

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 6 June 2018									
Time:	6.00 pm									
Venue:	Council Chamber District Offices College Heath Road Mildenhall									
Full Members:	<p style="text-align: center;">Chairman To be elected Vice Chairman To be elected</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (10)</u></td> <td style="vertical-align: top;">Chris Barker David Bowman Ruth Bowman J.P. Rona Burt Louis Busuttil</td> <td style="vertical-align: top;">Simon Cole 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 (10)</u>	Chris Barker David Bowman Ruth Bowman J.P. Rona Burt 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
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<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer								
<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell								
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA **										
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
Quorum:	Five Members									
Committee administrator:	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 online here:
<https://planning.westsuffolk.gov.uk/online-applications/>

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 Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
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' website:

<https://www.westsuffolk.gov.uk/planning/upload/Guide-To-Having-A-Say-On-Planning-Applications.pdf>

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 set out in the National Planning Policy Framework (paragraph 206). 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/changed, 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 the Planning Practice Guidance.

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

Page No

1. **Election of Chairman for 2018/2019**
2. **Election of Vice Chairman for 2018/2019**
3. **Apologies for Absence**
4. **Substitutes**
5. **Minutes** **1 - 4**
To confirm the minutes of the meeting held on 2 May 2018 (copy attached).
6. **Planning Application DC/17/2676/FUL - Kininvie, Fordham Road, Newmarket** **5 - 36**
Report No: **DEV/FH/18/006**

Planning Application - (i) 63no.bed Care Home for the Elderly including car park, bicycle, refuse and garden store (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing)
7. **Tree Preservation Order TPO/031(2017) - Lords Walk, Eriswell** **37 - 52**
Report No: **DEV/FH/18/007**

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 2 May 2018 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	Brian Harvey
Louis Busuttil	Carol Lynch
Roger Dicker	David Palmer
Stephen Edwards	Peter Ridgwell

289. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Ruth Bowman J.P and Simon Cole. Councillor Louise Marston was also unable to attend the meeting.

290. **Substitutes**

There were no substitutes present at the meeting.

291. **Minutes**

The minutes of the meeting held on 7 March 2018 were unanimously received as a correct record and were signed by the Chairman.

292. **Planning Application DC/17/2676/FUL - Kininvie, Fordham Road, Newmarket**

Planning Application – (i) 63no. bed Care Home for the Elderly including car park, bicycle, refuse and garden store (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing)

This application was referred to the Development Control Committee given the recommendation to grant planning permission was contrary to views

expressed by Newmarket Town Council that planning permission should be refused.

Officers were recommending that the application be approved, subject to the subsequent receipt of a report detailing the outcome of a further bat survey satisfactorily demonstrating that no specific mitigation measures for bats were required; and subject to conditions set out in paragraph 102 (and an additional condition reported at the meeting, as set out below).

The Principal Planning Officer reported the following updates to the report:

- (a) should planning permission be granted, the requested bat survey was expected to be carried out in June 2018. Planning permission would only be issued if the Local Planning Authority was satisfied that no specific mitigation measures would be required;
- (b) in respect of the proposed Section 106 Agreement, which would seek a developer contribution of £9,936 towards health infrastructure, the applicants had already agreed to the principle of this figure, which had been ascertained as a result of the NHS Trust's health impact assessment;
- (c) a correction to a typographical error within paragraph 81 of the report in respect of the table listing property addresses and separation distances. The figures listed as relating to 6 Meynell Gardens actually related to 8 Meynell Gardens, and vice versa; and
- (d) an additional proposed condition, whereby should permission be granted, the development would need to be carried out in accordance with the approved plans.

Speakers:

- (a) Jill Rogers (resident) - spoke against the application
- (b) Bernard Spears (agent for applicant) - spoke in support of the application

Some concern was expressed regarding the following issues:

- (a) that the size and scale of the proposed building was too large and the scheme was an overdevelopment of the site;
- (b) the developer contribution under the proposed Section 106 agreement appeared to be a derisory amount;
- (c) the scheme appeared not to enhance the neighbouring Conservation Area;
- (d) the impact on the residential amenity during the construction period;
- (e) the proposed management of waste, such as the frequency of emptying wheelie bins, and the disposal of clinical waste;
- (f) the location for storing mobility scooters;
- (g) the proposed management of surface water run-off and drainage; and
- (h) the impact on the horse racing industry;

to which the Principal Planning Officer provided comprehensive responses, reiterating the content of the report and/or presentation that had addressed the above concerns, or explaining that issues raised regarding (e) above could be addressed by imposing an additional condition.

During the debate, a motion to grant planning permission (subject to receipt of the bat survey and conditions outlined above) was proposed by Councillor David Bowman, which was duly seconded by Councillor Louis Busuttil.

The debate continued and whilst the majority of Members acknowledged the need for a care home in this location, concern was expressed regarding what was considered to be insufficient car parking provision of 22 spaces, and whether there was adequate space for emergency vehicles to manoeuvre within the car parking area, as outlined in the plans attached to the report.

It was acknowledged that the car parking was likely to be utilised by staff and visitors rather than residents; however, it was considered that further information was required from the Highways Authority in respect of how it had reached its conclusions set out in paragraph 15 of the report, and in particular, how it considered that the proposed parking provision of 22 spaces was acceptable and the scale by which a maximum level set out within its Suffolk Guidance for Parking was determined.

As proposer of the motion to approve, Councillor David Bowman withdrew his proposal to grant permission and moved a deferral of the application for further information instead. As seconder of the original motion to approve, Councillor Busuttil, agreed to withdraw that seconding, and seconded the proposed deferral instead.

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

Decision:

Planning Application DC/17/2676/FUL, Kininvie, Fordham Road, Newmarket, be **DEFERRED** to enable further information to be obtained from the Highways Authority, in respect of how it had reached its conclusions set out in paragraph 15 of the report, and in particular, how it considered that the proposed parking provision of 22 spaces was acceptable and the scale by which a maximum level set out within its Suffolk Guidance for Parking was determined.

The Meeting concluded at 7.03 pm

Signed by:

Chairman

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Forest Heath
District Council

DEV/FH/18/006

Development Control Committee
6 June 2018

Planning Application DC/17/2676/FUL –
Kininvie, Fordham Road, Newmarket

Date: 11 Jan 2018 **Expiry Date:** 30 June 2018
Registered: (with agreed extension)

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

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application - (i) 63no.bed Care Home for the Elderly including car park, bicycle, refuse and garden store (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing)

Site: Kininvie, Fordham Road, Newmarket

Applicant: Churchgate Newmarket Ltd.

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 Development Control Committee consider the attached application and associated matters.

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

Background:

The planning application is reported to the Development Control Committee given the recommendation to GRANT planning permission is contrary to views expressed by the Newmarket Town Council that planning permission should be refused.

The application was deferred from the last meeting of the Committee held on 2 May 2018 to obtain further information from Suffolk County Council as the Local Highway Authority regarding the level of parking proposed for the care home facility proposed by the planning application. A request was also made for a representative from the Highway Authority to advise the Committee when the planning application is returned for consideration.

This Committee report has been changed from that reported to the May meeting.

Proposal:

1. Planning permission is sought for the erection of a 63 bedroom care home in the grounds of an existing dwelling known as 'Kininvie', on Fordham Road. The existing dwelling and its outbuildings would be demolished to make way for the proposed re-development.
2. The proposed development would be provided in a single building, predominantly three storeys in scale. There is a small one-and-a-half storey element at the rearmost (eastern) part of the proposed building. The frontage elements of the proposed building are the tallest measuring up to 12 metres to ridge (excluding the finial detailing). The height of the proposed building reduces as it extends back into the site from the frontage, firstly to 10.9 metres (behind the frontage) and then down to 9.7 metres (all three-storeys). Finally, the one and a half-storey element (with a limited amount of accommodation within its roofspace) to the rearmost part of the site would be around 8 metres at its highest point. The building is of varying width given its 'T' shape footprint. The widest element, its frontage, is 33.6 metres. The maximum depth (front to back) is 59 metres.
3. The existing vehicular access into the site would be improved to serve the proposed development. Information submitted with the planning application confirms that foul drainage would be discharged to the mains sewer and surface water to soakaways. The application forms indicate the use of brown/buff facing brick and render to walls, with some elements of hanging tile. A combination of grey slate, grey plain tiles and red pantiles are proposed to the roof spaces.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, block plan, roof plan, elevations, floor plans,

sections, plan 'as existing', tree protection plan and a detailed landscaping plan. The application is also accompanied by CGI information to assist with consideration.

- Planning and Heritage Statement
- Transport Statement
- Design & Access, Statement
- Flood Risk Assessment and Drainage Information
- Archaeological Desk Based Assessment
- Preliminary Ecological Appraisal
- Bat Inspections and Survey
- Contaminated Land Reports and Assessment
- Demolition Statement
- Tree Impact Assessment

Site Details:

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

Planning History:

7. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).
8. 2017 – Planning permission refused for the erection of retirement living housing for the elderly (29 units) etc. Planning permission was refused solely on the basis that an affordable housing contribution could not be agreed with the applicant and a S106 Agreement securing such a contribution could not be completed (register reference DC/15/2120/FUL).

