

# Development Control Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>									
<b>Date:</b>	<b>Wednesday 3 October 2018</b>									
<b>Time:</b>	<b>6.00 pm</b>									
<b>Venue:</b>	<b>Council Chamber District Offices</b> College Heath Road Mildenhall									
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Rona Burt</p> <p style="text-align: center;"><b>Vice Chairman</b> Chris Barker</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (10)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole</td> <td style="vertical-align: top;">Stephen Edwards Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (2)</u></td> <td style="vertical-align: top;">Andrew Appleby</td> <td style="vertical-align: top;">David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Members (2)</u></td> <td style="vertical-align: top;">Roger Dicker</td> <td style="vertical-align: top;">Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (10)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
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<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer								
<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell								
<p><b>A SITE VISIT WILL BE HELD ON MONDAY 1 OCTOBER 2018 AT THE FOLLOWING TIME:</b></p> <p><b>Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford, CB8 7PT</b> Reserved Matters Application - Submission of details under Outline Planning Permission - DC/14/0585/OUT - Appeal ref - AP/15/0030/REF - the appearance, landscaping, layout and scale for 20-box racehorse training establishment (with associated Trainer's house) and up to 63 no. dwellings (including 19 no. affordable units) with associated access arrangements and open space provision <b>Site visit to be held at 10.00am</b></p>										
<b>Substitutes:</b>	Named substitutes are not appointed									
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									

<b>Quorum:</b>	Five Members
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Democratic Services Officer <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

**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

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
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)
<b>Emerging Policy documents</b>	
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/altered, together with the material planning basis for that change.
    - Members can choose to;
      - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
      - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
    - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

## **Notes**

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with 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

- |   | <i>Page No</i> |
|---|----------------|
| <b>1. Apologies for Absence</b>   |                |
| <b>2. Substitutes</b>   |                |
| <b>3. Minutes</b>   | <b>1 - 16</b>  |
| To confirm the minutes of the meeting held on 5 September 2018 (copy attached).   |                |
| <b>4. Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford</b>  | <b>17 - 48</b> |
| Report No: <b>DEV/FH/18/022</b>   |                |
| Reserved Matters Application - Submission of details under Outline Planning Permission - DC/14/0585/OUT - Appeal ref - AP/15/0030/REF - the appearance, landscaping, layout and scale for 20-box racehorse training establishment (with associated Trainer's house) and up to 63 no. dwellings (including 19 no. affordable units) with associated access arrangements and open space provision |                |

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# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 5 September 2018** at **6.00 pm** at the **Council Chamber,**  
**District Offices,** College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Rona Burt

Roger Dicker	Stephen Edwards
Andrew Appleby	Brian Harvey
David Bowman	Carol Lynch
Ruth Bowman J.P.	David Palmer
Louis Busuttil	Peter Ridgwell
Simon Cole	
Roger Dicker	

**In attendance**

Colin Noble

313. **Apologies for Absence**

Apologies for absence were received from Councillors Chris Barker and Louise Marston.

314. **Substitutes**

There were no substitutes present at the meeting.

315. **Minutes**

The minutes of the meeting held on 1 August 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

316. **Planning Application DC/18/1126/OUT - Land North of Belle Vue, Newmarket Road, Barton Mills (Report No: DEV/FH/18/015)**

The Chairman advised that since publication of the agenda the Agent had withdrawn this application, accordingly this report was **WITHDRAWN** from the agenda and would not be considered by the Committee.

317. **Planning Application DC/18/1489/VAR - Mildenhall Hub, Sheldrick Way, Mildenhall (Report No: DEV/FH/18/016)**

**Planning Application - Variation of Condition 3 of DC/17/1106/FUL to amend the timing for the certification of the diverted public right of way, to prior to the first occupation of the development. The submission and agreement of full details of the temporary diversion of the public footpath and the provision of that path to remain prior to the commencement of any works affecting the existing routes**

This application was referred to the Development Control Committee because it was a major strategic development site and the applicant was Forest Heath District Council.

The Principal Planning Officer reminded the Committee that planning permission for the Mildenhall Hub development had been granted at their meeting in November 2017.

The application before Members for determination simply sought to vary the condition in respect of the timing of the delivery of the diverted public right of way that was approved as part of the original scheme.

Officers were recommending that the application be approved as set out in Paragraph 12.1 of Report No DEV/FH/18/016.

The Principal Planning Officer drew attention to Paragraph 5.1 of the report and confirmed that the extended consultation period expired on 4 September 2018 and no further comments had been received on the application.

Councillor Ruth Bowman spoke in support of the variation, which she considered a reasonable practical solution, and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

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

Decision

The application be **GRANTED** subject to the conditions attached to planning permission DC/17/1106/FUL except for the variation of condition 3, which shall now read as follows:

*3 PROW*

*Prior to the commencement of any development on site that would affect the current route of Mildenhall Public Footpath No. 25 and Mildenhall Public Footpath No. 24 details of the temporary diversion of both public footpaths shall be submitted to and agreed in writing by the Local Planning Authority. The temporary diversions shall be in place in accordance with a timetable to be agreed with the Local Planning Authority. Prior to first use of the development permitted the Town and Country Planning Act Diversion Order shall be confirmed and certified.*

318. **Planning Application DC/18/1272/FUL - War Memorial, Warren Road, Red Lodge (Report No: DEV/FH/18/017)**

**Planning Application - Installation of a 2.8 metre high war memorial**

This application was referred to the Development Control Committee as it had been submitted by the Red Lodge War Memorial Committee which was chaired by Forest Heath District Councillor Lance Stanbury.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 25 of Report No DEV/FH/18/017.

Speaker: Mr Lance Stanbury (applicant) spoke in support of the application

Councillor Simon Cole asked a question as to what would be done with the existing memorial in Red Lodge (close to the Millennium Centre) when the new memorial was erected. He also asked whether the Council had any relevant policies to judge how many war memorials there should be in any given settlement.

The Principal Planning Officer explained that the Planning Authority had not been made aware of what was planned in respect of this as it was not part of the planning process or pertinent to the determination of this application. In addition, the Officer advised that there were no planning policies which related to the number of memorials in any one locality.

Councillor Carol Lynch addressed the meeting in her capacity as Ward Member for Red Lodge and explained that there were no arrangements in place to dispose of the existing memorial which was quite small and inauspicious.

Councillor Lynch then moved that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 10 voting for the motion and with 2 abstentions, it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No construction site machinery or plant shall be operated, noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.

319. **Supplementary Information in Respect of Agenda Items 7, 8, 9 & 10 and Case Officer Introduction to the Applications**

Prior to the consideration of **Agenda Items 7, 8, 9 and 10** the Case Officer for the four Lakenheath planning applications tabled a set of supplementary documents which related to the four reports (**Report Nos DEV/FH/18/018, 019, 020 and 021**).

The Chairman then allowed a 10 minute adjournment in order to permit the Committee time in which to peruse the tabled documentation.

On reconvening the meeting the Chairman invited the Case Officer for the applications to provide the meeting with a collective introduction to the four reports in question.

The Committee was advised that all four applications were referred to the Development Control Committee because they were proposals for 'major' development, raised complex planning issues and the recommendations to grant planning permission were contrary to the provisions of the extant Development Plan.

The Principal Planning Officer reminded Members that the applications had all been considered previously by the Development Control Committee culminating in resolutions to grant planning permission at meetings in June and July 2017.

The applications were returned to Committee in the light of material changes in circumstance which had occurred since the decisions to grant planning permission were made.

In particular, a ruling made in early 2018 by the Court of Justice of the European Union which changed the way in which decision makers were to interpret and apply the specific provisions of the 'Habitat Regulations'.

The Court ruling also had knock-on implications for the way in which national planning policies were applied to the applications and, ultimately, the way in which the Development Control Committee needed to approach and balance the material issues raised by each of the proposals.

Furthermore, the Government in July 2018 updated national planning policies and published a revised National Planning Policy Framework (NPPF). The policies set out in the NPPF were material to the consideration of the planning applications and were discussed in each of the four reports.

The Principal Planning Officer explained that each of the four reports in question were comprehensive and stand-alone, prepared in light of the decision of the European Court of Justice.

Members were not to give any regard to the previous reports presented to the Committee in respect of these applications and no weight was to be given to the previous resolutions to grant planning permission – the applications were to be considered afresh.

The Case Officer then spoke on each of the supplementary papers and summarised what Members had before them, he responded to points raised within some of the documentation where considered pertinent to the applications:

- i. Letter from Clarke Saunders Acoustics (advisors to Lakenheath Parish Council) with appended noise survey time history data document and map identifying the location of the noise monitoring equipment during the survey period;
- ii. Letter from WSP UK Limited in response to the correspondence at i. above, on behalf of the applicants proposing the development at Agenda item 10 (Report No DEV/FH/18/021);
- iii. Further comments and appendix (RAF letter to Lakenheath Parish Council addressing military aircraft movement data at RAF Lakenheath) received from Clarke Saunders Acoustics (on behalf of Lakenheath Parish Council); and
- iv. Letter from Richard Buxton Environmental & Public Law (on behalf of Lakenheath Parish Council) in response to each of the four Committee reports in question.

**320. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/FH/18/018)**

**Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).**

The Principal Planning Officer explained that, following amendment in September 2015, the proposal before the Committee was in hybrid form with all aspects of the application seeking 'outline' permission and with only the site access and a small length of the estate road behind it being in 'full'.

Member site visits had been previously undertaken by the Committee. Lakenheath Parish Council objected to the proposal together with a number of village residents.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 Agreement, as set out in Paragraph 420 of Report No DEV/FH/18/018.

As part of his presentation the Officer made reference to:

- Noise contour mapping;
- Maps showing the Breckland Special Protection Area (SPA);
- The Site Allocations Local Plan (SALP); following the changes made to housing redistribution by Forest Heath District Council in February 2018 when Lakenheath's distribution was reduced by 165 homes resulting in site SA8(b) being removed;
- The 30mph speed limit that had been extended along Station Road, with the pending traffic calming measure to be dealt with via conditions;

- The 30% affordable homes to be delivered via the scheme; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speakers: Mr Mike Malina (School Governor: Lakenheath Primary School) spoke against the application  
Mr Ed Clarke (Lakenheath Parish Council's appointed Noise Acoustician) spoke against the application

During the ensuing debate a number of Members voiced questions/comments with regard to noise, particularly in relation to the proposed school and the future arrival of the F35A aircraft.

