

Development Control Committee



Forest Heath
District Council

Title:	Agenda																		
Date:	Wednesday 7 November 2018																		
Time:	6.00 pm																		
Venue:	Council Chamber District Offices College Heath Road Mildenhall																		
Full Members:	<p style="text-align: center;">Chairman Rona Burt</p> <p style="text-align: center;">Vice Chairman Chris Barker</p> <p><u>Conservative Members (10)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Stephen Edwards</td> <td style="width: 33%;"></td> </tr> <tr> <td>Ruth Bowman J.P.</td> <td>Brian Harvey</td> <td></td> </tr> <tr> <td>Louis Busuttil</td> <td>Carol Lynch</td> <td></td> </tr> <tr> <td>Simon Cole</td> <td>Louise Marston</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> <td style="width: 33%;"></td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> <td style="width: 33%;"></td> </tr> </table>	David Bowman	Stephen Edwards		Ruth Bowman J.P.	Brian Harvey		Louis Busuttil	Carol Lynch		Simon Cole	Louise Marston		Andrew Appleby	David Palmer		Roger Dicker	Peter Ridgwell	
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Roger Dicker	Peter Ridgwell																		

SITE VISITS WILL BE HELD ON MONDAY 5 NOVEMBER 2018 AT THE FOLLOWING TIMES:

****Committee Members are encouraged to car share wherever possible****

- 1. Planning Application DC/18/1705/PIP - 2 Saxon Close, Exning, CB8 7NS**
Permission in Principle - 3no. dwellings and associated access
Site visit to be held at 10.00am
- 2. Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket, CB8 8HR**
Outline Planning Application (All matters reserved) - Conversion of existing building (mixed use: Class D1 and Sui Generis) into 12no. apartments (Class C3) with associated external works, landscaping and parking
Site visit to be held at 10.30am

Continued overleaf...

3. Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford, CB8 7PT

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 visit to be held at 11.15am

4. Planning Application DC/18/0135/RM - Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford, CB8 7PR

Reserved Matters Application - Submission of details under DC/14/2203/OUT - the means of appearance, landscaping, layout and scale for the construction of 30no. dwellings with associated access

Site visit to be held at 11.30am

Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

DEVELOPMENT CONTROL COMMITTEE: AGENDA NOTES

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

<https://planning.westsuffolk.gov.uk/online-applications/>

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

Material Planning Considerations

1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests set out in the National Planning Policy Framework (paragraph 206). This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterd, 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)
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- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

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

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 – Public

Page No

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 4**

To confirm the minutes of the meeting held on 3 October 2018 (copy attached).
- 4. Planning Application DC/18/1705/PIP - 2 Saxon Close, Exning** **5 - 18**

Report No: **DEV/FH/18/023**

Permission in Principle - 3no. dwellings and associated access
- 5. Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford** **19 - 64**

Report No: **DEV/FH/18/024**

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
- 6. Planning Application DC/18/0135/RM - Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford** **65 - 88**

Report No: **DEV/FH/18/025**

Reserved Matters Application - Submission of details under DC/14/2203/OUT - the means of appearance, landscaping, layout and scale for the construction of 30no. dwellings with associated access
- 7. Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket** **89 - 108**

Report No: **DEV/FH/18/026**

Outline Planning Application (All matters reserved) - Conversion of existing building (mixed use: Class D1 and Sui Generis) into 12no. apartments (Class C3) with associated external works, landscaping and parking

- 8. Planning Application DC/18/0614/FUL - Land East of Beeches Road, Beeches Road, West Row 109 - 130**

Report No: **DEV/FH/18/027**

Planning Application - 46 no. Dwellings (including 14no. affordable dwellings) with the creation of new vehicular access onto Beeches Road

- 9. Tree Preservation Order TPO/018 (2017) - Street Record, London Road, Brandon 131 - 140**

Report No: **DEV/FH/18/028**

(On conclusion of the agenda Members of the Development Control Committee will receive a training seminar where Officers will deliver an update on planning appeals.)

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 October 2018** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt	
Vice Chairman Chris Barker	
Andrew Appleby	Carol Lynch
David Bowman	Louise Marston
Ruth Bowman J.P.	David Palmer
Simon Cole	Peter Ridgwell
Stephen Edwards	

324. **Apologies for Absence**

Apologies for absence were received from Councillor Louis Busuttill, Roger Dicker and Brian Harvey.

325. **Substitutes**

There were no substitutes present at the meeting.

326. **Minutes**

Councillor Peter Ridgwell drew attention to Minute No 323. and stated that he believed he had spoken on the item in question but the minutes did not reflect this.

The Democratic Services Officer agreed to check the notes and recording of the meeting and would respond to the Councillor directly on this matter.

The minutes of the meeting held on 5 September 2018 were then received by the Committee as an accurate record, with 10 voting for the motion and with 1 abstention, and were signed by the Chairman.