Consultations:

9. Natural England – has no comments to make.
10. Environment Agency – has no formal comment to make but notes the site is located above a Principal Aquifer and within a Source Protection Zone and advises the developer should address risks to controlled waters from site contamination. The Agency also asks to be re-consulted if the development proposes to use deep infiltration systems in the construction.
11. Suffolk Wildlife Trust – Note the ecological survey report recommends further surveys are undertaken for bats on the bungalow to be demolished as part of

the development. The Trust consider these should be undertaken prior to the application being determined.

12. NHS England – Comments as follows:

- The proposal is likely to have an impact on the services of 3 GP practices operating in the vicinity of the site. The practices do not have capacity for the additional growth resulting from this development and cumulative growth in the area. The proposed development is likely to impact on the NHS funding programme for the delivery of primary healthcare provision within this area. These impacts should be thoroughly assessed and mitigated.
- The planning application does not include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising. The NHS(E) has therefore prepared an HIA to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.
- The development will generate approximately 63 residents that generally require an increased level of NHS support and subsequently increase demand upon existing constrained services.
- The development would give rise to a need for improvements to capacity in line with CGC estates strategy, likely by way of relocation at Oakfield surgery, a proportion of the cost of which would need to be met by the developer.
- The HIA demonstrates there is a capacity deficit in the area and a developer contribution of £9,936 would be required to mitigate the impact arising from the development. Payment should be made before development commences.

13. Anglian Water Services – **no objections** and provide the following comments:

- The foul drainage from this development is in the catchment of the Newmarket Water Recycling Centre that will have available capacity for these flows.
- The sewerage system at present has available capacity for these flows.
- The preferred method of surface water disposal would be a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. The surface water strategy is unacceptable at present and the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (Suffolk County Council).

14. Suffolk Constabulary – note that crime levels in the area have been relatively low and provide advice with respect to site security, crime reduction and residents safety and recommends further measures are secured by planning condition.

15. Suffolk County Council - Local Highway Authority: Provided the following comments:

- I have considered the issues covered by the Transport Statement and the traffic generation likely to be generated by the development is not considered

to cause a severe impact on the highway and, therefore, the development is acceptable provided the following issues are covered by appropriate conditions.

- The access is acceptable for the proposed use if revised in general accordance with the layout shown on drawing no. CS1703 01 P9 and the tree immediately to the north of the access is removed. Removal of mature trees may be an issue for the Local Planning Authority, although I note that there appears to be evidence that the tree in question is in poor health.
- Sustainable travel to the site can be encouraged by provision of cycle storage, electric charging facilities and travel information provided in travel packs for staff. The parking provision is within the maximum level within the Suffolk Guidance for Parking and is acceptable.

And recommended the following conditions:

- Details of proposed access (including visibility splays)
 - Provision of the refuse/recycling areas as shown on the drawings
 - Means to prevent discharge of surface water from the development onto the highway.
 - Provision of the parking/manoeuvring areas as shown on the drawings
 - Details of a Travel Information Pack to be submitted and approved.
16. Suffolk County Council – Flood and Water Management – comments that the drainage strategy demonstrates that a viable scheme which complies with national standards is achievable. A condition is recommended requiring full details of the drainage scheme.
 17. Suffolk County Council – Suffolk Fire and Rescue Service - Advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.
 18. West Suffolk – Environmental Health - **no objections** – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction.
 19. West Suffolk – Public Health and Housing – (November 2015) **no objections**, subject to conditions relating to construction management including control over construction hours, holding of waste materials, site set up, construction noise, dust management and lighting.

Representations:

20. Newmarket Town Council – **objected** to the application on the following grounds:
 - Loss of daylight/sunlight or overshadowing
 - Scale and dominance of the development
 - Layout and density of the building
 - Highway safety

- Traffic and parking issues
 - Impact on the community and other services.
21. Jockey Club Estates – Notes the site is not directly adjacent to any horseracing industry assets, but two training yards are located on the opposite side of the Fordham Road. It is recommended that any planning permission granted includes a condition to minimise risk and disturbance to the two training yards and for delivery routes (to avoid the town centre).
22. Letters/e-mails/web forms were received from 12 local residents (including a potential purchaser of an adjacent dwelling) raising **objections** to the proposed development. The issues and objections raised are summarised as follows:

Design

- The building is too large.
- At three-storeys, the building would be overbearing and overpowering.
- The building does not respond to the local context of detached single dwellings with garden spaces; the functional design and high density is out-of-keeping and out of character with the area.
- The building would be totally out of keeping with buildings to either side (bungalow and chalet bungalow).
- The proposed building would impact negatively upon the beauty of the area (architecture and nature).

Residential amenity

- Overlooking from the first and second floor windows to the side.
- Overshadowing of neighbouring properties and loss of light.
- Adverse impact upon the peaceful enjoyment of homes and gardens.
- The operation, including 24 hours, emergency vehicle accessing, lighting, noise and smell would cause inconvenience and disruption to residents.
- Loss of outlook owing to dominance of the building.
- Loss of views from properties.
- Adverse impacts from light pollution (residents and wildlife).
- The basement is likely to adversely affect boundary tree roots.
- The use would change to commercial in a residential area.
- The proposed bin store would generate intrusive smells.
- Removal of trees would add to the degree of residential amenity impact.
- Reduction in height of some of the trees at the frontage is unacceptable. These should be replaced, not reduced.
- Residential development would be welcome, but a commercial building of this size is inappropriate.

Highway safety

- Fordham Road is already busy and severely congested; additional movements (including commercial delivery vehicles) would add to the daily hold ups.
- Visibility is obscured by mature lime trees.
- The volume of traffic continually accessing this site would constitute a hazard.
- Insufficient car parking provided for staff and visitors. No capacity for over-spill parking.

- 'Rat run' usage of Paget Place would inevitably increase, with knock-on effects along Snailwell Road.
- Increase danger to horses.

Other

- There is no need for this type of development; there is a planning application for an alternative care facility in the town (Exning Road). Also, Ease Cambs DC has recently approved a 75-bed care home in Fordham (approx. 4.5 miles away).
- Increased demand upon drainage and sewerage.
- There are no public transport links within 0.6 miles of the location.
- Negative impact upon wildlife and nature due to light and noise pollution.

Policy:

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

Saved Policies of the Forest Heath Local Plan 2005

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

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

Forest Heath Core Strategy 2010

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

- Policy CS1 – Spatial Strategy
- Policy CS2 – Natural Environment
- Policy CS3 – Landscape Character and the Historic Environment
- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport
- Policy CS13 – Infrastructure and Developer Contributions

Joint Development Management Policies Document (2015)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction

- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design
- DM23 – Special Needs Housing.
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards
- DM48 – Development Affecting the Horse Racing Industry.

Other Planning Policy:

Emerging Planning Policy

24. The emerging Single Issue Review and Site Allocations Development Plan Documents have reached an advanced stage given they are currently at examination and have been the subject of hearings during the Autumn of 2017. The emerging Policy documents do not alter the planning policy context of the application site insofar as it would remain an unallocated site situated within the Settlement Boundary of Newmarket. Accordingly, the emerging Development Plan Documents do not directly influence the outcome of this particular planning application.

National Policy and Guidance

25. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
26. Paragraph 14 of the Framework identifies the principle objective:

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

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

27. The Government’s generally positive approach to planning is further reinforced by the Framework’s advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a

positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

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

Officer Comment:

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

Principle of Development

31. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
32. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
 - i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
33. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

34. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
35. Core Strategy policy CS1 defines Newmarket as a market town, recognises the importance of the horse racing industry.
36. Policy DM1 of the Joint Development Management Policies repeats national policy set out in the Framework insofar as there is (where specific circumstances dictate) a presumption in favour of sustainable development. Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
37. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. There is no requirement, neither in national nor local policy, for the applicant to demonstrate a need for specialist housing of the type proposed. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation. The outcome of the planning application is therefore dependent upon the localised impacts of the proposals. The remainder of this section of the report considers these.

Highway Safety

38. The Framework states it is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. It also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
39. Core Strategy Spatial Objective T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirm the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
40. Vehicular access to the proposed development, which would be via the existing access (following improvements) is considered safe and suitable for vehicles and pedestrians and the development would not lead to significant highway safety issues or hazards. Access is gained onto the Fordham Road which, subject to the

removal of 1 (no.) street tree, has good visibility. Fordham Road is busy, particularly at peak times, but the level of additional traffic generated by the development would not add significantly to existing baseline levels. Adequate turning space for large vehicles is provided at the site frontage such that reversion out onto (or within) Fordham Road is not necessary. The proposed improvements to the access and requirements for provision of protected visibility splays could be secured by means of appropriately worded conditions. A replacement street tree could also be secured by planning condition.