In response, the Officer explained that data provided by the Defence Infrastructure Organisation (DIO) demonstrated very little difference in noise levels from the F35A beyond that which Lakenheath experienced currently. Furthermore, the proposed school was situated in a lower noise contour than the existing school, which had limited sound mitigation in place due to the age of the building, and no evidence had been submitted to demonstrate that this had caused harm.

Councillor David Bowman spoke on the need for the second primary school and homes and proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

Councillor Ruth Bowman also spoke in support and highlighted the importance of children being able to attend a primary school within their own village.

Councillor Andrew Appleby proposed an amendment that the application be deferred until Suffolk County Council (as Local Education Authority) made a decision on their full planning application for the primary school site.

The Principal Planning Officer explained that he would not recommend a deferral on this basis because the Planning Authority could be challenged on non-determination and it was important to recognise that Suffolk County Council were not the only organisation who could provide a school on the site. In response to which, Councillor Appleby withdrew his amendment.

Upon putting the motion to the vote and with 8 voting for, 1 against and with 3 abstentions, it was resolved that

#### Decision

Full and outline planning permission be **GRANTED** subject to:

1. The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - (a) Policy compliant affordable housing (30%).
  - (b) Land and construction contributions towards the construction of a new primary school (pro-rata to reflect the scale and impact of the housing element of the proposed development proposed) (4,627.65 per

dwelling for construction and £319.51 per dwelling for land).

(c) Pre-school contribution (up to £231,458).

(d) Libraries Contribution (up to £81,600).

(e) Public Open Space contributions:

i) Land to be set out in accordance with the adopted SPD to be calculated at Reserved Matters stage.

ii) Transfer of the 4.7 hectares to the Council for future management and maintenance, including a commuted payment for maintenance (£50,000) and wardening (£40,802).

(f) Strategic Highways contribution to deliver new and improved village-wide cycle and pedestrian scheme comprising crossing provision in the form of pedestrian refuges, a new toucan crossing, new footways, conversion of footways to shared cycle/pedestrian facilities, new 20's plenty signing, signing through the village for cycle routes, dropped kerbs etc. (£118,523.76)

(g) Public Transport contribution for the creation of two new bus stops at Station Road (£40,000)

(h) Strategic Highway Contribution towards junction improvements at the Lords Walk roundabout and B1112/Eriswell Road junction (precise contributions to be calculated and agreed following further costed and safety audited design work).

(i) SPA Recreational Impact Contributions, including i) off site provision/contributions to provide a connection from the site to the footpath on the north side of the drainage channel to the north of the application site, ii) monitoring of potential impacts upon the SPA from development (sums to be determined), iii) provision/payment towards public information boards and information packs for residents and subsequent monitoring and iv) facilitating the construction of a bridge across the drainage channel from within the application site.

(j) Health Contribution (up to £123,420)

And

2. Subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable construction and operation methods, including water efficiency measures (further details to be submitted with reserved matters and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)

- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details (including precise details of new hard and soft landscaping)
- Woodland management scheme (for retained/new/replacement trees)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required)
- Construction management plan
- As recommended by the Local Highway Authority
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Implementation of noise mitigation measures
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the foul and surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology.
- Reserved Matters submissions to accord with the approved Concept Plan.
- Landscape and ecology management plan
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission.
- As recommended by the Ecology, Tree and Landscape Officer (paragraph 53 and 54 of the report)
- Travel Planning

In the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

**321. Planning Application DC/13/0660/FUL - Land off Briscoe Way, Lakenheath (Report No: DEV/FH/18/019)**

**Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended**

The Principal Planning Officer explained that this application sought full planning permission.

Member site visits had been previously undertaken by the Committee. Lakenheath Parish Council objected to the proposal together with a number of village residents.



Officers were recommending that the application be approved, subject to conditions and the completion of a S106 Agreement, as set out in Paragraph 352 of Report No DEV/FH/18/019.

As part of his presentation the Officer made reference to:

- Noise contour mapping;
- The Site Allocations Local Plan (SALP); following the changes made to housing redistribution by Forest Heath District Council in February 2018 when Lakenheath's distribution was reduced by 165 homes resulting in site SA8(b) being removed;
- The 30% affordable homes to be delivered via the scheme; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speakers: Mr Derek Banks (Lakenheath resident) spoke against the application  
Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application

Councillor David Bowman proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

Upon putting the motion to the vote and with 8 voting for, 1 against and with 3 abstentions, it was resolved that

### Decision

Planning permission be **GRANTED** subject to:

1. The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - Affordable housing (30% = 20 units on site – 14 rented and 6 intermediate and 0.1 units by means of a developer contribution - £6,940)
  - Education contribution (Primary School - £262,388 for build costs and a proportionate contribution towards land acquisition costs – £18,116)
  - Pre-school contribution (£64,526 for build costs and £4,344 for land acquisition costs)
  - Libraries Contribution (£14,472)
  - Public Open Space maintenance contribution (optional payment only relevant if the land is transferred subsequently to the District Council for future maintenance - £36,090)
  - Strategic Highway Contribution - £21,176.24 (for sustainable links to village amenities – pro rata contribution)
  - SPA Recreational Impact Contribution (to provide a bridge pedestrian crossing of the drainage channel to the north) £120,000
2. And conditions, including:

1. Time limit (3 years for commencement)
2. Compliance with the approved plans
3. Materials (use of those proposed)
4. Bin and cycle storage strategy for the affordable flats (details to be approved and thereafter implemented)
5. Public open space (strategy for future management and maintenance)
6. Landscaping (precise details of new hard and soft landscaping, including of the public open space)
7. Ecology (precautionary mitigation and enhancements at the site)
8. Construction management plan (to include waste minimisation and recycling, tree/hedgerow protection measures/deliveries management plan, dust management, wheel washing, working hours (including deliveries and operation of generators, lighting scheme (if any), site compound/storage/staff parking areas)
9. As recommended by LHA (as summarised at paragraph 26 above, including reasonable Travel Planning requirements)
10. Contamination & remediation (further investigations and any remediation necessary)
11. Means of enclosure
12. Noise mitigation to the dwellings (to ensure WHO standards are met within internal areas)
13. Fire Hydrants (details of provision within the site to be submitted and approved)
14. Compliance with Building Control Requirements for reduced water consumption
15. Implementation and management/maintenance of a surface water drainage scheme.

In the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

**322. Planning Application F/2013/0345/OUT - Land at Rabbit Hill Covert, Station Road, Lakenheath (Report No: DEV/FH/18/020)**

**Erection of up to 81 dwellings**

The Principal Planning Officer explained this application sought outline planning permission with all matters reserved.

In addition to the reasons set out earlier in the meeting, this application had also been referred to the Development Control Committee in light of the applicant being a Forest Heath District Councillor.

Member site visits had been previously undertaken by the Committee. Lakenheath Parish Council objected to the proposal together with a number of village residents.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 Agreement, as set out in Paragraph 360 of Report No DEV/FH/18/020.

As part of his presentation the Officer made reference to:

- Noise contour mapping;
- Maps showing the Breckland Special Protection Area (SPA);
- The Site Allocations Local Plan (SALP); following the changes made to housing redistribution by Forest Heath District Council in February 2018 when Lakenheath's distribution was reduced by 165 homes resulting in site SA8(b) being removed;
- The 30% affordable homes to be delivered via the scheme; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speakers: Mr Derek Banks (Lakenheath resident) spoke against the application  
Mr Ed Clarke (Lakenheath Parish Council's appointed Noise Acoustician) spoke against the application

Councillor Ruth Bowman raised specific questions with regard to the layout of the site and the need to ensure connectivity between this application and the neighbouring Station Road development and primary school.

The Principal Planning Officer explained that as the application was in outline the layout provided was purely for illustrative means and had been produced prior to the Station Road hybrid application being submitted, he assured Members that this essential connectivity would be addressed at the reserved matters stage.

Councillor Simon Cole proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Bowman.

Upon putting the motion to the vote and with 9 voting for, 1 against and with 2 abstentions, it was resolved that

### Decision

Outline planning permission be **GRANTED** subject to:

1. The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - Affordable housing (30% provision overall)
  - Education contribution (Primary School – up to £374,840 towards build costs and up to £25,880 towards land costs)
  - Pre-school contribution (up to £73,744 for construction costs and up to £4,965 towards land acquisition costs)

- Libraries Contribution (up to £17,496)
- Public Open Space contribution (in accordance with the SPD and, if required, optional commuted sum for future management and maintenance of the space)
- Strategic Highway Contribution - £25,601.13 (for sustainable links to village amenities – pro rata contribution)
- SPA Recreational Impact Contribution – to secure public access along the cut off channel (£37,306)

2. And subject to conditions, including:

- Time limit (3 years for commencement)
- Compliance with the approved plans
- Materials (to be submitted with the Reserved Matters)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space (strategy for future management and maintenance)
- Landscaping details and tree information (including precise details of new hard and soft landscaping and surveys/arboricultural information about the existing tree stock)
- Woodland management scheme
- Retention and protection of existing trees and hedgerows
- Ecology (enhancements at the site, method statements for species protection and mitigation and any further survey work required)
- Construction management plan (to include waste minimisation and recycling, tree/hedgerow protection measures/deliveries management plan, dust management, wheel washing, working hours (including deliveries and operation of generators, lighting scheme (if any), site compound/storage/staff parking areas)
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted with Reserved Matters)
- Fire Hydrants
- Noise mitigation to the dwellings (to ensure WHO standards are met within internal areas)
- Compliance with Building Control Requirements for reduced water consumption
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Travel Planning

In the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

**323. Planning Application F/13/0394/OUT - Land West of Eriswell Road, Lakenheath (Report No: DEV/FH/18/021)**

**Erection of up to 140 dwellings**

The Principal Planning Officer explained this application sought outline planning permission with all matters reserved apart from the general location of two new vehicular accesses.

Member site visits had been previously undertaken by the Committee. Lakenheath Parish Council objected to the proposal together with a number of village residents.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 Agreement, as set out in Paragraph 342 of Report No DEV/FH/18/021.