327. **Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford (Report No: DEV/FH/18/022)**

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

This application was referred to the Development Control Committee by the local Ward Member (Councillor Roger Dicker – South Ward) due to the importance of the site to the village and the local interest in the application.

Members were advised that this reserved matters application followed 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 the application amendments had 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.

A Member site visit was held prior to the meeting. Officers were recommending that the reserved matters consent be granted, subject to conditions as set out in Paragraph 11.75 of Report No DEV/FH/18/022 (the precise wording of which was to be delegated to Officers).

As part of her presentation, the Principal Planning Officer advised the Committee of the following updates since publication of the agenda:

- **Further comments had been received from Kentford Parish Council**, largely echoing their earlier representations and citing particular concern with the proximity of the development to the existing properties at Meddler Gardens;
- **A further representation had been received from 1 Meddler Gardens** reiterating their previous representation with regard to the impact the development would have on their residential amenity;
- Further to the comments summarised in Paragraph 5.12 of the report, **Suffolk County Council Archaeology had since confirmed that their concerns had been addressed and they had removed their objections to the scheme;**
- Further discussion had taken place with the Jockey Club with regard to **the equipped area of play which would require an appropriate landscaped 'buffer' to separate it from the adjacent training area;** and
- **All required ecology reports had been received** and Officers were content that the appropriate mitigation and enhancement could be managed via relevant conditions.

The Officer reminded Members that the access to the site had been approved as part of the outline permission. However, Suffolk County Council Highways had raised concerns with the internal layout of the development. Hence, the applicant undertook amendments to this and the proposed scheme now met with the Highways Authority's guidance in this respect.

Speakers: Mr Garry Coupland (neighbouring resident) spoke against the application
Councillor Malcolm Baker (Chairman, Kentford Parish Council) spoke against the application

Mr Ian Reilly (agent) spoke in support of the application

A number of Members made comment on the application and voiced varied concerns in relation to:

- The appropriateness and viability of the racehorse training element;
- The design and layout of the residential properties, particularly with regard to the clustering and density of housing; especially the affordable housing element;
- The proximity and height of the residential properties adjacent to Meddler Gardens and the impact this would have on the residential amenity along that boundary;
- The internal road layout and the lack of designated visitor parking; and
- The equipped area of play's proximity to the training area.

Councillor Peter Ridgwell questioned why the County Council would not be adopting the highways within the site. In response, the Principal Planning Officer explained that adoption by the Highways Authority was not something that could be enforced by the Planning Authority, however, it was not unusual for elements of schemes like the one before Members not to be adopted.

Councillor Carol Lynch made reference to all the concerns voiced by Committee Members and in light of these she proposed that the application be deferred; in order to allow time in which for Officers to raise these matters with the applicant and to seek potential amendments to the scheme, where possible, in order to address these. Councillor Lynch also requested that the Jockey Club and the Newmarket Trainers Federation be further consulted specifically in relation to the play area. Councillor Simon Cole duly seconded the motion.

In response to the motion for deferral the Service Manager (Planning – Development) acknowledged the concerns raised by Members and agreed to take these forward if the motion was won, with the exception of the reference to the appropriateness and viability of the racehorse training element.

The Committee were advised that the outline permission granted at appeal had established the use of the site for racehorse training and the component parts of the establishment and this was not therefore for the Planning Authority to debate in a reserved matters application. Furthermore, viability of such an enterprise was not a material planning consideration.

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

Decision

Consideration of the planning application be **DEFERRED** in order to allow Officers additional time in which to work with the applicant in light of Members' concerns raised in relation to:

- The design and layout of the residential properties, particularly with regard to the clustering and density of housing; especially the affordable housing element;

- The proximity and height of the residential properties adjacent to Meddler Gardens and the impact this would have on the residential amenity along that boundary;
- The internal road layout and the lack of designated visitor parking; and
- The equipped area of play's proximity to the training area (Officers were also to further consult with the Jockey Club and the Newmarket Trainers Federation in relation to this particular element of the scheme.)

The meeting concluded at 6.57 pm

Signed by:

Chairman



Forest Heath
District Council

DEV/FH/18/023

**Development Control Committee
7 November 2018**

**Planning Application DC/18/1705/PIP –
2 Saxon Close, Exning**

Date Registered:	05.09.2018	Expiry Date:	09.11.2018
Case Officer:	Julie Barrow	Recommendation:	Refuse Application
Parish:	Exning	Ward:	Exning
Proposal:	Permission in Principle - 3no. dwellings and associated access		
Site:	2 Saxon Close, Exning		
Applicant:	Mr Robert Gawthrop		

Synopsis:

Application under the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

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

CONTACT CASE OFFICER:

Julie Barrow
Email: julie.barrow@westsuffolk.gov.uk
Telephone: 01284 757621

Background:

This application is for permission in principle for 3no. dwellings and associated access. The determination of applications for permission in principle is not currently delegated to Officers and the application must therefore be determined by the Development Control Committee.

The Parish Council has no objection to the proposal and the Officer recommendation is for REFUSAL.