Car Parking

41. The Framework advises that if parking standards are to be set for development, LPA's should take into account (inter alia), development accessibility, type and use of the development, availability of public transport, local car ownership levels and an overall need to reduce the use of high emission vehicles.
42. Policy DM46 of the Joint Development Management Policies Document confirms the authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for development will be required to provide appropriately designed and sited car and cycle parking and make provision for emergency, delivery and service vehicles in accordance with the adopted standards. In town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of parking may be sought in all new development proposals.
43. The Suffolk County Council Parking Standards (referred to by Policy DM46) were adopted in 2014 and updated in 2015. For residential care homes (Use Class C2), the standards set maximum vehicle parking requirements of 1 space per full time equivalent staff and 1 visitor space per 3 bedrooms in the facility. Minimum standards are also set for cycle parking (1 stand per 5 staff), for Powered Two Wheelers (1 space + 1 space per 20 car spaces) and for disabled parking (which depends on the specifics of the development).
44. Information submitted with the planning application indicates that, at any one time, there would be 24 staff employed at the site. This, together with the 63 bedroom spaces, gives a maximum (advisory) car parking requirement for the development of 45 spaces. The planning application includes provision for 22 car parking spaces.
45. The applicant has considered the car parking requirement as part of the submitted Transport Statement. Their commentary is set out below:
 - *The proposals comprise of the redevelopment of the site to provide a 63 bed care home for the elderly. A total of 22 off-street car parking spaces are proposed to be provided inclusive of three enlarged Blue Badge parking bays, four car share bays, and two electric vehicle (EV) bays. In addition motorcycle and bicycle parking will be accommodated within the site.*
 - *The parking standards applicable to the proposed development as set out in the 'Suffolk Guidance for Parking' (updated 2015) are summarised as follows:*

- *Vehicle parking, maximum: 1 space per full time equivalent staff plus 1 visitor space per 3 beds;*
 - *Cycle parking, minimum: 1 stand per 5 staff;*
 - *PTW, minimum: 1 space plus 1 per 20 car spaces (for 1st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces); and*
 - *Disabled, minimum: Dependent on actual development, on individual merit, although expected to be significantly higher than business or recreational development requirements.*
- *As explained, during the day the number of staff on site will include 13 carers, a manager, two deputy managers or nurses, and three kitchen staff. In addition maintenance staff, housekeepers undertaking cleaning and laundry duties, and a variety of therapists will typically come and go throughout the day. This may mean an extra five staff on site from 0930-1430 bringing the total to 24 at its peak.*
 - *In accordance with the Council's maximum parking standards the development would therefore require 24 staff parking spaces plus 21 visitor parking spaces, 45 in total.*
 - *The majority of care staff would be based locally and would therefore walk/cycle to the site, receive lifts to work, or use public transport. Providing up to the Council's maximum car parking standards would therefore result in a significant overprovision of parking spaces under the proposals and would therefore be contrary to the principles of sustainable development as set out at the local, regional, and national level. In addition the provision of 21 visitor parking spaces would result in a substantial overprovision of additional parking within the site.*
 - *The applicant, Churchgate Newmarket Limited, is part of an established healthcare group that has developed and operated similar registered care homes providing residential, nursing, and dementia care. Based on the applicant's extensive knowledge of its operations at other similar facilities, the provision of 22 off-street parking spaces at a ratio of 0.35 spaces per bed space would be sufficient to meet the demands of the development once it is operational.*
 - *In order to present further evidence to justify the proposed parking provision we have reviewed the TRICS vehicle trip generation data in Chapter 4. By adding the numbers of vehicle arrivals and subtracting vehicle departures it is possible to calculate an hourly car parking profile throughout the day using the TRICS data.*
 - *Table 3 presents the parking profile of the proposed 63 bed residential care home based on the weekday and weekend day TRICS data as set out in Tables 1 and 2 of this report respectively.*

Table 3. Proposed Development Parking Accumulation Forecasts

Time Period	Weekday Development Vehicle Trips			Weekend Development Vehicle Trips		
	Arr.	Dep.	Acc.	Arr.	Dep.	Acc.
07:00-08:00	7	3	4	7	3	4
08:00-09:00	5	3	6	1	2	3
09:00-10:00	4	2	8	1	0	4
10:00-11:00	5	3	10	4	3	5
11:00-12:00	3	4	9	4	2	7
12:00-13:00	5	4	10	1	4	4
13:00-14:00	5	5	10	3	2	5
14:00-15:00	6	7	9	4	3	5
15:00-16:00	5	9	5	3	2	6
16:00-17:00	3	5	3	2	4	4
17:00-18:00	2	5	0	1	4	1
18:00-19:00	3	3	0	1	2	0
19:00-20:00	4	3	1	3	2	1
20:00-21:00	3	5	-1	1	4	-3
Total	60	60	-	38	37	-

NB: Minor arithmetic errors are due to rounding

Source: TRICS 7.4.2

- *The results in Table 3 demonstrate that the proposed residential care home would generate a peak demand in the order of 10 car parking spaces on a typical weekday, and seven car parking spaces on a typical weekend day.*
- *Whilst these values do not take into account the number of cars that would already be in the car park at the start of the day (i.e. night staff), it can be seen that even accounting for some overnight parking demand the peak daytime demand for on-site parking spaces both on a typical weekday and at weekends will not exceed the proposed parking provision. As a result the development will not generate any overspill demand for parking onto the adjoining residential streets, which might otherwise be harmful to road safety and neighbouring amenity.*
- *To further reinforce this point we have reviewed the parking provision and parking ratios for the similar residential care home sites in the TRICS database which were used to forecast the development trips as set out in Chapter 4 and Appendices C and D of this report. Each of the comparable sites in the TRICS database provides information on the number of beds and the number of onsite car parking spaces with which to derive a parking ratio.*
- *Table 4 sets out the parking ratios for each of the 10 similar residential care home sites contained in the TRICS database.*

Table 4. TRICS Residential Care Home Parking Ratios

Sites Selected from TRICS Database				
TRICS Code	Site	Residents	Parking Spaces	Parking Ratio
LN-05-F-01	Nursing Home, Lincoln	38	12	0.32
NY-05-F-04	Nursing Home, N. Yorkshire	76	22	0.29
TW-05-F-02	Nursing Home, Gateshead	60	16	0.27
WM-05-F-01	Nursing Home, Birmingham	65	17	0.26
DS-05-F-01	Nursing Home, Derby	70	23	0.33
GM-05-F-03	Nursing Home, Rochdale	30	15	0.50
HC-05-F-01	Nursing Home, Southampton	42	29	0.69
SF-05-F-01	Nursing Home, Ipswich	17	6	0.35
WG-05-F-01	Nursing Home, Wokingham	58	20	0.34
WY-05-F-01	Nursing Home, Leeds	58	25	0.43
AVERAGE		51	19	0.38

Source: TRICS 7.4.2

- *The data in Table 4 illustrates that the average parking space to resident ratio for each of the 10 TRICS sites used in this assessment is 0.38. The proposed parking provision of 0.35 parking spaces per bed/resident is therefore closely aligned to data for similar sites in the TRICS database.*
 - *In summary the proposed car parking provision is considered to be acceptable based on data from similar sites and is within the Council's policy expectations. Each of the proposed on-site parking spaces accord with the Council's requirements in respect of dimensions, being 2.5 metres wide and 5.0 metres in length. Aisle widths behind spaces are a minimum of 6.0 metres. The disabled bays have an extra 1.2 metre hatched strip to the side and to the rear of the spaces for ease of access for the mobility impaired.*
46. Following deferral of the planning application from the last meeting of the Development Control Committee, the Highway Authority at Suffolk County Council has provided further comment with regard to the level of car parking proposed to serve the care home facility, as follows:
- *In accordance with the Suffolk Guidance for Parking a Care Home is classified as a destination and therefore, the figures in the guidance are advisory and subject to site specific issues.*
 - *As requested by us in pre-application discussion, the applicant has provided information in the Transport Statement (TS) to further inform the acceptable level of parking.*
 - *The likely maximum level of staff on site would be 24 and there are 63 beds. This gives an advisory level of parking of 45 spaces from the Guidance.*
 - *We consider the site reasonably accessible by sustainable means and have*

included secure cycle parking and powered two wheeler spaces and, therefore, would accept a reduction from the advisory requirement.

- The TS includes analysis using the TRICS database which shows a cumulative estimate of number of cars parked based upon average rates from similar sites. The profile of parking falls within the proposed provision. The TS also summarises the average ratio of parking spaces per bed for a range of care homes within the database and this is similar to that proposed for this site.*
- Given the potential for sustainable access and the evidence provided by the applicant in their TS we consider the reduction from the advisory level of parking given in the guidance is acceptable for the proposed use.*

47. The applicants have provided sufficient evidence to satisfactorily demonstrate the level of car parking proposed is sufficient to meet the parking needs of the proposed development, having particular regard to its use, its location and is supported by evidence generated from other similar developments in the country. Suffolk County Council, as Local Highway Authority has assessed the proposals, including car parking provision, and, subject to the imposition of planning conditions (including some sustainable travel measures for employees), are not objecting to the proposals.

Natural Heritage

48. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.

49. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

50. The planning application is accompanied by two ecological appraisals and a bat survey. The Ecology reports concluded (subject to further bat survey work and sensitive construction management) there is unlikely to be any significant ecological impacts arising from the development and made the following recommendations for ecological mitigation and enhancement:

- Protection of trees to be retained.
- Site clearance to be carried out outside the bird nesting season (March to August inclusive) unless supervised by a suitably qualified ecologist.
- Areas of habitat to be created as part of the development should be designed to offer nesting opportunities for birds, especially spotted flycatcher.
- Species of cotoneaster should be destroyed on site to prevent their spread.
- Installation of bat and bird boxes, bird feeders and bird baths.
- Native species to be incorporated into the landscaping scheme.

- Incorporation of a meadow area to encourage small heath butterflies.
- Incorporation of log piles in landscaping areas to provide shelter, foraging and hibernation sites for invertebrates, amphibians, reptiles and mammals.
- External lighting scheme to be designed to avoid light spillage into boundary planting (to safeguard bat corridors).