As part of his presentation the Officer made reference to:

- Noise contour mapping – it was highlighted that this application fell within a different contour to the previous three applications;
- The Site Allocations Local Plan (SALP); following the changes made to housing redistribution by Forest Heath District Council in February 2018 when Lakenheath's distribution was reduced by 165 homes resulting in site SA8(b) being removed;
- Flood maps;
- The 30% affordable homes to be delivered via the scheme; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speakers: Mr Derek Banks (Lakenheath resident) spoke against the application  
Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application

Councillor Brian Harvey raised specific questions with regard to the layout of the site. The Principal Planning Officer explained that as the application was in outline the layout provided was purely for illustrative means but did demonstrate that the site would not be high density and that the small area affected by flooding was likely to be left as open space.

Councillor David Palmer raised concern over the proximity of the site to the jet take-off area on Lakenheath Airbase. The Officer advised the Committee that the Broom Road application site (which had been dismissed by a Planning Inspector, but not on noise disturbance grounds) was closer to the take-off area and the Inspector had not considered the noise from this proximity to be sufficient to refuse the application alone.

Councillor David Bowman proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Brian Harvey.

Upon putting the motion to the vote and with 8 voting for, 1 against and with 3 abstentions, it was resolved that

## Decision

Outline planning permission be **GRANTED** subject to:

1. The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - Affordable housing (30% - up to 42 dwellings)
  - Education contribution (Primary School – up to £ £655,970 towards build costs and up to £45,290 towards land costs)
  - Pre-school contribution (up to £129,052 for construction and up to £6,689 towards land acquisition costs)
  - Libraries Contribution (up to £30,240)
  - Public Open Space contribution (in accordance with the SPD and, if required, optional commuted sum for future management and maintenance of the space)
  - Strategic Highway Contribution - £44,248.87
  - (for sustainable links to village amenities – pro rata contribution)
  - SPA/SSSI Recreational Impact Contribution – circa £19,043.50
  - Health contribution to improve the capacity of the Lakenheath surgery and its branch at Hockwold
  
2. And subject to conditions, including:
  - Time limit (3 years for submission of reserved matters and 2 further years for commencement following approval of the RM's)
  - Materials (details to be submitted with the Reserved Matters)
  - Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
  - Public open space and SuDS (strategy for future management and maintenance of this infrastructure)
  - Landscaping (precise details of new hard and soft landscaping and a landscaping strategy)
  - Retention and protection of existing trees, shrubs and hedgerows to be retained (details to be provided with the landscaping scheme at Reserved Matter stage)
  - Ecological measures (including appropriate 'refresher' surveys)
  - Construction management plan (to include waste minimisation and recycling, tree/hedgerow protection measures/deliveries management plan, dust management, wheel washing, working hours (including deliveries and operation of generators, lighting scheme (if any), site compound/storage/staff parking areas)
  - As recommended by LHA (including any Travel Planning measures)
  - Contamination & remediation (further investigations and any remediation necessary)
  - Compliance with Building Control Requirements for reduced water consumption
  - Means of enclosure (to be submitted with Reserved Matters)
  - Noise mitigation measures and validation.
  - Provision of fire hydrant/s

- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Archaeology

In the event of the Assistant Director of Planning and Regulatory Services recommending alternative (reduced) Heads of Terms from those set out at above or not completed within a reasonable period, the planning application be returned to Committee for further consideration.

The meeting concluded at 8.26pm

**Signed by:**

**Chairman**

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Forest Heath  
District Council

# DEV/FH/18/022

## Development Control Committee 3 October 2018

### Planning Application DC/17/2476/RM – Development Site, Meddler Stud, Bury Road, Kentford

**Date Registered:** 13.12.2017                      **Expiry Date:** 14.03.2018

**Case Officer:** Penny Mills                      **Recommendation:** Approve

**Parish:** Kentford                                      **Ward:** South

**Proposal:** Reserved Matters Application - Submission of details under Outline Planning Permission - DC/14/0585/OUT - Appeal ref - AP/15/0030/REF - the appearance, landscaping, layout and scale for 20-box racehorse training establishment (with associated Trainer's house) and up to 63 no. dwellings (including 19 no. affordable units) with associated access arrangements and open space provision

**Site:** Development Site, Meddler Stud, Bury Road, Kentford.

**Applicant:** M Bartram

**Synopsis:**

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

**Recommendation:** Approve, subject to conditions.

CONTACT CASE OFFICER:

Penny Mills

Email: penny.mills@westsuffolk.gov.uk

Telephone: 01284 757367

## **Background:**

**This reserved matters application follows the grant of outline permission (with all matters reserved apart from access) at appeal for a racehorse training establishment and the erection of up to 63 dwellings.**

**During the course of this application amendments have been made to the scheme, including the introduction of the affordable housing required by the outline and the inclusion of an equipped area of play along with changes to the design and layout and submission of additional supporting information.**

**The application has been called the Development Control Committee by the local Ward Member due to the importance of this site to the village and the local interest in the application.**

### **1.0 Proposal:**

1.1 The application seeks reserved matters consent for a 2.19ha Racehorse Training Establishment (RTE) comprising a 20-box stable building, associated barn, yard area with muck pit, exercise ring with horse walker and lunge pits, paddock and trainer's house; and 63 dwellings with associated on site infrastructure.

1.2 The residential element of the scheme includes 19 affordable units and the overall mix of units proposed is set out below:

- 8no. 1B Flats
- 4no. 2B Flats
- 7no. 2B houses (semi + terrace configuration)
- 3no. 3B detached houses
- 30no. 4B detached houses – 2no. types
- 11no. 5B detached houses
- Trainers Dwelling

### **2.0 Application Supporting Material:**

2.1 The following plans and documents (some of which are amended plans submitted during the course of the application) are relevant to the proposed development:

- 001 Masterplan Layout - rev P08
- 003 Location Plan - rev P01
- 005 Finishes P04
- 006 Enclosures P06
- Open Space provision Plan (within amended design and access statement)
- Affordable Housing Designation Plan (within amended design and access statement)
- 101 General arrangement and external works –
- 102 General arrangement and external works – rev P6
- 103 General arrangement and external works – rev P2
- 104 General arrangement and external works – rev P2
- 105 General arrangement and external works – rev P3
- 106 General arrangement and external works – rev P3

- 107 General arrangement and external works – rev P5
- 110 General arrangement and external works – rev P6
- 120 General arrangement and external works – rev P7
- 121 General arrangement and external works – rev P7
- 122 General arrangement and external works – rev P4
- 070 Site elevations 1,2,3,4 and 5 –rev P02
- Landscape Plan
- 022 Stable, barn and Trainers Dwelling setting out – rev C01
- 501-T02 Plots 12-19 ground floor plan
- 502-T02 Plots 12-19 first floor plan
- 505-T02 Plots 12-19 elevations
- 511-T03 Plots 5-7 floor plans
- 513-T02 Plots 5-7 elevations
- 561-T02 plots 8-11 floor plans
- 563-T02 plots 8-11 elevations
- 571-T03 2 bed semi-detached floor plans
- 573-T03 2 bed semi-detached elevations
- 521-T02 3 bed house ground and first floor plans
- 523-T02 3 bed house elevations
- 531-T03 4 bed house type 1 floor plans
- 533-Y04 4 bed house type 1 elevations
- 541-T03 4 bed house type 2 floor plans
- 543-T034 4 bed house type 2 elevations
- 551-T04 5 bed house ground and first floor plans
- 552-T02 5 bed house 2<sup>nd</sup> floor and roof plans
- 554-T03 5 bed house elevations

2.2 The submission is also supported by a planning statement and planning statement addendum, a design and access statement, a landscape package, lighting report, materials schedule, ecology reports and drainage details.

### **3.0 Site Details:**

- 3.1 The application site, which is approximately 7.16 hectares, is located on the south side of Bury Road outside the current settlement envelope for the village of Kentford. It is an emerging allocated site in the new Local Plan and will fall within the enlarged settlement boundary once that Plan is adopted.
- 3.2 The site has an existing single access from Bury Road, where the site also has some frontage. To the east of this access the site extends behind the existing residential development along Bury Road. The River Kennett is to the west of the site and to the east is an area of land which also benefits from outline planning consent for residential development.
- 3.3 The site contains and is adjacent to a number of trees which are protected by tree preservation orders. Protected tree belts run along the eastern boundary, the Southern and South Western boundaries and there is a further belt in the middle of the site running north-south.
- 3.4 The site falls within the 7500m buffer for the Breckland Special Protection Area and a portion of the site also falls within the SPA Stone Curlew Nesting 1500m buffer. The North West corner of the site falls within flood zones 2 and 3.

3.5 The grade II\* listed Church of St Mary lies to the north of the site on the opposite side of Bury Road approximately 83 metres from the closest part of the application site. The site falls within an archaeological sites buffer and is known to be of archaeological significance.

#### **4.0 Relevant Planning History:**

4.1 Planning Appeal - APP/H3510/W/15/3070064 - The appeal was allowed, and outline planning permission granted (with all matters reserved apart from access) for a racehorse training establishment and the erection of up to 63 dwellings including associated access arrangements and open space provision in accordance with the terms of the application Ref DC/14/0585/OUT. The decision was issued by the Inspectorate on 05 May 2016.

#### **5.0 Consultations:**

5.1 The consultation responses set out below are a summary of the comments received and reflect the most recent position. Full comments are available to view on the Council's website:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZPG7UPDKOT00>

5.2 West Suffolk Environment Officer – No comments on the application.

- Comments to be provided on the conditions relating to land contamination.

5.3 West Suffolk Tree Officer – Comments summarised below:

- Concern over absence of Arboricultural Impact Statement that would include a layout plan showing Root Protection Areas, Construction Exclusion Zones and Shading
- Desirable to see less reliance on ornamental species and greater use of native woodland trees of stature to assist the proposed development to sit more comfortably in this rural setting.

