general maintenance. Horses will

access the site via existing horsewalks. A car park with 12 spaces is proposed at the north east end of the site and this would be used by trainers/owners whilst their horses are using the gallop. The car park would not be open to the public.

76. A detailed Transport Assessment (TA) formed part of the ES, and this considered the impact of horses crossing the town, as well as vehicular movements to and from the site. The impact of vehicular movements during construction was also considered within the assessment. The TA concluded that as a result of the development there would be a reduction in horses crossing town to get to the existing Warren Hill gallop from the racecourse side of town. In terms of vehicular movements, this is likely to reduce as trainers using the car park are most likely to be located in the Hamilton Road area of Newmarket and so will not need to travel across town to the Warren Hill gallop.
77. Initially, Officers expressed concern that the use of the gallop by trainers could not be controlled, and that whilst it would clearly result in a reduction of movements from the racecourse side of town to the Warren Hill side, it could potentially result in an increase in movements in reverse. This may then result in the need for improvements to existing horse crossings. However, the applicant's consultants have since provided further information including an assessment of likely movements and this has been analysed by the Local Highway Authority. Whilst the assessment included various assumptions, even applying the 'worst case scenario' in terms of trip distribution, there would still be a reduction in the use of the main three horse crossings in the town (Mill Hill, Fordham Road and Bury Road).
78. These crossings are currently considered fit for purpose by the Local Highway Authority. However, they consider these three junctions should be upgraded to Pegasus crossings as a result of any significant increase in traffic on the carriageway or increased crossing movements caused by local developments. In this case it is not considered that the proposed development can be shown to require these improvements by way of obligation.
79. The TA also assess highway impact during construction. Two separate access points will be utilised in the construction of the Proposed Development; the northern and southern access. The northern access will be taken from Hamilton Road at the northern end of the Site and utilise an existing track that will be upgraded to accommodate the anticipated construction traffic. The southern access will also be taken from Hamilton Road at the north end of the Site, utilising the access track to Southfields Farm. It is anticipated that the Site Compound will be located at Southfields Farm on an area of existing hard standing to limit further land take, however the final location would be agreed prior to commencement on Site.
80. Either side of the gallop a 10m maintenance strip will be required. The applicant's indicate that the maintenance strip on the northern side of the gallop will be mainly used for general construction traffic due to potential presence of badgers within the woodland on the southern side. Access along the southern side of the gallop will also be required for cranes and other construction vehicles. During the operational phase, this access will

be used for maintenance vehicles; they will also be used for the decommissioning of the gallop structure itself when necessary.

81. All construction traffic would be routed to and from the site via Exning Road to the north, Studlands Park Avenue (Industrial Estate), Fordham Road and then north towards the A14 (trunk Road network). The TA confirms that the existing network beyond Hamilton Road is able to accommodate this vehicle with no modification, and that the additional volume of construction traffic is considered insignificant in relation to the volume of existing traffic flows on the surrounding local highway network. It is acknowledged that construction traffic would give rise to short-term environmental effects, such as increased noise, vibration, dust and air pollution, however again these impacts are not considered significant.
82. In conclusion the impact of the development on the local highway network is not considered to be significant. Subject to the submission and approval of a 'Deliveries Management Plan', that will allow for a route for construction/delivery vehicles (including HGV's) to be agreed, the Local Highway Authority does not object to the scheme, which is considered to accord with Joint Development Management Policies DM45 and DM47 in this regard. As it has been demonstrated that there will not be a material adverse impact on operational sites within the horse racing industry, the scheme also accords with Joint Development Management Policy DM48.