51. The Suffolk Wildlife Trust has request that the results of the further bat surveys are submitted before the application is determined. Officers' consider this is a reasonable request having regard to relevant legislation and planning policy. The applicant has agreed to carry out further bat survey work (in advance) and the recommendation at the end of this report is worded to secure this (including a potential further report to this Committee).
52. Officers are satisfied that, subject to the outcome of the bat survey work and planning conditions, the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed and operated development is likely to result in net ecological gains. The implementation of the enhancement measures set out in the applicants' reports could be secured by condition.

Built Heritage

53. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
54. The approach in the Framework to considering impacts upon a heritage asset requires the decision maker to begin by assessing the degree of 'harm' a development would cause. Paragraph 133 of the Framework states; "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Paragraph 134 states; "Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
55. The development proposals would not impact upon any listed buildings, (including their settings). The site is outside the Newmarket Conservation Area, the boundary of which is situated on the opposite side of the Fordham Road. Indeed the Conservation Area boundaries have been deliberately drawn to exclude a suburb of residential development between Fordham Road (east of) and Snailwell Road (west of).

56. Notwithstanding the location of the application site outside the Conservation Area, the impact of the development (with particular regard to the frontage of the site) on views into and out of the Conservation Area does require consideration and assessment, given its close proximity on the opposite side of Fordham Road.

57. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

58. The proposed development would be viewed from certain areas of the Conservation Area, particularly on the opposite side of Fordham Road, to the application site (west side) and Fordham Road itself, both of which are within the Conservation Area. The relevant starting point is to consider the impact of the development upon the Conservation Area, as a whole before deciding whether any adverse impact identified is 'substantial', or 'less than substantial', as discussed at paragraphs 133 and 134 of the Framework.

59. There is no doubt that re-development of the application site would increase its visual prominence and influence in the Conservation Area given the new frontage buildings, being around 12 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained frontage planting or in breaks in the landscaping for vehicular/pedestrian access. The rear elements of the proposed development, behind the frontage elements, would have only limited visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped garden areas currently in that position on the site.

60. The proposed building and parking area would be situated behind mature boundary planting on the front and side boundaries of the application site such that the visual influence of the proposed development would be significantly reduced from and protected against public vantage points from within the Conservation Area. Public views would be limited to glimpses in-between vegetation or through the access point.

61. Such views would be greater in winter when deciduous trees are not in leaf but not to the extent that development would be visually prominent or dominant in the streetscene (including the elements of the Conservation Area which include the east facing frontage onto Fordham Road). The application building is set back into the site from its frontage towards the Conservation Area. Accordingly, glimpses of the proposed development (which would not be experienced by the receptor in the context of the character and appearance of the conservation area as a whole) would not be significant and, in the opinion of your officers, would not lead to even the 'less than substantial harm' benchmark set out in the Framework. Accordingly, the impact of the proposed development upon the character of the Newmarket Conservation Area (as a whole) would, in your officers' view, be neutral.

62. The application site does not contain any known archaeological deposits and is situated outside sites designated because of their known or potential archaeological interest. The application is accompanied by an Archaeological Desk Based Assessment which concludes the site has low potential for archaeological remains which (if present) may have been damaged by the construction of the existing development on the site. The report, however, recognises there is a degree of potential for archaeological artefacts to remain at the site particularly at previously undisturbed locations. It is therefore considered prudent to pursue a precautionary approach to archaeology at this site and impose a condition requiring further archaeological investigations to be carried out prior to development.

Environmental Conditions (Flood Risk, Drainage and Contamination)

63. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
64. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
65. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
66. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
67. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed development would be at risk of flooding from any existing watercourse.
68. The planning application is accompanied by a surface water drainage scheme which is agreed by the Flooding Team at Suffolk County Council (paragraph 16 above). A condition is recommended and officers consider it is reasonable to impose this upon any planning permission granted.
69. The planning application is accompanied by a Desk Study Appraisal of ground conditions. This concludes that it is unlikely that contamination is present at the site, given its history of use and does not recommend any further mitigation. The

Council's Environmental Health team has agreed those conclusions and no conditions relating to remediation of contamination, or potential contamination, are required.

Design and Layout

70. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
71. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
72. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 sets out similar requirements but is specific to proposals for residential development.
73. The site is situated in a residential suburb to the north of Newmarket. Fordham Road is a primary entrance into the town from the A14 (T) and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions), albeit the individual plots are generally considerably smaller than that afforded to Kininvie at the application site.
74. As a matter of principle, the redevelopment of the application site with a larger building on a larger site would not necessarily be out of keeping with the prevailing pattern of development in the area. The application site would not be subdivided into a number of smaller plots, which would necessarily occur with a more traditional open market housing development, in which case, its character would be more befitting to the sizes of other plots in the vicinity. The singular character of the large site would be retained via the development. The proposed building is large; it has to be in order to contain the number of bedrooms included in a single accessible block. That in itself leads to concerns in principle given this approach (the sheer size of the footprint of the building) would be at odds with the grain of development in the area.
75. That said, the positioning of the existing building on its plot and the large size of the existing plot are themselves at odds with the prevailing pattern of development in the vicinity. The recent and on-going redevelopment of the nearby plot 'Nowell' with a flatted development adds a degree of density and scale to the

locality, albeit it would be more 'domestic' in its scale than the care home proposed by this planning application. Whilst the sheer size of the footprint of the building would be at odds with the prevailing character of the area by reason of that sheer size, officers consider this would, in-itself, give rise to only limited harm to the character of the area, but nonetheless counts against the proposals in the 'planning balance'.

76. The architecture of the building is not innovative or ground breaking and this might be explained by the necessarily rigid internal space and layout requirements and the more limited viability of a care facility (compared to a conventional housing scheme for example); it might be perceived by the operator that there is limited spare capital to expend on unusual design, construction or architectural detailing. Furthermore the proposed designs are not particularly 'risky' and do not attempt to make a strong architectural statement. The design and architecture of the care home is not unattractive or offensive and the materials and colours employed would be of good quality, but the design approach to scheme does appear to be rather 'safe' and what you might expect of a modern day care home facility. The chosen design solution is perhaps a missed opportunity to provide something more innovative and interesting. Nonetheless officers consider, on balance, that the scale, architecture and outward appearance of the development would be acceptable.

Residential Amenity

77. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
78. Concerns have been expressed by some local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings for various reasons including alleged increased overlooking from first & second-floor windows, overshadowing/loss of light and general noise and disturbance from the intensification of the use at the site.
79. The application is, apart from its road frontage, surrounded by existing residential properties. Albion Lodge is situated to the north-west of the site. The boundary between the application site and Albion Lodge is marked by mature landscaping. The information submitted with the planning application confirms the majority of this planting is to be retained and managed going forward. Being situated to the north-west of the application site, Albion Lodge is the most vulnerable to impacts from loss of light/overshadowing as a consequence of development. However, given the presence and impact of mature and dense landscaping on the north boundary of the site (to be retained) and the fact that the sun is at its highest point in the sky when it passes south of the application site (thus avoiding long shadows to the north) light reaching the windows and gardens of 'Albion Lodge' are unlikely to be significantly affected by the proposed development. There may be some discrete impact as the sun begins to set during the latter part of the afternoon, but the existing landscaping on the site boundary would already be filtering sunlight to the dwelling. The proposed building is not considered to

exacerbate the existing situation.

80. The frontage part of the proposed building would be positioned 6.7metres in from the shared boundary to 'Albion Lodge' leaving a gap of around 12.7 metres between the existing and proposed buildings. There are some windows facing towards 'Albion Lodge' in north west elevation of the frontage element of the proposed building, but these serve stairwells and en-suite bathrooms such that no outlook is necessary and these could be fitted with obscure glass to restrict potential views out.
81. The rear elements of the proposed building facing towards 'Albion Lodge' are mostly two-storeys, with an element of three storeys towards the front (north west). It is positioned further from the boundary than the frontage, owing to the 'T' shape of the proposed building. The two second floor windows in the north elevation of the rear element of the building serve a day room. Further windows are positioned at ground and first floor levels, again serving day rooms and bedrooms. The windows would be positioned some 11 to 15.5 metres in from the boundary with Albion Lodge. Given the distances involved, combined with the presence of mature landscaping in-between, this is considered an acceptable relationship.
82. 'Aldene' is situated to the south east of the application site, the full length of its plot straddling the south eastern application site boundary. The frontage element of the proposed building sits adjacent (north-west) of 'Aldene', approximately 6.5 metres from the mutual boundary leaving a gap between the existing and proposed buildings of approximately 10.9 metres. The garage to 'Aldene' would be positioned in-between. In a similar way to the north-west elevation of the frontage element of the proposed building, there are also windows in the south east elevation. These serve stair lobby and en-suite bathrooms and could be fitted with obscure glass to restrict views out.
83. The rear elements of the proposed care home building are positioned further into the application site away from the south eastern boundary with 'Aldene' because of the 'T' shape of the proposed building. Here, the building would be set back from the boundary by between 14 (minimum) and 17 (maximum) metres. There are bedrooms and ground, first and second floors with windows facing south east from the rear element of the proposed care home building. Unlike the north-west elevation, the second floor windows in the south east elevation extend along the entire flank. The windows serving bedrooms at second floor level in the south-east elevation are set back by a further 2.8 to 4.8 metres from the boundary in an attempt to reduce the potential for harmful overlooking. This set-back leaves an external terrace area in front of these bedroom units. Planters will be positioned within the terrace area in order to obscure views out. The terrace would not be accessible directly from the bedrooms with access restricted for maintenance purposes only. Accordingly, there would be no opportunities for residents to 'sit out' on the terrace area from positions where they may be able to overlook neighbouring property.
84. The south eastern elevation has been designed with 'serrated' windows serving the majority of the bedrooms at ground and first floor level. These turn to face east whereas the elevation as a whole faces southeast, thus deflecting the aspect of these particular bedrooms and potential overlooking away from the rear

gardens of 'Aldene'.