5.4 West Suffolk Public Health and Housing - No comments to make.

5.5 West Suffolk Strategic Housing – Concerns raised summarised below:

- Affordable Housing mix- concerns over the number of apartments proposed as there is not a huge need for 2 bedroom, 3 person apartments and these would not be addressing those in the greatest housing need on Forest Heath's Housing Register.
- The only apartments are for the affordable homes making them visually distinguishable against the large four and five bedroom market houses.
- Concerns regarding mix of market homes proposed. Not a sustainable development as heavily weighted towards larger dwelling types.
- The affordable dwellings are clustered in one corner of the development and not in accordance with the guidance set within the Affordable Housing SPD which requires the affordable dwellings to not exceed clusters of 15 dwellings or more.
- Concern over lack of parking provision for affordable dwellings.
- Would like to see that all properties should at least meet the minimum National Described Space Standards as set out in the Technical Guidance issued by DCLG.

- The current plan shows that all of the affordable dwellings have exceptionally small gardens. Without nearby amenity space or larger gardens for the children to play this can have an on-going effect on their health and wellbeing.

#### 5.6 SCC Highways – Comments summarised below:

- Only 25 dwellings should be accessed from a shared space road. There appears to be more than 25 shown on the plans. SCC would not adopt this departure. A recent letter from the Department for Transport has advised all local authorities to suspend shared spaces schemes due to the unsuitability to disabled users.
- The layout also means that pedestrians will need to walk 100m to a remote footway or 160m to a segregated footway.
- There are no street lights shown on the plans and at this moment in time SCC do not adopt roads or footways without street lighting. It also increases the risks on the extensive area of shared space and makes the remote footway less attractive to pedestrians.
- Car parking provision is below SCC parking guidance (SGP) 2015. Especially for the 2 bed plots. I can only see three visitor spaces over the whole scheme. The SGP requires 25% of visitor spaces. When there is a lack of provision of spaces it leads to on street parking to the detriment to pedestrian safety.
- SGP states that tandem parking reduces the uptake of spaces and encourages on street parking. Therefore, triple tandem parking is unacceptable, especially when on street parking will be in the shared space.
- SCC do not usually adopt attenuation tanks. Also, it should be noted that no trees are to be within 5m of the tanks.
- A storm water drain cover is situated on a bend and this would cause a hazard to powered two wheelers and cycles.
- Roads with no footway are required to have a 1m service strip on both sides to accommodate services like street lighting infrastructure. Again without this the site would not be adopted to SCC and any work to services may require road closures to ensure a safe working distance.
- There is an electrify cable running through the site and it require full depth construction over it, if it was not achievable then SCC would not adopt the road.
- Any retaining walls near to the carriageway would require SCC Structures approval prior to adoption.
- There are knee rails and bollards shown on the plans and if this was offered for adoption, then these would require a commuted sum.
- Garage sizes should be 3m v 7m internally and if not, we accept 3m x 6m internally with the addition of an accessible shed to store bikes in.
- The pedestrian links into the site from the East are desirable. It would be good to see the same on the western side of the development to enable residents to access shops and employment to the west of the village.
- The PSV on the approaches to the zebra crossing are required to be PSV68. If this isn't the case (and will be up to the applicant to provide evidence) the approaches will need to be upgraded at a distance of 50m on each approach.
- The zebra will need to be designed and approved by SCC traffic signals and may require street lighting upgrades.
- The small cul de sac to the north requires an access similar to the one on page 103 in the SDG to allow pedestrians a safe access into the road. This small area of shared would then be acceptable.
- We will, if granted permission apply an APC on this permission.

- We still require to see the signing and sign design and location that would inform residents and public that the road is unadopted and private.

#### 5.7 Design Out Crime Officer

- Concerns with the design details of a number of the dwellings including the use of recess doors and aluminium posts and louvres which do not allow for natural surveillance of door visitors from neighbouring properties, and porch areas that could provide climbing aids to gain access to property.
- Recommend the area of public open space secured with knee high rail wooden fence.
- Concerns with some proposed fencing including the gabion baskets that could be used as seating if too low and prevent surveillance if too high, timber post and rail fencing between dwellings and the paddock area, post and rail with chain link to the back of properties and the fence line around the RTE.
- Sufficient lighting required to streets and parking areas

#### 5.8 SCC Floods Officer – No further objections

- SCC Flood and Water Management are satisfied with the latest drainage layout (based on General Arrangement 1 of 7 ref:- CL-101 Rev P7 by Rossi Long and Tree Planting Plan ref:- n/a by A. T. Coombes Associates Ltd)

#### 5.9 Environment Agency - No comments to make on this application but take this opportunity to remind the applicant that there are pre-commencement conditions relating to land contamination attached to DC/14/0585/OUT, which will need to be discharged prior to construction works commencing.

#### 5.10 SCC Trees/landscape and Ecology - Comments summarised below:

##### PUBLIC OPEN SPACE

- The SUD has been put beneath ground freeing up the area for open space. The landscape design of this space has not been adequately addressed therefore a condition is recommended to secure details.
- I disagree that the hedge on the west of the entrance which forms the boundary of the RTE can be included in the POS neither can the western edge of the RTE (unless there is some benefit for example safeguarding a potential future access route). It is noted that the proposals now includes for an equipped play space on the main area of POS. The provision of this facility is welcomed. The equipment provided and design of this play space should be to LEAP level designed to (at least) the Council's specification for this type of facility – this should be captured in a condition of any planning approval.
- Further details of the landscape treatment of the public open space and play space are required.
- The landscape scheme secured through a condition should show the location of street lamps to demonstrate there is no conflict.
- Mix of species for native hedges secured by condition and greater mix of species generally to satisfy ecology report.
- Opportunity for pedestrian links maintained by condition.

##### TREES

- The tree protection plan (November 2017) is not acceptable and this information is still required. However, a tree protection plan and arboriculture method statement is required prior to commencement through condition 16 of the outline.

- The existing trees need to be shown accurately on the landscaping plan to demonstrate that the proposals to strengthen the existing tree belt is appropriate.
- The proposals are likely to have further effects on existing trees due to the following reasons: the effects of the proposals on the RPA of existing trees has not been demonstrated; the ability to provide tree protection fencing that would protect the trees during the construction phase has not been demonstrated; and, the existing trees will have an impact on the levels of light in the gardens of the proposed properties, where the properties are situated adjacent to the existing tree belts leading to future resentment pressure

#### ECOLOGY AND PROTECTED SPECIES

- No likely significant direct effects on the Breckland SAC or SPA have been identified, and no significant effects are likely in relation to the implementation of road improvements required as a result of cumulative traffic in combination with other projects or plans. The avoidance and reduction measures described are sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of Breckland SPA, alone and in-combination with other projects and plans.
- All required ecology reports have now been submitted. Acceptable subject to conditions to secure appropriate mitigation, enhancement and precautionary measures.

#### 5.11 Suffolk Wildlife Trust – Comments summarised below:

- Satisfied with the initial findings of the ecological survey report.
- Further surveys for bats on a number of the trees designated for removal recommended. These studies should be undertaken prior to the determination of this application in order to inform appropriate mitigation.
- Habitats Regulations Assessment and Environmental Impact Assessment may be required as per the Landscape, Tree and Ecology consultation response dated 6th August 2018.
- Appropriate enhancement measures should be included in the design, these could include (but are not limited to) the following: Roosting opportunities for bats (including integrated roost features); Nesting opportunities for birds (including integrated nesting features for species such as swift and house sparrow); High quality landscaping and open spaces using native plant species of local provenance; Boundary features (including garden boundaries) which are permeable to hedgehogs.

#### 5.12 SCC Archaeology – Comments summarised below:

- High potential for discovery of below-ground heritage assets of archaeological importance within this area.
- First phase of archaeological evaluation (undertaken in advance of a previous application in 2012) identified regionally important archaeological remains, in the form of upstanding earthworks, in the southern paddock. Consequently, we advised that these remains should be preserved in situ, within an area of open space.
- Initial to the location of the trainer's house in the southern part of the paddock that would have a significant impact on the archaeological remains in that area.

It is understand that the Archaeology Service have visited the site following their last comments and are in a position to confirm that their concerns have been addressed. Members will be updated

- 5.13 SCC Development Contributions manager – No comments
- Noted that the terms of the existing planning obligation dated 4<sup>th</sup> March 2016 associated with appeal reference APP/H3510/W/15/3070064 remains in place.
- 5.14 Kernon Countryside Consultants comments summarised below:
- The exercise / canter track makes use of the level land and has the opportunity to end with a rising climb to the south of the site. The positioning of the horse walker and lunge pens within the central area of the exercise track makes efficient use of the available space.
  - Happy with the arrangement of the stables building and the RTE Barn
  - Initial concerns raised regarding the location of the trainers dwelling. Recommended it be moved to a location close to the RTE yard.
- 5.15 Natural England – No comments to make on this application
- 5.16 East Cambridgeshire District Council – recommend application is either amended or refused
- The design of Plots 1-7 (the ones most likely viewable from East Cambridgeshire) are considered to be of a high quality design and would comply with policy
  - Great concern that the proposal is not socially sustainable in that the vast majority of dwellings are detached large family homes.
  - It is not considered reasonable to rely on East Cambridgeshire District Council to provide an excessive amount of smaller properties to make up for a shortfall in Forest Heath District Council

## **6.0 Representations:**

### 6.1 Kentford Parish Council:

#### Response 22.01.2018

The Parish Council believes it is vital that this development blends into existing village life and additionally offers an enhancement to our growing village. It has the potential to be an excellent development to be proud of. However, we are very concerned that the following issues are addressed.

1. There are a number of existing properties, belonging to life-time residents of the village, which will be greatly affected. To mitigate this, we would like to see:
  - A much smaller house at the north-east corner of the development (presently a 5-bedroom) and further away from existing properties. Please note Hillcrest and St David's do not appear on all maps.
  - The distancing of the block of apartments and bins from the area near Meddler Gardens.
2. The establishment of a range of properties for sale or shared equity which will be affordable to a greater range of local people from all generations.
3. The development of the open spaces to ensure they offer recreational opportunities for both adults and children.

#### Response 05.07.2018

Kentford Parish Council supports and echoes the concerns expressed in these consultation responses (SCC Highways, SCC Floods and SCC



Strategic Housing) and looks forward to successful resolution of the issues to the satisfaction of those respondents.