Other matters

83. In terms of sustainability, and having regard to the requirements of Joint Development Management Policy DM7, aspects of the scheme will bring positive benefits for the applicant. For example, the proposed drainage lagoon will store water run-off for use by JCE for irrigation, washing horses and other day to day uses. The use of 'grey water' will reduce the consumption of fresh water resources. The external materials used in the cladding of the gallop structure are likely to be made from processed paper and sustainably sourced wood, with off-cuts recycled by the manufacturer.
84. In terms of cumulative environmental impacts, the scheme has been assessed taking into account the interaction of the various impacts set out above, as well as the recent development of 120 dwellings on land to the south of Burwell Road, Exning (approximately 1km to the north of the site, beyond the A14). Officers concur with the conclusions of the ES that the residual cumulative effects will be negligible.
85. The applicants have requested a 7 year planning permission due to the lengthy construction period and the time required to secure funding. However, such a lengthy planning permission is unusual, and should any permission not be implemented until years 5, 6 of 7, it is likely that circumstances on the ground may well have changed (such ecology or hydrology), along with the content of the development plan. The cumulative position in respect of EIA may also be different, as other development within the area may well have been implemented.
86. Furthermore, the lengthy construction period is not considered to be a factor requiring an extended permission as a permission time limit relates to the implementation of permission, not its completion.

87. It is appreciated that funding for such large scale projects can be time consuming, in this instance, should members be minded to approve the application, a 4 year planning permission is considered to be appropriate, which can then be renewed if necessary.

Conclusion and planning balance

88. The proposed development will bring with it economic and employment benefits to the Horse Racing Industry in Newmarket, as well as benefitting other supporting industries across the district. This accords with Core Strategy Policies CS1, CS6 and Joint Development Management Policy DM47 (a).

89. Having considered the ES as a whole, taking into account proposed mitigation, the environmental impact of the development is not considered to be significant. Specific adverse impacts in respect of landscape, ecology and hydrology are not considered to be severe, and proposed mitigation will lessen any long term impacts. The proposal accords with Joint Development Management Policy DM13 in this regard. In respect of highway impact, whilst there would be short term and temporary adverse effects during the construction period, long term benefits in terms of a reduction of horse movements across the town have been identified.

90. Although the scheme does not wholly accord with Joint Development Management Policy DM47 (b), as it is not considered to have been designed to make a positive contribution to local character and distinctiveness, its adverse impacts are considered to be outweighed by the benefits of the scheme. This minor departure from the development plan is considered acceptable in this case.

Recommendation:

91. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to secure funding for the off-site water supply network mitigation, and subject to the following conditions:

1. 4 year planning permission
2. Materials (final details of construction and finishing to bridge construction and boundary treatments)
3. Construction and Environmental Management Programme (CEMP) to be submitted and agreed. This will include ecological protection measures during construction.
4. Landscaping – full schedule of planting and timetable for implementation to be submitted and agreed prior to commencement of development.
5. Arboricultural method statement and tree protection plan to be submitted and agreed.
6. 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be submitted and agreed
7. Details of habitat creation for chalk grassland, woodland and hedges to be submitted and agreed
8. Construction and site preparation (including deliveries) restricted to between 07:30 and 18:00 hours Mon to Fri, and 08:00 and 13:00 Saturdays.