85. 'Aldene' is situated to the southeast of the application site and thus sunlight and daylight reaching the dwelling and its garden would not be affected by the proposed development. Furthermore, and given the separation distances, it is considered that the relationship of the proposed building, in terms of its siting and scale, would be acceptable and would dominate its neighbour (including its rear garden).
86. A number of properties in Meynell Gardens to the east and northeast abut the application site. The proposed building is considered a sufficient distance away from these buildings such that there would be no dominance, loss of light/sunlight or harmful overlooking. The separation distances are set out in the table below:

Property address	Distance of proposed building to boundary (approx.)	Distance between proposed and existing building (approx.)
Albion Lodge	6.7m	12.7m
Aldene	6.5m	10.9m
5 Meynell Gardens	9.9m	19.1m
6 Meynell Gardens	11.3m	31.6m
7 Meynell Gardens	15.2m	22.8m
8 Meynell Gardens	33m	43.6m
9 Meynell Gardens	25.8m	34.4m

87. In light of the above discussion and having carefully assessed the information submitted with the planning application it is your Officers view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be justified.

Sustainable Construction and Operation

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

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

Impact upon the Horse Racing Industry

95. Vision 2 (Newmarket) of the Core Strategy recognises the importance of the horse racing industry to the town and wider District. This is reflected in Policy CS1 which states it will be protected and conserved through the plan period. The Joint Development Management Policies Document contains a number of policies

relating to the horse racing industry in Newmarket. One of these, policy DM48, states any development within and around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic etc) will not be permitted unless the benefits of development would significantly outweigh the harm to the horse racing industry.

96. Given the relatively small scale of the proposed development and the nature of its use (particularly the expected age profile of its residents) it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. Indeed, this planning judgement is corroborated via representations received on behalf of the horse racing industry (paragraph 21 above). There is some potential for the construction of development to affect nearby training yards, but this risk is capable of mitigation via construction management techniques reducing potential disturbance to the yards. These measures could be secured by planning condition.

Other issues

97. The application proposals, given their relatively small scale and the characteristics of their intended occupation are unlikely to have significantly adverse impacts upon local infrastructure provision (including education, sewerage capacity, energy supply and demands upon public open space) such that no further investigations or mitigation is required. NHS England has identified the operation of the care home is likely to impact upon local GP services. This is discussed in the next section.

Planning Obligations

98. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
99. With the exception of mitigation towards the impact of the development upon local health infrastructure, the proposals are not required to provide any general infrastructure contributions to off-set impacts, given that none have been identified (eg education, libraries, policing, off-site public open space etc). Furthermore, given the planning application does not propose a conventional 'housing' scheme, (i.e. Use Class C3) it is not appropriate to secure an element of affordable housing from it (on site or off site).

Health

100. NHS England has confirmed (paragraph 12 above) the development proposals would impact upon the delivery of health services at catchment GP surgeries. They have confirmed there is a capacity deficit in the area and a developer contribution

of £9,936 would be required to mitigate the impact of development. The impact of the project and the mitigation measures requested by the NHS have been properly explained and justified. The planning obligation is therefore considered to meet the tests of lawfulness set out at paragraph 98 above. The financial contribution requested by NHS England has been agreed by the applicant and has already been secured by means of a S106 Agreement.

Conclusions and planning balance:

101. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits against negatives) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.
102. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as development generally has a positive effect (albeit limited in this case) on economic output particularly in terms of construction employment but also the consequential 'freeing up' of the existing dwellings of a proportion of those persons whom would occupy the completed care home facility which in itself would lead indirectly to higher local spend and general economic growth (again, only to a limited extent in this case).
103. In terms of the social role of sustainability the development would provide a specialist care facility in an area where the population is ageing. It would also serve to return a number of existing dwellings back to the market which would contribute indirectly to meeting the needs of present and future generations. The development would result in a built environment of high quality and would be viewed in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area than the existing bungalow on the site, but not (in your officers' view) to the extent that significant material harm would arise as a consequence. The development would lead to increased impacts upon the amenities of neighbouring property in comparison to the existing bungalow on site, but these impacts are not considered so significant that a 'stand-alone' reason for refusal on this ground could be justified. The proposal would rely on the viability and accessibility of existing local services to service its needs, both within Newmarket and further afield, with the exception of health, where mitigation measures would be secured to address impacts identified by NHS England.
104. In relation to the environmental role it is self-evident that the character of the site would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate or soften these effects. The proposals would also preserve any bat species present at the site and, via planning condition, ecological enhancements could be secured.
105. The proposals would result in a more efficient use of the site and achieve a good quality development without leading to significantly adverse impacts upon its

surroundings, including existing dwellings in close proximity to the site. The development is considered to represent 'sustainable development' as defined by the Framework and would not be contrary to extant Development Plan policies.

106. The proposals are therefore recommended for approval.

Recommendation:

107. That, subject to the subsequent receipt of a report detailing the outcome of a further bat survey satisfactorily demonstrating that no specific mitigation measures for bats are required, (and noting that a S106 Agreement securing a developer contribution towards health infrastructure has already been completed)

FULL PLANNING PERMISSION BE GRANTED subject to the following conditions:

1. Time limit (3 years)
2. Compliance with the approved plans
3. Precautionary archaeological investigations
4. Samples of bricks and tiles to be used
5. Details of finishes (colours to be applied to render, fenestration doors and other detailing)
6. Scheme of windows to be fitted with obscure glass and fixed closed to be agreed subsequently.
7. No use of the terrace at second floor (south facing) by staff, residents including their visitors.
8. Surface Water Drainage scheme.
9. Provision of a fire hydrant (or fire hydrants).
10. As recommended by the Local Highway Authority
11. Implementation of recommendations of the ecology and subsequent bat survey reports (including ecological enhancements)
12. Landscaping to be provided in accordance with the approved plan (and maintained for a period of at least 5 years) and details of a replacement street tree.
13. Management of the landscaping scheme (including the container planting provided on the second floor external roof terrace)
14. Protection of retained trees and shrubs during construction
15. Construction Management Plan (including safeguarding of nearby training yards)
16. Lighting strategy and scheme (including sensitivity to bat corridors).
17. Water use efficiency.
18. Sustainable construction – how Building Control requirements will be met.
19. Crime reduction strategy.
20. Waste minimisation and re-cycling strategy (including demolition of Kininvie).
21. Provision of the electric vehicle charging points
22. Submission of a refuse management strategy.

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

i) failure within a reasonable time period to conclude a S106 Agreement securing the health contribution, or

ii) the bat survey report detecting that bats are using the site and recommending

mitigation or if the impact upon bats is not capable of mitigation;

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

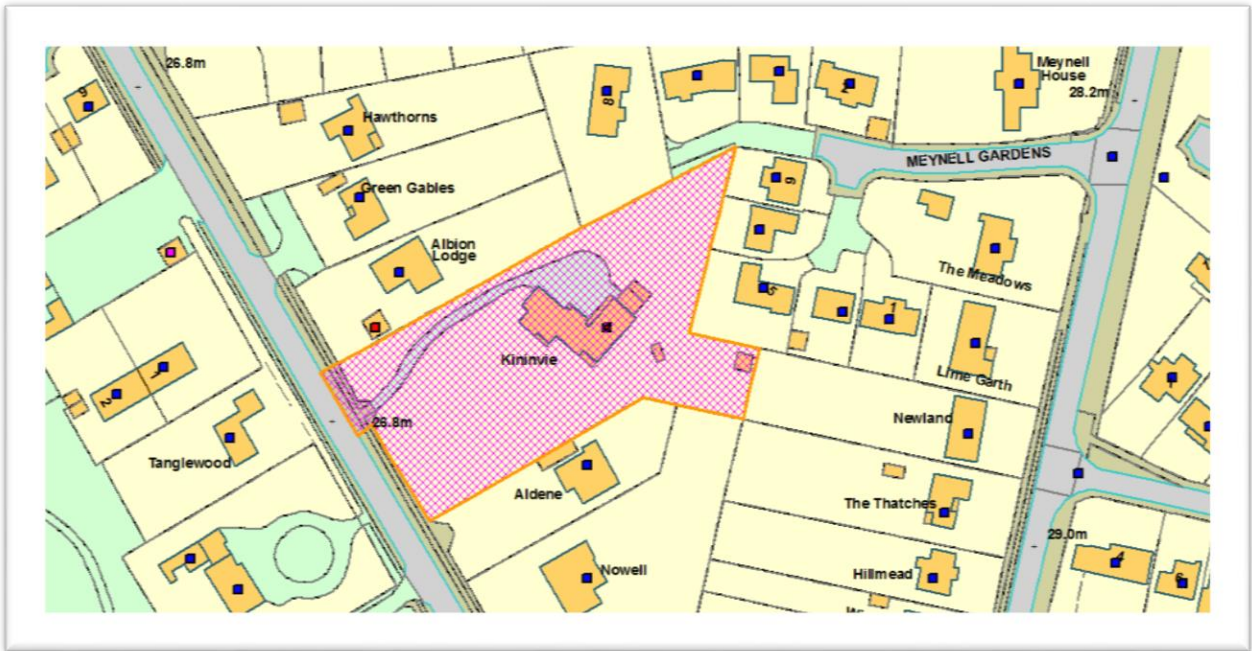
Documents:

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

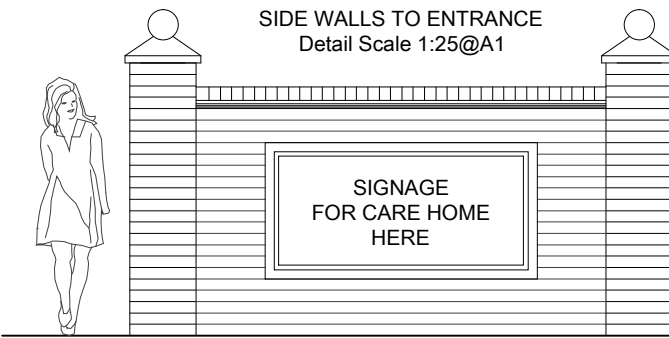
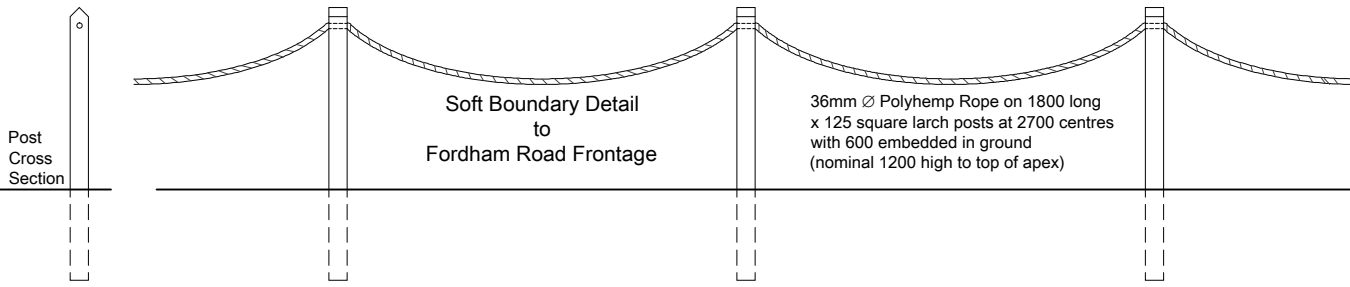
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P1B5ZCPDLAF00>

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DC/17/1676/FUL- Kininvie, Fordham Road, Newmarket



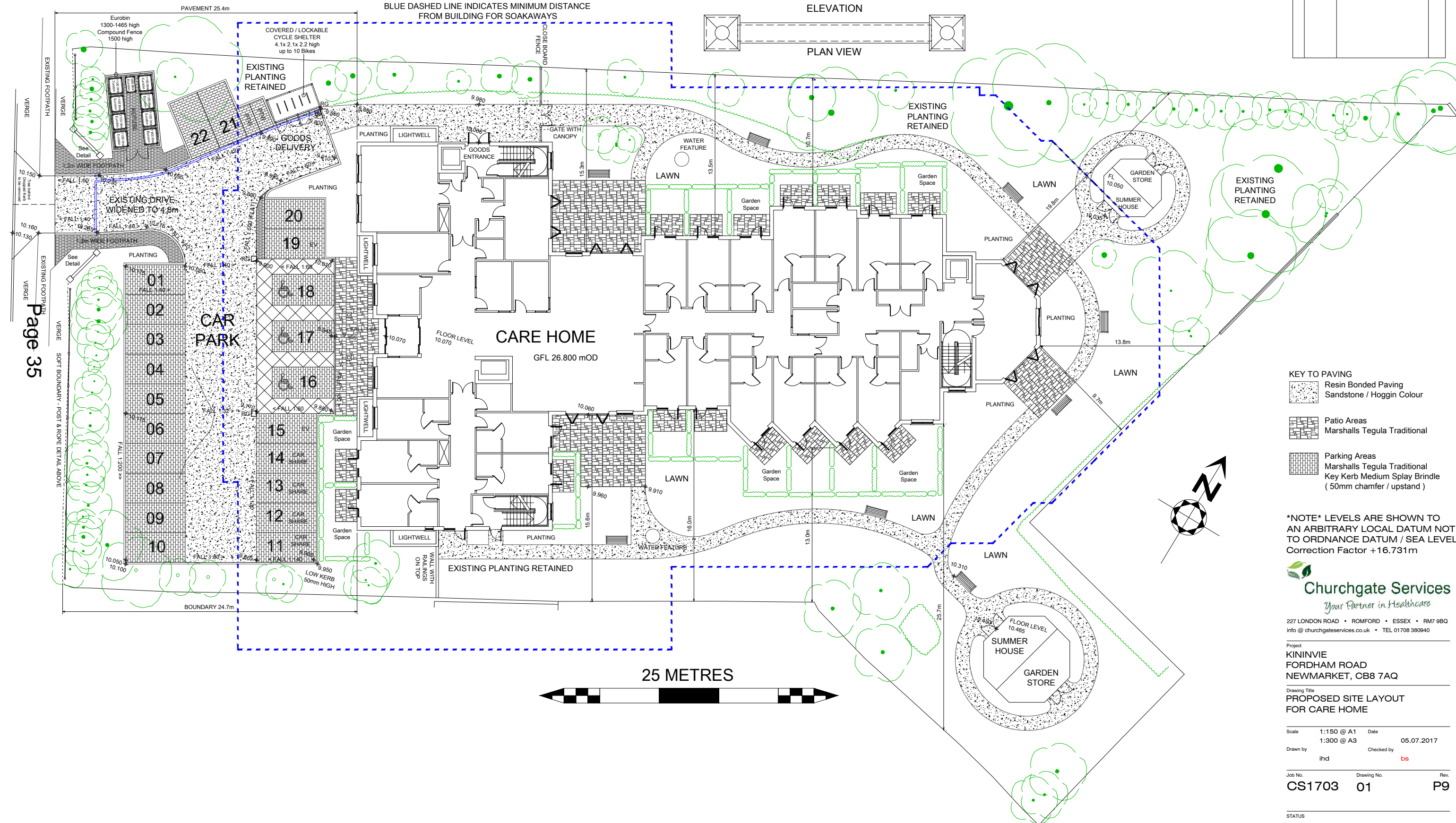
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Coping to Piers with Ball Top :
 Artstone (York / Costwold Pale Buff)
 Piers & Coping Bricks : Red Multi
 Main Wall Bricks : Pale Buff Multi
 Brick on edge coping set on 2 courses of creasing tiles with 30mm overhang.
 Signage Timber Framed Acrylic, face fixed to brickwork, details TBA.
 Signage will be fixed to both sides of entrance to be visible for traffic passing both ways.
 Piers 440 square x 1800 high.
 Wall 1650 max. to top of coping.

Notes
 Do not scale without prior approval, use written dimensions where provided. Large scale drawings take preference over small scale drawings unless advised otherwise. This drawing is to be read in conjunction with all related drawings, schedules, and specifications.
 All component and assembly dimensions are to be checked on site prior to beginning the production of any shop drawing or off-site fabrication. Any discrepancies with drawn information are to be reported to Churchgate Services.
 © This drawing is the copyright of Whilberry Ltd

THIS IS AN A1 DRAWING		
Rev	Date	Description
P1	20.07.2017	Title corrected & benches added
P2	31.07.2017	Garden Space & Resin Paths added
P3	04.08.2017	Dimensions & Extra Parking added
P4	09.08.2017	Water Features added
P5	29.08.2017	Random paving illustrated
P6	26.10.2017	Feedback from Highways Consultation
P7	27.11.2017	Rear Wing redesign
P8	30.11.2017	Size of S. facing bedrooms reduced
P9	12.12.2017	Planning Status-visibility Splay removed



KEY TO PAVING

	Resin Bonded Paving Sandstone / Hoggin Colour
	Patio Areas Marshalls Tegula Traditional
	Parking Areas Marshalls Tegula Traditional Key Kerb Medium Splay Brindle (50mm chamfer / upstand)

NOTE LEVELS ARE SHOWN TO AN ARBITRARY LOCAL DATUM NOT TO ORDNANCE DATUM / SEA LEVEL
 Correction Factor +16.731m

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Project
**KININVIE
 FORDHAM ROAD
 NEWMARKET, CB8 7AQ**

Drawing Title
**PROPOSED SITE LAYOUT
 FOR CARE HOME**

Scale 1:150 @ A1 Date 05.07.2017
 1:300 @ A3
 Drawn by ihd Checked by bs

Job No. CS1703 Drawing No. 01 Rev. P9

STATUS
Planning

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Forest Heath
District Council

DEV/FH/18/007

**Development Control Committee
6 June 2018**

**Tree Preservation Order TPO/031(2017) –
Lords Walk, Eriswell**

Date Served:	26.01.2018	Expiry Date:	26.07.2018
Case Officer:	Jaki Fisher	Recommendation:	Confirm
Parish:	Eriswell	Ward:	Eriswell & The Rows

Synopsis:

A Tree Preservation Order (TPO) was made on 47 individual trees and 6 tree groups located across the Lords Walk estate, Eriswell, on 26 January 2016. The TPO was served to protect these trees in response to a number of individual planning applications for development across the site including on areas of open space. These trees are a significant public amenity asset individually and as groups. They are mature trees and are attractive features both as individual specimens and collectively providing an important element of a natural setting to the residential development which is generally lacking in vegetation or natural features. A letter of objection has been considered and a minor modification to remove tree T2 from the order is proposed. However the TPO is considered to be necessary to ensure the remainder of the trees are protected into the future.