#### 6.2 Newmarket Town Council:

- Concern that there is limited public open space, with the majority of it currently being located at the front of the development, leaving the rear of the development to be heavily residential with little amenity area.
- Clarification sought on two application sites and concern regarding insufficient affordable housing on site.
- Noting that the permission granted on appeal is for "up to 63 houses" it should be highlighted that the housing number could be reduced in order to provide additional amenity area.

#### 6.3 Jockey Club

Noted the designs for the racehorse training establishment and have no particular comment to make on them.

#### 6.4 Public Representations

Letters sent to 65 neighbouring properties and site notice posted. Representations received from 7 addresses, 3 of which explicitly state they object to the scheme. The concerns and issues raised are summarised below. Full representations are available to read on the Council's website.

#### 6.5 Highways and access

- The application appears to use the existing access/exit which is extremely dangerous.
- Concern with the configuration of the drive to The Old Stud House and neighbours with a shared gate to the 2 properties. The separate entrance to the properties must be preserved.
- We do not mind the new configuration of our drive coming off a central road further along but the 2 drives with separate parking area needs to be preserved.
- No explanation as to how access to The Old Stud House will be maintained during the works. The site needs to have separate access during the works.
- Proposed pedestrian walkway on the eastern boundary. There appears to be confusion as to where this will be located. It should be pointed out that this is not an established public footpath. It was a horse walk to allow horses from Meddlers Stud to reach a training area opposite the garage on the Bury Road, without travelling along the main road. The location needs clarification in both the Meddlers development and the development of land behind The Cock, now The Kentford.

#### 6.6 Flooding and Drainage

- Concerns regarding flooding which the plans do not fully address.

#### 6.7 Visual amenity

- The proposed houses are not in keeping with the houses in the rest of the village. A more sympathetic design would be better.
- The proposed building close to Meddler Gardens and Abington dwarfs existing properties. Given the size of the site can see no reason why this needs to be placed so close.
- The houses appear to be based on a modular design with slight modifications to accommodate different sizes. Although an economic

method of design, the houses have a very bland appearance totally lacking any character. The designs would be more suited to an inner city site, than one in a pleasant rural setting.

- The houses contradict previous advice on neighbouring developments that sought reduced ridge heights and requirement for designs to reflect local characteristics.

#### 6.8 Residential Amenity

- Overshadowing from buildings close to Meddler Gardens and Abington and request a shadow report.
- Refuse/cycle store located close to boundary with Meddler stud will have unacceptable adverse impact.
- Flats close to boundary will take away sun and privacy from Abington House and Meddler Gardens
- Loss of privacy for St David's to the east of the site. Number of trees on eastern boundary have succumbed to Dutch Elm disease eroding the screening vegetation and increasing the impact of the development on St Davids.
- Concern over inappropriate boundary treatment with neighbouring dwellings.
- A reasonable strip of land should be provided on the eastern boundary to either allow existing vegetation to re-grow, or to re-establish vegetation providing reasonable shielding, for both existing neighbours and for the future owners of the adjacent plots.

#### 6.9 Ecology

- Trees incorporated in gardens will be lost with adverse effects on birds and other wildlife.

#### 6.10 Other issues

- Neighbours missing from plans in Design and Access Statement that will be affected by the development (St Davids and Hill Crest).
- Impacts on existing schools and services
- Plans missing for plots 12-23.
- Concern with the positioning of the lpg tanks crossing into land the owners of The Old Stud House have access to. Also concerns there could be disruption and potential road blockages when deliveries made to lpg tanks.
- Concern with informal pedestrian path terminating on western boundary:
  - No crossing point over the river Kennett other than the B1506 road bridge and no public right of way
  - The land behind 31 Moulton Avenue and numbers 6, 7, 8 and 9 Edgeborough Close is part of Lanwades Stud. It is a natural, mostly unmanaged space with many mature trees that is aesthetic value and serves as a refuge for wildlife.
  - Boundary for 6 Edgeborough Close is incorrect. There is no possible route or access way that could be established to the rear of the properties of Edgeborough Close and Moulton Avenue.
  - The Pumping Station land is fenced and gated and outside the site boundary. It is difficult to see how any public right of way from the proposed development could be achieved at this point.
  - Query what purpose this would serve and what future proofing is being provided.
- Location Plan and Design and Access Statement are misleading
- The RTE aspect of the development must remain in place (in line with the appeal decision APP/H3510/W/15/3070064).

## **7.0 Planning Policy:**

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

### **7.1 Forest Heath Core Strategy 2010**

- Policy CS1 - Spatial Strategy
- Policy CS2 - Natural Environment
- Policy CS5 - Design quality and local distinctiveness
- Policy CS9 - Affordable Housing Provision

### **7.2 Joint Development Management Policies Document 2015**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM9 Infrastructure Services and Telecommunications Development
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Policy DM48 development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry

## **8.0 Emerging Local Plan Policy**

- 8.1 The Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) have been submitted for examination. The SIR hearing was held at the end of September (2017) and the Inspector's Report is awaited.
- 8.2 The SALP sets out the Council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given moderate weight in the decision making process.
- 8.3 The relevant policy from the SALP is policy SA(13) which seeks to allocate this site for a mixed use to include a racehorse training establishment and up to 63 dwellings.

## **9.0 Supplementary Planning Documents**

- Open Space, sport and recreation – October 2011
- Joint affordable housing – October 2013

## **10.0 Other Planning Policy:**

- National Planning Policy Framework (The Framework) 2018

10.1 The framework was revised in July 2018 and is a material consideration in decision making from the day of its publication.

10.2 Paragraph 213 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised Framework. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given.

10.3 The key development plan policies in this case are set out above. It is necessary to understand how the Framework deals with the issues otherwise raised in these policies, and to understand how aligned the Development Plan Policies and the Framework are. Where there is general alignment then full weight can be given to the relevant Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy.

10.4 The consideration of relevant individual policies and their conformity with the revised Framework is dealt with in the Officer comments below.

## **11.0 Officer Comment:**

### Principle of Development

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. National planning policies set out in the National Planning Policy Framework (The Framework) are also a key material consideration.

11.2 The development site has outline planning permission for a racehorse training establishment and up to 63 dwellings, including associated access arrangements and open space. Consent was given at appeal, and there is an associated unilateral undertaking setting out the relevant requirements and contributions in relation to affordable housing, healthcare, public open space, education and highways.

11.3 The site is also subject to an allocation in the emerging Site Allocations Local Plan under policy SA(13) which seeks to allocate this site for a mixed use to include a racehorse training establishment and up to 63 dwellings.

- 11.4 Given the outline permission and emerging allocation, the principle of the proposed mixed use development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.
- 11.5 The key issues to be considered in the determination of this application are therefore:
- Impacts on the horse racing industry;
  - Design, layout and visual amenity;
  - Residential amenity;
  - Open space, landscaping and drainage;
  - Accessibility, and sustainable transport links and highway safety;;
  - Trees, ecology and protected species
  - Affordable housing provision;
  - Heritage impacts; and,
  - Sustainability.

#### Impacts on the Horse Racing Industry

- 11.6 The Horse Racing Industry (HRI) is of prime importance to the local economy of Newmarket and the impact of the proposed development on that industry was a key consideration in the determination of the appeal, under which outline consent for the site was granted.
- 11.7 The Development Management Policies Document includes policies DM48 and DM49 which protect the HRI. Policy DM48 requires that development does not adversely affect operational HRI sites or threaten the long term viability of the HRI as a whole. Policy DM49 restricts the change of use of existing HRI land or land that was last lawfully so used to other uses. In protecting the HRI those policies are consistent with the Framework which has an economic objective within the overall aim of sustainable development (paragraph 8 – pg5).
- 11.8 The Framework also states that “significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development” and “that planning policies and decisions should recognise and address the specific locational requirements of different sectors” (paragraphs 80 and 82 respectively). It is therefore considered that policies DM48 and DM49 are entirely consistent with national policy and should be afforded full weight.
- 11.9 The inclusion of a well-designed Racehorse Training Establishment, is central to the acceptability of the scheme and is a requirement of condition 27 of the outline consent.
- 11.10 The Racehorse Training Establishment is over 2 hectares of the overall site and includes:
- a separate barn for storage of fodder, bedding and machinery etc.;
  - a horsewalker;
  - a 1.2 furlong exercise / canter track;
  - a trainer’s dwelling; and,
  - open parts of the site available for paddock use.

- 11.11 The above proposals include all the components required by condition 27 of the outline permission. However, given the importance of this element, the Local Planning Authority has sought independent expert advice in reviewing the detail of this aspect of the application.
- 11.12 Having reviewed the scheme, the equine consultant has advised that whilst they were satisfied with the layout of the proposals, the trainers dwelling should be relocated to a position closer to the training yard. The applicant duly made this amendment to the layout and as such the current scheme is considered to be acceptable in terms of the Racehorse Training Establishment.
- 11.13 In light of the above, the development is considered to be in accordance with policies DM48 and DM49 of the Joint Development Management Policies Document.

#### Design, layout and visual amenity

- 11.14 The Framework stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that "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.
- 11.14 Design aspirations are set out in policy CS5 of the Core Strategy, which confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable. Development Management Policy DM2 also states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, Policy DM22 states that proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy.
- 11.16 It is considered that the development plan policies cited above, are in full accordance with the guidance within the Framework, which gives great importance to good design. As such these policies can be given full weight in the determination of this application.
- 11.17 A Design and Access Statement has been submitted with the application, which serves as a Design Code for the development as required by condition 5 of the outline permission.
- 11.18 Concerns have been raised in local representations that the proposed houses are not in keeping with the houses in the rest of the village and lack character, suggesting that a more sympathetic design would be better.
- 11.19 It is acknowledged that Development Plan policies DM2 and DM22 require all development to recognise and address the key features, characteristics,

townscape character and special qualities of an area to maintain or create a sense of place. However, replicating existing building forms is not the only way to achieve this end and is often not the most successful way of creating a high quality development.