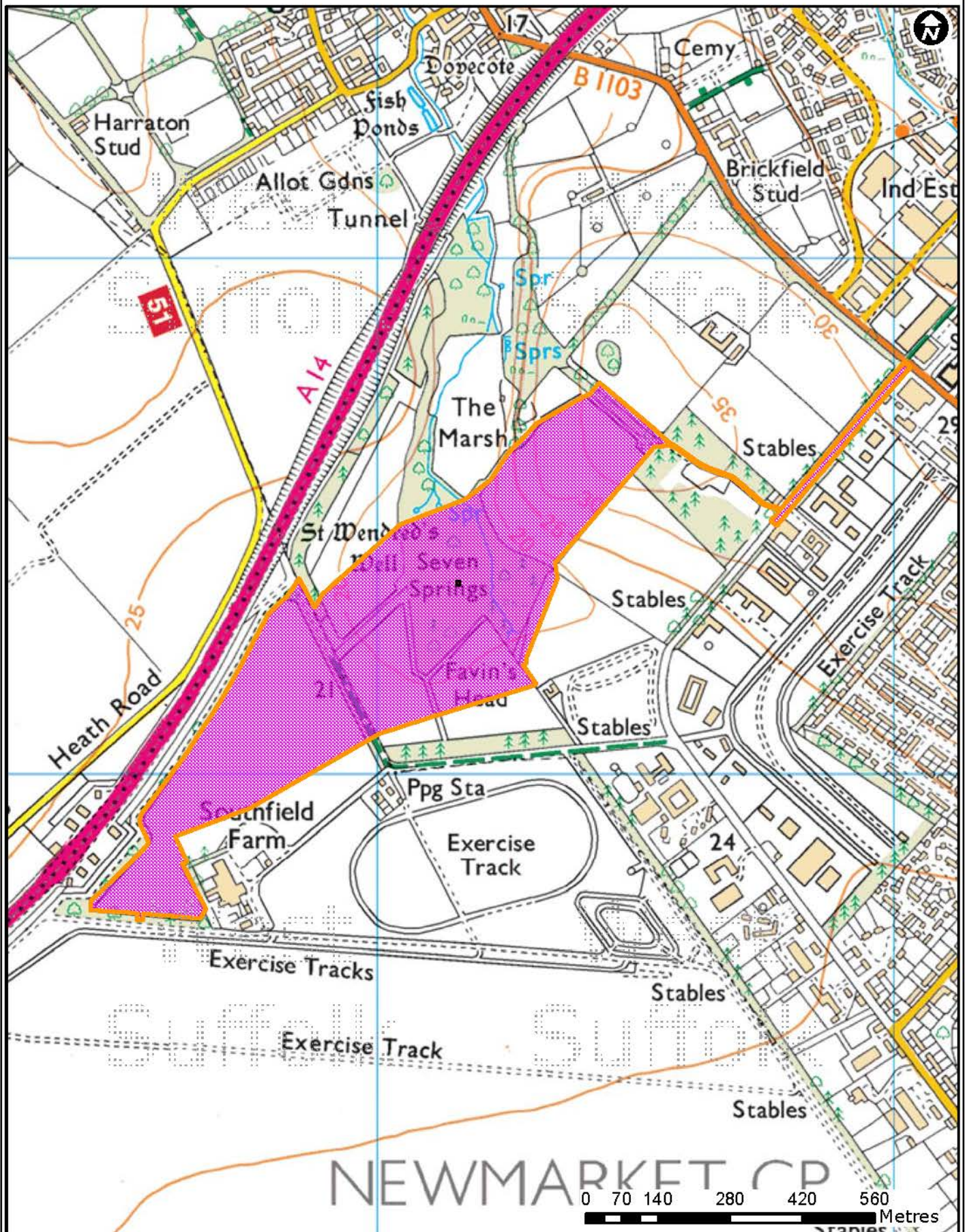
9. No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. Completion of off-site water supply network mitigation pre-commencement
11. Off-site highway works (improvements to Hamilton Road / Exning Road) to be submitted and agreed prior to commencement of development
12. All HGV traffic movements subject to a deliveries management plan to be submitted a minimum of 28 days before delivery of any materials
13. Daily disposal of horse waste and secure storage whilst on site
14. Details of proposed de-watering scheme to be submitted to and agreed in writing pre-commencement
15. Details to a Groundwater Monitoring Plan to be submitted to and agreed pre-commencement
16. No investigation boreholes to be undertaken with prior approval of the Local Planning Authority
17. Ecological mitigation to be implemented in full in accordance with agreed details

Officer delegation is also sought to agree final wording/variation of the above conditions.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/16/2063/FUL](#)

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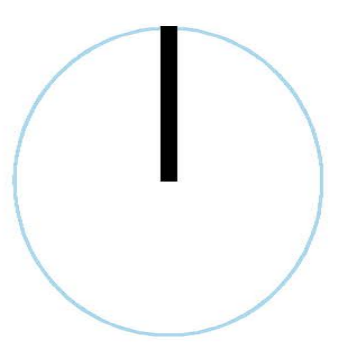


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Rev.	Date	Details
GENERAL		
Do not scale from this drawing.		
All dimensions to be checked on site.		
This plan is to be read with all accompanying documentation.		
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THE JOCKEY CLUB ESTATES
 101 High St,
 Newmarket CB8 8JL

BIDWELLS
 Bidwell House, Trumpington Road,
 Cambridge CB2 9LD

PROPOSED NEW GALLOP ON LAND WEST OF HAMILTON RD, NEWMARKET MASTER PLAN

Job Code: 29220 OS License Number: 100017734

Drawing Scale: 1:2000@A0 Date: 19.08.16 Drawn By: DP Checked By: JC

Drawing Number: UDS29220-A0-0200 Revision: P1

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Forest Heath
District Council