It is recommended that Members **CONFIRM** the TPO, modified to remove tree T2 Silver birch.

CONTACT OFFICER

Jaki Fisher
Email: Jaki.fisher@westsuffolk.gov.uk
Tel: 01284 757346

Commentary:

1. The Borough Council's Standing Orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting any representations relating to such action at the Development Control Committee.
2. A request was made for the Council's Tree Officer to look into the protection of trees at Lords Walk following the submission of a number of planning applications for development across the site and to avoid the precipitous removal of the most important trees. The Tree Officer visited the site and recommended that many of the mature trees on the site be protected.
3. A Tree Preservation Order was subsequently made on 26 January 2018 (Working Paper 1). The reason for the TPO is that:

These trees are a significant public amenity asset individually and as groups. They are mature trees and are attractive features both as individual specimens and collectively providing an important element of a natural setting to the residential development which is generally lacking in vegetation or natural features. They are considered to be at risk owing to development pressures and changes in ownership.

4. A representation has been made in relation to the Tree Preservation Order by an agent representing clients who own certain affected areas of the Lords Walk estate. The agent states that the objection is specifically in relation to trees T1, T2, T3, T4, T5, T6, T7, T9, T10, T16, T28, T32, T47 and G02 (tree locations are shown on the TPO plan – Working Paper 1). The reasons for the objection are based on an Arboricultural Report *TEMPO Assessment OAS/18-038-AR01 for Lords Walk, RAF Lakenheath* which sets out scores for the trees of concern. The findings of the report are interpreted as the detailed reasons for objection. The Arboricultural Report recommends that the objection is made in respect to trees T2, T7, T9, T16, T28, T32, T47 and G2. Which is at odds with the agents covering email. The reasons for the objection in the Arboricultural Report are as follows:
 - T2 – the tree has a basal wound and decay and fails to score sufficient points in part 1 of the TEMPO amenity assessment. In addition the short lifespan of the tree makes it easily replaceable within a landscape scheme;
 - T8 – discolouration of needles indicates that the tree may have a tree disease *Red band needle blight*;
 - T7 – the short lifespan of the tree makes it easily replaceable within a landscape scheme;
 - T9 - due to extensive management required due to structural condition of some main branches, however remedial works are a reasonable alternative due to possible veteran status. If not considered veteran then overall would reduce by four points and be within the indefensible range;
 - T16 - poor form main leader removed, poor past pruning with large open wounds. Fails to score 7+ points in part 1 of the TEMPO amenity assessment;

- T28 - tree is of semi mature age and located within 3- 4 m of an existing house. Tree should score zero due to future nuisance issue and unsuitability of its location;
 - T32 - small decay pocket to main union. Fails to score 10+ pts;
 - T47 - fails to score 10+ pts; and
 - G2 - trees are of short squat forms with poor growth habits resulting in twisted stems that are likely to have future structural implications. 3 individuals within group have significant structural problems or bark loss due past vandalism or dog damage. Decline in the short term would affect overall value of G2 as a cohesive group.
5. Officers have considered the objections to the order carefully along with the information which is available including that which was submitted to support the objection.
 6. The Tree Officer visited the site to inspect each of the contentious trees. The TEMPO amenity assessment submitted by the agent was interrogated and updated based on all factors, including the condition of the tree and the remaining longevity, to ensure each of these trees is suitable for protection. The Officer's TEMPO amenity assessment table is attached at Working Paper 2 and covers all the trees in paragraph 4 above. The Arboricultural Consultant's scores (from the submitted Arboricultural Report) are shown in brackets where these differ from those of the Tree Officer.
 7. It is agreed that the basal wound present on tree T2 (Silver birch located on the highway verge) means that this tree fails to meet the criteria for protection and Officers recommend that the TPO is modified accordingly.
 8. Tree T7 is a weeping willow located within the green amenity area fronting the Lords Walk site. Whilst it is acknowledged that in general this type of tree has a relatively short lifespan, this has been taken into consideration in the TEMPO amenity assessment of the tree. Otherwise the tree has an attractive weeping form and makes a significant contribution to the amenity of this space. The TEMPO assessment suggests that protection is justified.
 9. Tree T8 is a Corsican pine tree which was identified as potentially showing signs of *Red band needle blight*. The Tree Officer was not of the same opinion. The Arboricultural Consultant recommended further surveys be carried out however no further evidence has been submitted to substantiate the claim. If after the TPO has been confirmed, further conclusive evidence of the disease is confirmed, an application could be made to remove the tree. The Council would not resist such an application based on sound evidence.
 10. Tree T9 is a lime tree which the Tree Officer considered should be considered as a veteran. The Arboricultural Report made the point that remedial works to this tree are a reasonable alternative for this tree. This type of works would not be prevented by the TPO, and the Council would not resist such an application.

11. Tree T16 is a mature lime tree in a prominent location and highly visible to the public. The tree is located on the edge of the main amenity space and together with tree T15 (pine) frames the view south along Earls Field. Both the Arboricultural Consultant and the Tree Officer agree on the limitations of the tree in terms of its condition and remaining longevity however these have been taken into account in the TEMPO amenity assessment.
12. Tree T28 is a semi-mature lime tree. It is true that the tree is located relatively close to the adjacent property which is not an ideal situation. However the tree appears to have been managed in this location, there are no windows looking towards the tree which is on the north side of the adjacent properties. No evidence has been submitted to suggest that the tree is affecting the property and it is your Officers opinion that the tree should be protected.
13. Tree T32 is a silver birch tree located in the front garden of a property at Maple Close. Tree T47 is also a Silver birch tree located in the front garden of a property in Oak Lane. Both trees are in a fair condition and this is taken into consideration in the TEMPO amenity assessment. There are few other trees in the vicinity of these two trees. The trees fail to score the required points in the Arboricultural Consultant's assessment because no scores were given for the expediency assessment. Officers consider that there is a threat to these trees.
14. Group G2 is a row of pine trees which is a surviving pine line which are characteristic landscape features in this locality. These pines are generally short with squat crowns. The twisted stems are not uncommon in pine lines. The condition is considered to be fair with a remaining longevity of 40-100 years.

Finance/Budget/Resource Implications:

15. Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and the Tree and Arboricultural Officer's will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.
16. Should an application for works to a protected tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given that the condition and location of the trees can be considered fully when deciding where to locate new dwellings and other facilities associated with any development.

Environmental Impact and Sustainability

17. Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the visual amenity of the local environment and in this case may effect the amenity of any future development.

Policy Compliance/Power

18. The local planning authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.

19. The making of a TPO in this instance, is in line with the powers and policies of the Council.

Performance Management Implications

20. The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

Legal Implications

21. This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or representations to the Order. The statutory consultation period expired on 23 February 2018.

Human Rights Act and Diversity Implications

22. These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

Crosscutting Implications

23. None

Risk Assessment

24. As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

Council Priorities

25. The Council is keen to safeguard the built and natural environment.

Recommendation:

26. It is recommended that the report be noted and Members CONFIRM the Tree Preservation Order with the following modification: removal of tree T2 Silver Birch.

Documents Attached:

Working Paper 1 TPO including plan and schedule
Working Paper 2 TEMPO amenity assessment table

**Town & Country Planning (Tree Preservation) (England) Regulations
2012**

Town and Country Planning Act 1990

Forest Heath District Council

**Tree Preservation Order TPO/031(2017)
Lords Walk, RAF Lakenheath , Suffolk**

The Forest Heath District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, make the following Order:-

Citation

- 1.** This Order may be cited as Tree Preservation Order TPO/031(2017) for Street Record, Lords Walk, Raf Lakenheath, Suffolk

Interpretation

- 2.** (1) In this Order "the authority" means the Forest Heath District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.** (1) Subject to article 4, this Order takes effect provisionally on 26th January 2018
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and, subject to the exceptions in regulation 14, no person shall -
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this day: 26th January 2018

The Common Seal of the Forest Heath District Council was affixed to this Order in the presence of:-



[Handwritten signature]
.....
Authorised by the Council to sign in that behalf

Authorised Signatory

CONFIRMATION OF ORDER

[This Order was confirmed by the Forest Heath District Council without modification on the

..... day of20.....]

OR

[This Order was confirmed by the Forest Heath District Council], subject to the modifications indicated by *[state how indicated]*, on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by the Forest Heath District Council on the

..... day of20.....]