- 11.20 The amended Design and Access Statement advises that there has been a purposeful limitation on the number of house types within the development along with a simple palette of materials. These do not necessarily directly replicate the building forms within the village. However, key aspects of local vernacular have been incorporated into a contemporary take on traditional building forms.
- 11.21 The use of red brick and a traditional pitched roof form reflects a building form prevalent within the village and the use of black bricks is noted as a contemporary take on traditional black boarding. The incorporation of stone gabion walling also draws on the use of flint as a building material which is a key characteristic of the village.
- 11.22 In terms of the layout of the development, the RTE is located in the south western portion of the site extending up to the entrance from Bury Road. This gives the racehorse aspect of the development prominence and a visible presence within the village, helping to reinforce the sense of place and create an attractive entrance. This is enhanced by the positioning of open space on either side of the access road, which on the northern side would be overlooked by residential development positioned perpendicular to the road, creating a strong gateway into the development. The positioning of the majority of the open space in this area also helps to enhance the semi-rural character at this edge of village location.
- 11.23 The remaining residential portion of the development is primarily detached dwellings set in good sized plots. These would create an interesting streetscape through the use of variations within the broad design approach and by using the natural topography of the site, along with different height elements, to create a varied and interesting roofscape.
- 11.24 The majority of the development would not be easily visible from the public realm within the village due to its position to the rear of the development along Bury Road to the north, the topography of the area, existing trees and vegetation and intervening buildings. However, the block of flats at the northern edge of the site (plots 12-19) would be visible in the streetscene on Bury Road and could appear somewhat overpowering, behind the more modest frontage development.
- 11.25 The proposed building in this location would impact on what is currently a glimpsed view through the linear frontage development to the presently undeveloped land beyond. The loss of this glimpsed view would have an adverse effect on visual amenity, albeit from specific point on Bury Road. It is considered that this adverse effect should attract some weight in the final planning balance.
- 11.26 This aspect of the layout is also more cramped in appearance and whilst some minor changes have been made to the layout here to increase the distance of this building from the boundary and to reduce the dominance of the shared parking area, the resulting layout is less successful than the rest of the development.

- 11.27 The layout of the site has had to contend with a number of constraints, the single point of access and the need to provide a significant quantum of land for a RTE being two key factors. As is often the case, the demands on the development may lead to some aspects of the layout being more successful than others and in this case while there are some instances of high quality place making, there are others where the end result is less successful.
- 11.28 National and local planning policies require new developments to create safe places where crime and the fear of crime do not undermine the quality of life. In this regard the Design Out Crime Officer has raised some specific concerns with the scheme.
- 11.29 A number of these concerns relate to the use of appropriate boundary treatments, design and management of the open space and the lighting of streets and parking areas. Whilst ideally the scheme would provide acceptable details at this stage, it is possible to secure these through the use of a planning condition.
- 11.30 Other concerns relate to the specific design of the buildings and elements such as the recessed door areas which make visibility between neighbouring properties more difficult. However, these aspects of the design are integral to the appearance and architectural interest of the units and as such the potential harm they introduce must be weighed against the benefits they bring to the overall design quality.
- 11.31 It is considered that there are specific design features which could be secured by condition which would improve security and safety and which would mitigate the potential adverse effect set out above.
- 11.32 After considering the elements which would contribute to the character of the development itself, it is concluded that the scheme is capable of improvement in a small number of elements as discussed above but these would not, by themselves, justify consideration of a refusal of planning permission. Indeed, the overall development would create a locally distinctive sense of place and the architecture is of a high quality, drawing on existing features within the local area and giving visual prominence to the new RTE.

#### Residential Amenity

- 11.33 The protection of residential amenity is a key component of good design. The Framework states that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
- 11.34 Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. These policies are considered to be in full accord with the objectives of the revised Framework in this regard and should be given full weight in the determination of this application.
- 11.35 It is considered that, following minor amendments to the design and layout, all residents of the proposed development will enjoy an acceptable level of



residential amenity. Garden sizes are considered to be adequate and those properties with smaller private gardens and communal gardens would be located close to the onsite public open space.

- 11.36 The positioning and scale of dwellings is such that there would be no unacceptable levels of overlooking or overbearing impacts between the new dwellings and all of the proposed dwelling are in accordance with national technical space standards. Appropriate boundary treatments to safeguard the amenity of future occupants would be secured through the use of a condition.
- 11.37 In terms of the impacts on existing dwellings outside the site, the northern and eastern boundaries of the site partially abut boundaries of neighbouring residential dwellings, and some concerns have been raised regarding the impact on these dwellings. To the east of the site the closest residential property is St Davids. This property sits close to the boundary of the site and concerns have been expressed regarding loss of privacy.
- 11.38 The existing tree belt along this boundary is covered by a tree preservation order and whilst it would fall within the rear gardens of the plots on the eastern boundary, it would be required to be maintained with any future work to these trees requiring consent. The change of topography is noted here. However, given the distance between the site boundary and the proposed new dwellings here (approximately 21 metres at the closest point), it is considered that subject to securing appropriate boundary treatments and appropriate additional planting along the site boundary here through the use of conditions, it is considered that the development would not give rise to any unacceptable adverse effects on amenity.
- 11.39 The impact of the dwellings on Bury Road has also been flagged up as an important material consideration. In terms of those proposed dwellings in plots 24-30 which form a single row of frontage development within the new development, the distance between those proposed dwellings and the dwellings on Bury Road is considered to be sufficient to prevent any unacceptable adverse effects on amenity. Furthermore, the gardens for the proposed detached dwellings on the northern boundary are of sufficient size to enable additional planting to further reduce the impact. This would be secured by condition.
- 11.40 During the course of the application the layout of the development has been amended to try and reduce the impact on the two properties closest to the northern boundary; 1 and 2 Meddler Gardens. These properties are positioned perpendicular to Bury Road with the southernmost gables sitting close to the boundary. The flatted accommodation has been moved further south so that it sits 7.3 meters from this boundary. However, given the proximity of the neighbours and the size of this building, it is considered that there would be some impact on these neighbouring properties and this adverse effect on neighbouring amenity should attract some weight in the planning balance.
- 11.41 The level of weight to be given to this impact is tempered by the fact that the central area between the dwellings, which is in line with the tallest part of the new building, serves as a shared parking area. Additionally, the gardens for these properties are located to the side so that there would be no direct overlooking of their private amenity space from the rear facing

windows on the new building. There is also an existing wall along the boundary wall which formed part of the previous stud use which already has some (albeit much smaller) impact on these dwellings.

11.42 In light of the above, whilst the scheme could have been improved to eliminate the impact on the amenity of Meddler gardens, the level of impact would not, by itself, justify consideration of a refusal of planning permission on residential amenity grounds. However, any harm arising from this impact should be taken into account in the planning balance.

#### Open space, landscaping and drainage.

11.43 The Framework advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities (paragraph 96. Pg 28). The provision of public open space is also within the Unilateral Undertaking which formed part of the outline permission.

11.44 Following amendments to the layout of the development and the nature of the surface water drainage on site, the applicant asserts that a compliant amount of open space is now provided. The revised plans also propose the inclusion of an equipped play area within the central area of open space as a way of enhancing the quality of the space being provided.

11.45 The Council's natural greenspace study identified that there is little natural open space at Kentford, which is also poorly served by Public rights of way. The provision of well-connected public open space with an equipped play area will therefore not only meet the needs of future occupants of the development, but also bring considerable benefit to the existing residents within the village.

11.46 The amended landscaping details and the proposed masterplan demonstrate that there is sufficient space to provide the necessary strategic landscaping. However, in order to ensure that the details of this are acceptable in terms of detailed species mix, the relationship between planting and the proposed play space, the approved suds, lighting and neighbouring properties, the Landscape Officer has advised that further details be secured by condition.

11.47 In terms of drainage, the Lead Local Flood Authority has advised that they are satisfied with the details now proposed and that this is compatible with the overall site layout. The full details of the surface water drainage are required under a condition on the outline consent, which has been submitted for discharge to the local planning authority.

11.48 Subject to the use of a condition to secure final details of planting and the proposed play space, the open space and landscaping within the scheme is considered to be acceptable. The layout of open spaces will enhance the character of the development, provide opportunities for formal and informal play and recreation and will enhance biodiversity. In particular the inclusion of a formal play space within the scheme in an easily accessible location both to occupants and the rest of the village is seen as a benefit of the development which should attract weight in its favour in the planning balance.

## Accessibility, sustainable links and highway safety

- 11.49 The Framework advises that development should provide for high quality walking and cycling networks (paragraph 104), and also stresses in paragraph 108 that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and,
  - c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.50 The Framework goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
- 11.51 Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards. These policies are considered to fully accord with the provisions of the Framework and are therefore given full weight in this application.
- 11.52 The access for the development was approved as part of the outline consent along with the principle of up to 63 dwellings and a Racehorse Training Establishment. The appropriateness of that access and the overall impact on the highway network has therefore already been assessed and found to be acceptable and as such should not be reconsidered as part of this outline application.
- 11.53 The Highways Officer has raised a number of concerns with the proposed internal highways arrangement, many of which focus on issues that would prevent the roads from being adopted by the local highway authority.
- 11.54 The local planning authority cannot require the internal roads to be put forward for adoption and as such failure to be constructed to a adoptable standard is not in itself a reason to refuse a development. However, the local planning authority should ensure the design and layout is acceptable in highways terms and in this respect a number of the Highways comments are relevant.
- 11.55 One concern raised by the Highway Officer is the fact that the site does not provide the amount of parking required by the Suffolk Guidance on Parking. The guidance states that the following number of spaces are required:

Size of dwelling	Vehicle	Cycle	Visitor
1 bedroom	1 space per dwelling	2 secure covered spaces per dwelling	0.25 spaces per dwelling (unallocated).
2 bedrooms	1.5 spaces per dwelling (1 allocated and 1 shared between 2 units for flexible use)		
3 bedrooms	2 spaces per dwelling		
4 bedrooms	3 spaces per dwelling		

- 11.56 The current development provides the correct amount of parking spaces as set out above for each of the sized dwellings. However, once the unallocated shared spaces for the 2 bedroom dwellings have been accounted for, there are no remaining visitor parking spaces within the development, leading to a shortfall in 15 visitor spaces across the site. Furthermore, a number of the dwellings provide their required 3 parking spaces in trident form (plots 24, 25, 40, 49, 55, 56 and 59), which, whilst not explicitly outlawed by the parking guidance, is not considered to be good practice and can lead to more on-street parking.
- 11.57 The Highways officer has also raised concerns with the number of dwellings served from a shared surface, being more than the recommended 25. Taking into account the inclusion of a pedestrian path within the central public open space, the development now proposes a maximum of 21 dwellings from the same shared space road, which is in accordance with the current highways guidance. It is considered that appropriate construction details, lighting and detailed design matters can be secured by condition.
- 11.58 In order to provide the required secure cycle storage the provision of appropriate outdoor storage could be secured by condition.
- 11.59 In terms of site connectivity, it is considered that the site has been well designed to include a link to the adjacent housing development to the east which is currently being considered by the local planning authority. There are opportunities for circular walking routes within the site and the possibility for future connectivity should it become possible and/or desirable has been designed into the development through the publicly accessible land to the north and west of the proposed Racehorse Training Establishment.
- 11.60 There are clearly some aspects of the road layout that could be improved, particularly in terms of the provision of visitor parking and the use of trident parking for some plots. However, on balance, and noting that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, the scheme is considered to be broadly in accordance with the development plan policies and the guidance within the framework with regards to highways.