DEV/FH/17/034

Development Control Committee 6 September 2017

Planning Application DC/17/1388/HH – 3 Kingsway, Mildenhall

Date Registered: 19.07.2017 **Expiry Date:** 13.09.2017

Case Officer: Jonny Rankin **Recommendation:** Approve Application

Parish: Mildenhall **Ward:** Market

Proposal: Householder Planning Application - Two storey side extension

Site: 3 Kingsway, Mildenhall

Applicant: Mr L. Busuttil

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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

Background:

1. This application is referred to Committee in the interests of transparency because the applicant is a District Councillor and Member of the Development Control Committee.

Proposal:

2. Planning permission is sought for a two storey side extension with a footprint of 3m x 8.5m with a height to the eaves of 4.9m and 6.5m to the ridge line of the pitched roof. A double pitched roof form is proposed which breaks up the bulk upon the side elevation as viewed from the streetscene and Conservation Area beyond. Materials are proposed to match and there is an obscure glazed side facing first floor window which is closest to the neighbouring property no. 3A Kingsway.

Site Details:

3. The application site is a detached two storey dwelling fronting Kingsway, albeit separated by a shared purpose driveway which sits behind an area of soft landscaping and retaining wall. The application site is within the Housing Settlement Boundary and outside of the Conservation Area - the closest point of the proposed extension lies approximately 10m from the boundary of the Conservation Area.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
F/2008/0477/CAT	Fell 1 x Eucalyptus tree and Re-pollard 2 x Lime trees	No Objections	01.07.2008	22.08.2008

Consultations:

4. Ministry of Defence – *'I am writing on behalf of the Ministry of Defence (MOD) with regards to the above application. Having fully considered the application the MOD is of the view that the proposed development is of sufficient distance from RAF Mildenhall and RAF Lakenheath that no objection is necessary in this instance.'*
5. Conservation Officer - no objections.

Representations:

6. Parish Council - made comments in support of the Planning Application.

7. Policy:

- 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
- Core Strategy Policy CS5 - Design quality and local distinctiveness

Other Planning Policy:

8. National Planning Policy Framework (2012) core principles and paragraphs 56 - 68.

Officer Comment:

9. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.
10. In the case of this application, the dwelling is located within a curtilage which is able to accommodate the scale of the extension without over-development occurring. The extension is considered respectful of the character, scale, design and appearance of the existing dwelling and surrounding area.
11. The extension constitutes a subservient addition to the property with a lower ridge height than the host dwelling and the double pitched roof form further breaks up the massing on the side elevation. A set-back is also afforded from the front elevation of the host property, further reducing the prominence and bulk of the extension.
12. The proposal is considered acceptable in relation to neighbouring properties, with no harm to the amenity of residents. The relationship with 03A Kingsway is appropriate given the stand-off between properties, intervening garage, 'splayed' orientation between properties and the blank flank elevation facing the development site, with no windows which would otherwise be affected.

13.The Conservation Officer raises no objection, the extension is acceptable with the property lying outside of the Conservation Area and within an area of more modern buildings.

14.No objection has been received from County Highways and it is noted that the proposal maintains the existing garaging and ample off street car parking and space to manoeuvre.

Conclusion:

15.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:

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

1. 01A Time Limit Detailed
2. 14FP Approved Plans

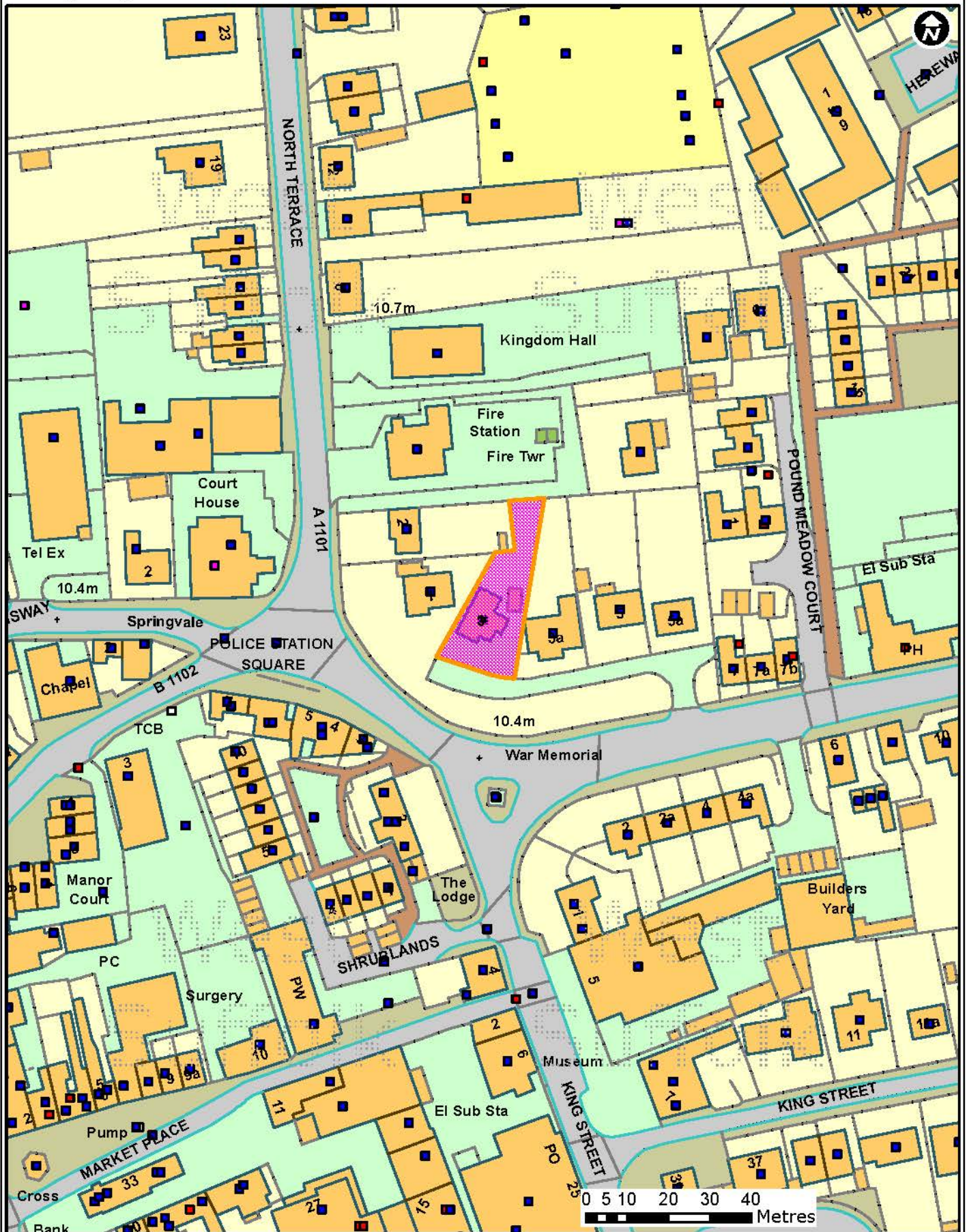
Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application could be approved without negotiation or amendment so there was no need to work with the applicant.

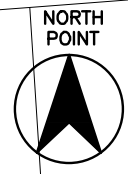
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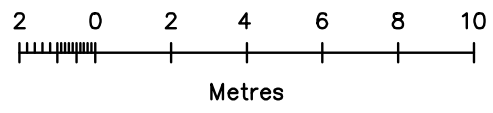
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PROPOSED BLOCK PLAN
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INDEX	REV	REVISION		
 LYNWOOD ASSOCIATES LTD ARCHITECTURE - PROJECT MANAGEMENT LYNWOOD HOUSE MURRAY PARK NEWMARKET SUFFOLK CB8 9BU TEL (01638)661044 FAX (01638)661080 E-MAIL INFO@LYNWOODASSOCIATES.CO.UK WWW.LYNWOODASSOCIATES.CO.UK			PROJECT	
			3 KINGSWAY, MILDENHALL, IP28 7HN	
CLIENT			SCALE	DATE
MR AND MRS BUSUTTIL			1:200 @ A3	JUNE 2017
TITLE			DRG. NO.	REV
PROPOSED BLOCK PLAN			1872/03	

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