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the Forest Heath District Council on the

..... day of20.....] by a variation Order under the reference number

[insert reference number to the variation which is attached]

Order], [a copy of

.....
Authorised by the Council to sign in that behalf]

REVOCATION OF ORDER

[This Order was revoked by the Forest Heath District Council on the

..... day of20.....] under the reference number

.....
Authorisation by the Council to sign in that behalf]

SCHEDULE**SPECIFICATION OF TREES**
Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Birch, silver (<i>Betula pendula</i>)	
T2	Birch, silver (<i>Betula pendula</i>)	
T3	Pine, Scots (<i>Pinus sylvestris</i>)	
T4	Pine, Scots (<i>Pinus sylvestris</i>)	
T5	Pine, Scots (<i>Pinus sylvestris</i>)	
T6	Pine, Scots (<i>Pinus sylvestris</i>)	
T7	Willow (<i>Salix x chrys.</i>)	
T8	Pine, Scots (<i>Pinus sylvestris</i>)	
T9	Lime (<i>Tilia</i>)	
T10	Pine, Scots (<i>Pinus sylvestris</i>)	
T11	Lime (<i>Tilia</i>)	
T12	Pine, Scots (<i>Pinus sylvestris</i>)	
T13	Maple (<i>Acer sp</i>)	
T14	Pine, Scots (<i>Pinus sylvestris</i>)	
T15	Pine, Scots (<i>Pinus sylvestris</i>)	
T16	Lime (<i>Tilia</i>)	
T17	Birch, silver (<i>Betula pendula</i>)	
T18	Maple (<i>Acer sp</i>)	
T19	Willow (<i>Salix x chrys.</i>)	
T20	Pine, Scots (<i>Pinus sylvestris</i>)	
T21	Pine, Scots (<i>Pinus sylvestris</i>)	
T22	Pine, Scots (<i>Pinus sylvestris</i>)	
T23	Birch, silver (<i>Betula pendula</i>)	
T24	Birch, silver (<i>Betula pendula</i>)	

T25	Pine, Scots (Pinus sylvestris)	
T26	Pine, Scots (Pinus sylvestris)	
T27	Pine, Scots (Pinus sylvestris)	
T28	Lime (Tilia)	
T29	Maple (Acer sp)	
T30	Maple (Acer sp)	
T31	Birch, silver (Betula pendula)	
T32	Birch, silver (Betula pendula)	
T33	Pine, Scots (Pinus sylvestris)	
T34	Pine, Scots (Pinus sylvestris)	
T35	Birch, silver (Betula pendula)	
T36	Birch, silver (Betula pendula)	
T37	Maple (Acer sp)	
T38	Birch, silver (Betula pendula)	
T39	Birch, silver (Betula pendula)	
T40	Maple (Acer sp)	
T41	Maple (Acer sp)	
T42	Beech (Fagus sylvatica)	
T43	Beech (Fagus sylvatica)	
T44	Birch, silver (Betula pendula)	
T45	Maple (Acer sp)	
T46	Maple (Acer sp)	
T47	Birch, silver (Betula pendula)	

Trees specified by reference to an area
(within a dotted black line on the map)

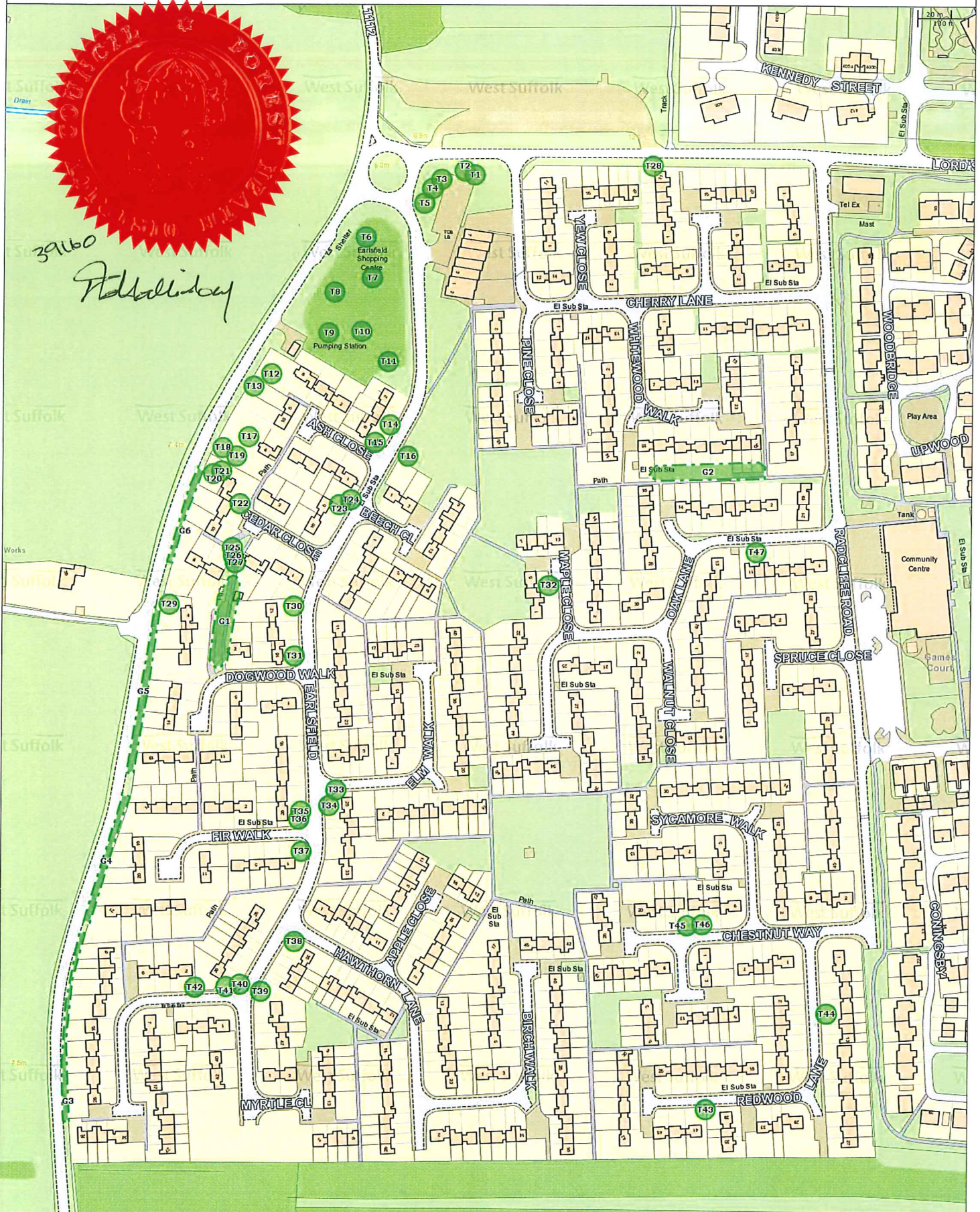
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

Group of Trees (within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1		Group of 14 Pine trees
G2		Group of 11 Pine trees
G3		Group of 32 pine
G4		Group of 12 pine
G5		Group of 27 pine
G6		Group of 10 pine and 3 ash
Woodlands (within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>



39160

Atkins



Tree Preservation Orders

- Tree
- Group
- Area
- Woodland

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West Suffolk
working together



Working Paper 2

TPO Ref. No.	Species (Common Name)	Condition	Retention Span	Visibility	Other Factors	Expediency	Total	Decision	Notes
T1	Silver Birch	5	2	4	1	3	15	Merits TPO	Good form and condition.
T2	Silver Birch	1	1	4	-	-	6	TPO Indefensible	Basal wound, fails to meet criteria for TPO
T3	Pine	3 (2)	2	4	1	3	13 (12)	TPO Defensible	Bifurcated stem, overall fair condition with 20-40 years remaining longevity.
T4	Pine	3 (2)	4	4	1	3	15 (14)	Merits TPO	Bifurcated stem, overall fair condition with 20-40 years remaining longevity.
T5	Pine	3	4	4	1	3	15	Merits TPO	Overall fair condition with 40-100 years remaining longevity
T6	Pine	3	4	5	2	3	17	Merits TPO	Fine specimen, no justification for not serving a TPO

Working Paper 2

TPO Ref. No.	Species (Common Name)	Condition	Retention Span	Visibility	Other Factors	Expediency	Total	Decision	Notes
T7	Willow	3	2	4	1	3	13	TPO Defensible	Normal form and condition, contributes highly to the amenity greenspace
T9	Lime	1	2	4	5	3	15	Merits TPO	I believe that this should be considered as potential veteran status. The perceived 'extensive' works are not prevented by TPO being served. Remedial works are likely to be granted through a TPO application.
T10	Pine	3	4	4	1	3	15	Merits TPO	Small squat tree, not uncommon for species type. Contributes to the amenity greenspace.
T16	Lime	1	2	4 (3)	1 (-)	3 (-)	11 (6)	TPO Defensible	Poor past pruning with overall poor condition, however, highly visible from public

Working Paper 2

TPO Ref. No.	Species (Common Name)	Condition	Retention Span	Visibility	Other Factors	Expediency	Total	Decision	Notes
									areas and 20-40 year remaining longevity
T28	Lime	3	2 (0)	4 (-)	1 (-)	2 (-)	12 (3)	TPO Defensible	The perceived future nuisance is not currently an issue which in turn should not impact the serving of the TPO, appropriate management of the tree would abate any potential future issues.
T32	Silver Birch	3	2	3	1	2 (-)	11 (9)	TPO Defensible	Fair condition for species type. Very few trees in locality which significantly increases the amenity provided by this tree
T47	Silver Birch	3	2	3	1	2 (-)	11 (9)	TPO Defensible	Fair condition for species type. Very few trees in locality which significantly increases the

TPO Ref. No.	Species (Common Name)	Condition	Retention Span	Visibility	Other Factors	Expediency	Total	Decision	Notes
									amenity provided by this tree
G2	Group of Pines	3	4	3	3 (0)	3	16 (13)	Merits TPO	These pines are generally short with squat crowns. The twisted stems are not uncommon, it is characteristic of Pine lines in the wider area. The condition is considered to be fair with a remaining longevity of 40-100 years.

** Scores in red are those submitted in TPO objection Arb Report