#### Ecology, Trees and Protected Sites and Species

- 11.61 The Conservation of Habitats and Species Regulations 2010 (as amended) requires the local planning authority, as the competent authority, to carry out a Habitats Regulation Assessment (HRA) where there would be an impact on a European designated site.

- 11.62 The site is located 1.4km from the boundary of the Breckland SPA. The site is also 7.5km from Mildenhall Woods which is designated as Breckland Forest SSSI, also part of Breckland SPA.
- 11.63 It is considered that due to the presence of built development around the site and the scale of the proposal, it is unlikely that there would be a direct effect on the SPA. The application site is also considered to be located sufficiently distant from the woodland and heathland elements of the SPA and of such scale that it is unlikely to lead to significant recreational effects on Breckland SPA. In addition the site is not considered suitable habitat for stone curlew
- 11.64 Natural England has advised that it is necessary to consider cumulative recreational effects to the qualifying species of Breckland Special Protection Area (SPA) up to a distance of 7.5km. As such there is a potential for in combination effects to arise in relation in-combination recreational pressure. In this case, the proposals include a pedestrian route within and through the site connecting to the adjacent development site in the east and potentially in the future with the River Kennet corridor in the northwest. Amendments to the proposals have introduced a children's play park with formal equipment, tree and shrub planting to provide a woodland area and provision of an additional open area close to the entrance to the site. These counteracting measures would be sufficient to reduce the likelihood of the new residents contributing to recreation pressure such that there will be no adverse effect on the integrity of the SPA, in combination with other projects and plans.
- 11.65 The Framework confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development. These policies should therefore be given full weight in the decision making process.
- 11.66 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
- 11.67 A new Ecological Report was submitted in support of the application. This proposes a number of measures to protect and enhance biodiversity as well as a biodiversity method statement for amphibians. All of these measures would be secured through a planning condition.
- 11.68 The Report also identified that further bat surveys were required in respect of two buildings on site and trees which exhibited potential roost features. The Building Roost Assessment was submitted in August and concludes that the buildings do not support bat roosts. The potential roost features inspection survey was submitted in September and this concluded that the

present value of the trees to be removed to roosting bats is considered to be negligible/low. Both reports make recommendations for appropriate mitigation and enhancement, which would need to be secured by condition.

- 11.69 The tree line through the site is important for bat foraging and commuting. Whilst the reduced levels of light around the periphery of the site are welcomed, the lighting scheme submitted with the application shows a lighting column at the northern end of this commuting route through the site which is not acceptable. The Ecology Officer has therefore suggested that a condition be applied to seek a final lighting scheme compatible with protected species.
- 11.70 In terms of trees, there are outstanding concerns with the clarity of the information that has been presented. Confirmation that the proposals would not affect the Root Protection Area of existing trees has not been demonstrated. The ability to provide tree protection fencing that would protect the trees during the construction phase has not been demonstrated nor has the level of impact the existing trees will have on the gardens of the proposed properties.
- 11.71 The lack of certainty in respect of trees is less than desirable. However this issue would not, in itself, justify consideration of a refusal of planning permission. This is particularly the case when considered the scheme overall makes good provision to retain existing biodiversity features, and has the potential to enhance biodiversity across the site. It is also considered that, subject to the use of conditions, there would be no adverse effect on protected species. Mitigation, compensation and enhancement measures would be secured by condition. Enhancement measures could include the use of integrated bat and bird boxes, hedgehog permeable fencing and an appropriate mix of native species planting. Subject to the use of conditions the application is therefore considered to be in accordance with development plan policies DM11 and DM12 and the guidance contained within the Framework in respect of biodiversity generally.
- 11.72 Notwithstanding the above, the uncertainty regarding the impact on trees does not fully meet the requirements of policy DM13 and this should carry some weight against the development in the balance.

#### Affordable Housing

- 11.73 Policy CS9 of the Forest Heath Core Strategy requires all schemes of 10 or more dwellings to provide 30% affordable housing. The inclusion of affordable housing formed part of the planning balance made by the Planning Inspector in allowing the appeal for the outline permission and the requirement for 30% Affordable housing is set out in the Unilateral Undertaking associated with the outline permission. It therefore forms part of the established parameters of the approved outline consent, and must be included within the reserved matters application.
- 11.74 The application initially failed to incorporate the affordable housing as secured in the unilateral undertaking and sought to provide this on a separate site. However, the local planning authority has made it clear that it does not accept that approach and as such the affordable units have been included within this current planning application.

- 11.75 Whilst the overall amount of affordable dwellings accords with policy and the outline consent, the Strategic Housing Officer has raised some concerns with the detail of the affordable housing mix, which is not considered to meet the greatest need in this area.
- 11.76 Concerns have also been raised that the affordable units would be visually distinguishable due to the fact that they are mostly clustered in one area and are much smaller than the other units on site. The units are primarily located in one part of the site. However, this area is located closest to the proposed areas of public open space and directly opposite where the play space would be located. In this regard the proposed location has some benefits.
- 11.77 In terms of being visually distinguishable, the units would primarily be within flatted accommodation, semi-detached pairs or terraces and as such the buildings would appear comparable in size when travelling through the site. The architectural design is also of the same standard as the market units with some of the affordable units arguably occupying the most prominent and attractive parts of the development, overlooking the space at the entrance to the site.
- 11.78 Overall, whilst the mix is not precisely in line with that requested by the Strategic Housing Officer the overall offer is considered to be broadly acceptable. Additionally concerns with the size and location are mitigated by other factors such as proximity to openspace and architectural quality. As such, slight divergence from the specified mx would attract only negligible weight against the development in the planning balance which would in any case be weighed against the high quality design of the units offered here. The resulting impact in terms of the balance is therefore considered to be neutral.

### Heritage Impacts

- 11.79 Heritage assets encompass a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 11.80 The framework includes protecting and enhancing our historic environment as a component of the environmental objective of sustainable development (paragraph 8). It goes on to states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192) and that any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification (paragraph 194).
- 11.81 The guidance in the Framework is reflected in Development Plan Policy DM15 (listed buildings) reiterates the need for development proposals to provide a clear justification for works, especially where there would be harm to the significance of a Listed Building. Policy DM20 also states that development will not be acceptable if it would have a material adverse effect on a site of archaeological importance.
- 11.82 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the decision maker to have special regard to the

desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 11.83 The nearest listed building to the development is the Grade II\* listed St Mary's Church to the north east of the site. Given the degree of separation and the presence of intervening development and vegetation, it is considered that the development would give rise to no adverse effects on the setting of this building.
- 11.84 The Suffolk County Council Archaeological Service has flagged up the high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and advised that groundworks associated with the development therefore have the potential to damage or destroy any surviving archaeological remains.
- 11.85 The archaeology Officer has subsequently been on site and have been consulted on revised plans. Based on the removal of the run track and subject to confirmation of the fencing they have advised that they will remove their objection to the current application. The local planning authority awaits the County's formal response confirming this position and this will be relayed to the planning committee.
- 11.59 Subject to the Archaeological Service confirming they are satisfied the development is considered to be acceptable in terms of its impact on the historic environment.

#### Sustainable Construction and Operation

- 11.60 The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 11.61 The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
- 11.62 Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

#### Summary and Planning Balance

- 11.63 Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led



system and supports the reliance on up-to-date development plans to make decisions.

- 11.64 The application has outline consent and the site is subject to an emerging Local Plan allocation. The principle of the development is therefore acceptable. However, there are aspects of the scheme that have been identified as giving rise to harm in some cases. There are also additional benefits associated with the development which must also be considered. The weight to be attributed to the identified 'benefits' and 'harm' identified is a matter for the decision maker to consider and balance in each case.
- 11.65 It should be noted that the site is included within the Council's five year supply of land for housing. The outline permission for this site will lapse in May 2019 and as such, the failure to achieve consented reserved matters at this stage could jeopardise the delivery of the site within a timescale that would contribute to the Council's current five year supply. Therefore, the delivery of housing, including affordable housing, that would be facilitated by this application, lends significant weight in support of the development.
- 11.66 In terms of the Racehorse Training Establishment (RTE) element of the proposals, the local planning authority is satisfied that the scheme would provide an appropriate facility as required by the outline consent, and in accordance the requirements of policies DM48 and DM49. The proposed RTE would be of economic benefit but that benefit would be balanced by the loss of the original HRI land, as set out in the appeal decision. As such, the effect of the development on the HRI is neutral in the planning balance.
- 11.67 The development provides the required amount of affordable housing and whilst the mix is not precisely in line with that requested by the Strategic Housing Officer the overall offer is considered to be broadly acceptable and in accordance with Core Strategy policy CS9. Concerns with the size and location are mitigated by other factors such as proximity to open space and architectural quality, such that the slight divergence from the specified mix would attract only negligible weight against the development in the planning balance. When weighing this against the high quality design of the units offered here and their locational benefits, the resulting impact in terms of the balance is considered to be neutral.
- 11.67 In terms of the design and layout it is considered that whilst there are some aspects of the layout that might have been improved upon, overall, the future residents of the scheme would experience a high quality living environment with well-designed homes that meet the national technical space standards, off-street parking, a centrally located and accessible area of public open space and (for most of the dwellings) good sized gardens. It is also considered that the majority of the architecture is of a high quality, drawing on existing features within the local area to create a locally distinctive sense of place. In this regard the development overall is considered to meet the requirements of policies DM2 and DM22.
- 11.68 Furthermore, it is considered that the development would have a positive impact on visual amenity and the character of the area, particularly through the visual prominence of the new RTE within the scheme and from the nearby public highway and this carries moderate weight in favour of the development.

- 11.69 However, the impact of the building forming plots 12-19 in terms of the streetscene of Bury Road and the amenity of the occupants of Meddler Gardens have been noted and these adverse effects must carry some weight against the scheme. The weight to be attributed to this is tempered by the glimpsed nature of the views affected and the particular relationship the building has with Meddler Gardens, being positioned behind an area of parking rather than private garden. Taking this into account, it is considered that the impact of this building on visual and residential amenity should carry moderate weight against the development.
- 11.70 The development includes provision for a centrally located equipped play area within an area of public open space. This will not only meet the needs of future occupants of the development, but will also bring considerable benefit to the existing residents within the village. The development also provides good connectivity for pedestrians and has been well-design in this respect. It includes a link to the adjacent housing development to the east and the possibility for future connectivity, should it become possible and/or desirable, has been designed into the development. There are also opportunities for circular walking routes within the site. Taken together, these factors carry significant weight in favour of the development.
- 11.71 There are aspects of the road layout and on plot parking that could be improved and the scheme is deficient in terms of on road visitor parking. However, given the size of the plots and their associated driveways the resulting impact of this is unlikely to be one that gives rise to an unacceptable impact on highway safety or any material harm outside the site. As such it would carry only limited weight against the development in the overall balance.
- 11.72 In terms of trees, there are outstanding concerns with the clarity of the information that has been presented and this lack of certainty is less than desirable. However, overall the scheme makes good provision to retain existing biodiversity features, and has the potential to enhance biodiversity across the site, subject to the use of conditions. It is also considered that, subject to the use of conditions, there would be no adverse effect on protected species. Taking these matters together it is considered that the uncertainty regarding trees should carry modest weight against the development in the balance.
- 11.73 The development is considered to be acceptable and in accordance with development plan policies, subject to the use of conditions, on matters of sustainability and heritage impacts.
- 11.74 All of the issues raised by the planning application proposals, including the evidence and opinions submitted on behalf of the applicants, the contributions of key consultees and the Parish Council and Members of the public whom have participated have been carefully considered by Officers. Taking into account all of the material considerations raised above, it is considered that the collective benefits that would arise from the application proposals are substantial and when weighed against the areas of harm identified and taking into account the broad compliance with Development Plan Policies, indicate that the development is acceptable and should be approved, subject to a number of controlling and safeguarding conditions.

## **Recommendation:**

11.75 It is recommended that **RESERVED MATTERS CONSENT BE GRANTED** subject to conditions including the matters set out below, the precise wording of which to be delegated to Officers:

- Compliance with approved plans
- Material samples
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Secure bicycle storage provided for each market plot
- Full details of highways and footways including paths within open space and connecting path to the east
- Landscaping (precise details of new hard and soft landscaping, including on plot planting, planting of the public open space and play area)
- Equipped play area details
- Boundary treatment details including any knee-rails and bollards
- All boundary fences to be hedgehog permeable
- Details of anti-crime design features
- Retention of access to areas of open space
- Mitigation, enhancement and precautionary measures as set out in ecology reports
- Stable waste management plan
- Water consumption for dwellings
- Refuse storage and collection details
- Lighting details

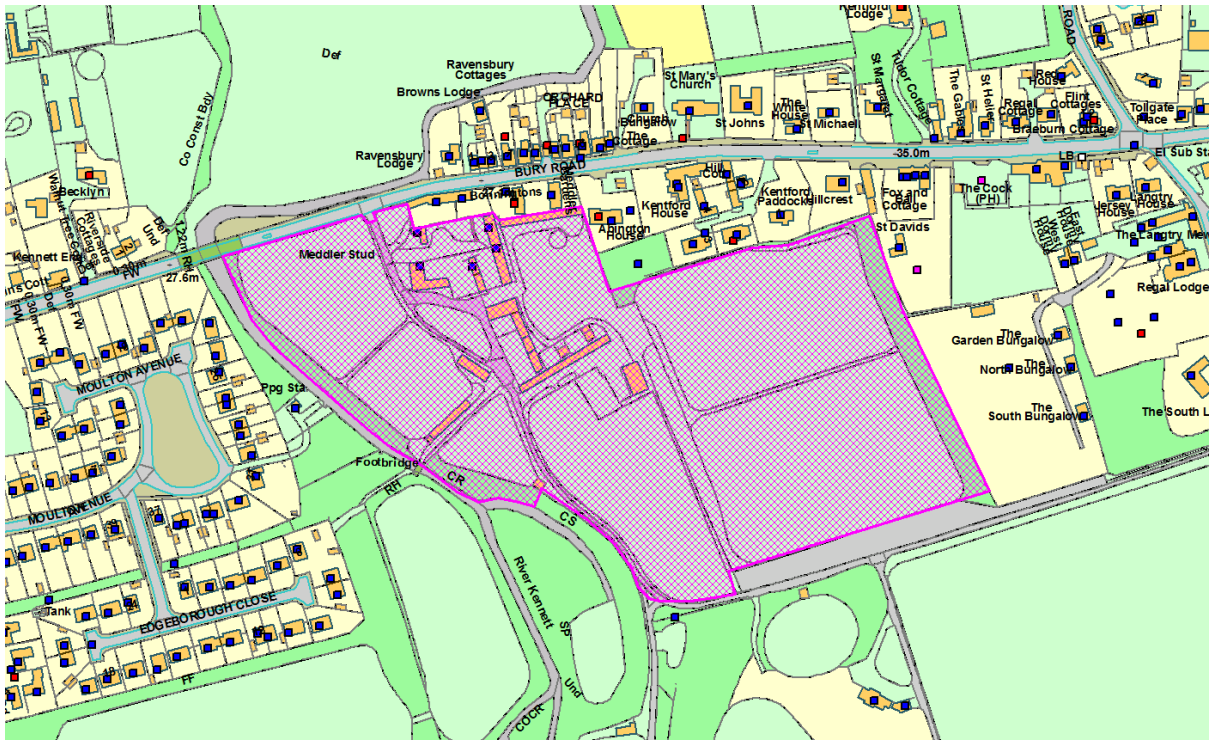
## **Documents:**

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

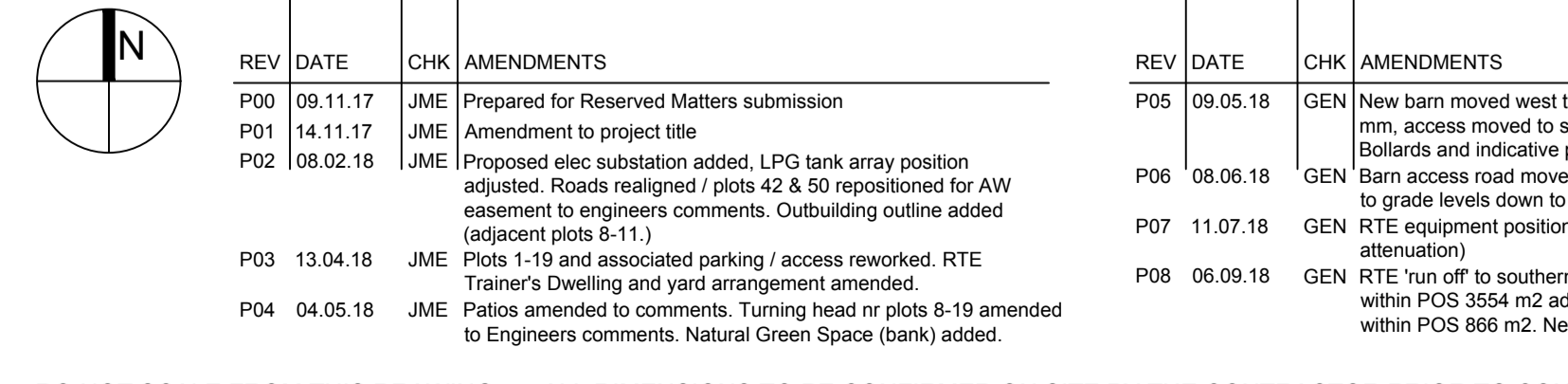
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZPG7UPDKOT00>

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DC/17/2476/RM  
Development Site  
Meddler Stud  
Bury Road  
Kentford



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REV	DATE	CHK	AMENDMENTS	REV	DATE	CHK	AMENDMENTS
P00	09.11.17	JME	Prepared for Reserved Matters submission	P05	09.05.18	GEN	New barn moved west to avoid existing barn, FFL lowered by 300 mm, access moved to suit, adjacent POS adjusted to suit.
P01	14.11.17	JME	Amendment to project title	P06	08.06.18	GEN	Barn access road moved back to P04 position to create soft verge to grade levels down to gable end of barn.
P02	08.02.18	JME	Proposed elec substation added, LPG tank array position adjusted. Roads realigned / plots 42 & 50 repositioned for AW assessment to engineers comments. Outbuilding outline added (adjacent plots 8-11).	P07	11.07.18	GEN	RTE equipment positions amended to suit civil engineering (SW attenuation)
P03	13.04.18	JME	Plots 1-19 and associated parking / access reworked. RTE Trainer's Dwelling and yard arrangement amended.	P08	06.09.18	GEN	RTE 'run off' to southern boundary removed. Play area relocated within POS 3554 m2 adjacent RTE track. New footpath included within POS 866 m2. New parking space created by plot 12.
P04	04.05.18	JME	Plots amended to comments. Turning head nr plots 8-19 amended to Engineers comments. Natural Green Space (bank) added.				

REF	HEALTH AND SAFETY INFORMATION - CONSTRUCTION RISKS
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**NOTES**

For house type window and door variants to suit specific plots, please refer to the house type drawings. Door and window positions shown on this drawing are indicative only.

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CLIENT  
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Meddler Stud  
Kentford  
Newmarket

SCALE 1:500 PAPER A1 DATE NOV 17

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