1.0 Proposal:

1.1 Permission in Principle is sought for 3no. dwellings and associated access

2.0 Application Supporting Material:

2.1 The application is accompanied by a plan that identifies the land to which the application relates.

2.2 The site plan indicatively shows that the site could accommodate three dwellings with plot sizes ranging from 530m² to 950m². The plan indicates that the existing access arrangements to No. 2 Saxon Close will be altered to accommodate a new access to serve the proposed dwellings.

3.0 Site Details:

3.1 The site is located to the south of Windmill Hill, towards the south east edge of the village of Exning, designated as a Primary Village by Core Strategy Policy CS1. The site comprises the existing dwelling known as No. 2 Saxon Close and its associated curtilage. The settlement boundary runs east-west across the site with the northern half, which includes the host dwelling, within the settlement boundary, and the area on which the dwellings are proposed outside the settlement boundary. The area on which the three dwellings are proposed extends to approximately 0.27 hectares.

3.2 The entire site is located within Exning Conservation Area and a group Tree Preservation Order is in place on the northern half of the site.

3.3 Saxon Close is made up of a small cul-de-sac of five individually designed dwellings all accessed via a central roadway leading off Windmill Hill. The A14 lies beyond the southern boundary of the site with a strip of paddock/grassland in between the two.

4.0 Planning History:

4.1 No relevant planning history

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=PDWWL9PD07600>

- 5.2 SCC Archaeology – The development site lies in an area of high archaeological importance recorded in the County Historic Environment Record, within the immediate vicinity of a substantial Iron Age enclosure (EXG 082). An early Anglo-Saxon cemetery and inhumation burials have also been recorded to the north of the proposed development site (HER no. EXG 005 and EXG 028). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

In this instance there is no objection to the site being given Permission in Principle, however an archaeological evaluation should be undertaken prior to technical detail consent stage in order to inform archaeological mitigation requirements for this site.

- 5.3 Historic England – On the basis of information available to date, Historic England does not wish to offer any comments.

- 5.4 Public Health and Housing – The application site is in close proximity to the A14 and will be affected by traffic noise during the day and night time. The application is not supported by a noise assessment and no information has been submitted to demonstrate what noise mitigation measures may be required to ensure satisfactory occupancy conditions within the new dwellings or to achieve acceptable noise levels within any external amenity spaces in accordance with the British Standard.

Whilst Public Health and Housing do not object to this application in principle, noise has not been satisfactorily considered and appropriate mitigation measures have not been described. In addition the application site is close to neighbouring properties that could be disturbed by the development.

- 5.5 Suffolk Fire & Rescue Service – Access to buildings for fire appliances and firefighters must meet with Building Regulations. A minimum carrying capacity for hard standing for pumping/high reach appliances is required. Records show that the nearest fire hydrant in this location is over 225m from the proposed build site and it is recommended that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

- 5.6 Trees Officer – It appears to be possible that the plans could involve a substantial adverse arboricultural impact. It is noted that the site is partially covered by an area TPO, also being sited within the Exning Conservation Area. I do not believe that the acceptability of the principle of development can be ascertained without the arboricultural impact being demonstrated. I would request that an Arboricultural Impact Assessment should be submitted, and given full consideration when arriving at a decision.

- 5.7 SCC Highways – The proposed development is, in principle, acceptable to the Highway Authority subject to the parking arrangements meeting Suffolk Guidance for Parking 2015 minimum recommendations and subject to the proposed access road being a minimum width of 4.5m so that vehicles can

pass within the site. Future plans should indicate the provision and location of secure cycle storage and waste/recycling bin storage facilities.

- 5.8 Conservation Officer – Having checked the conservation appraisal maps the land between Windmill Rise, Church Street and the A14 is identified as an open space within the conservation area, with tracks across it suggesting some degree of public access. There would therefore be an 'in principle' objection to development on this land.

6.0 Representations:

- 6.1 Exning Parish Council – No objection in principle to this application.
- 6.2 Public representations - Letters sent to six neighbouring properties and site notice posted. One representation received from the occupier of No.1 Saxon Close stating that there is no objection to the proposed development, subject to seeing more detail in a future Reserved Matters Application. In due course the applicants will need to address access over Saxon Close and the potential load on services.

7.0 Planning Policy:

- 7.1 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:

7.2 Forest Heath Core Strategy (2010)

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS3 - Landscape character and the historic environment
- CS4 - Reduce emissions, mitigate and adapt to future climate change
- CS5 - Design quality and local distinctiveness
- CS7 – Overall Housing Provision (sub-paragraph 1 only)
- CS9 - Affordable Housing Provision
- CS10 - Sustainable rural communities
- CS13 - Infrastructure and developer contributions

7.3 Joint Development Management Policies Document (2015)

- DM1 Presumption in Favour of Sustainable Development
- DM2 Creating Places Development Principles and 1Local Distinctiveness
- DM5 Development in the Countryside
- DM6 Flooding and Sustainable Drainage
- DM7 Sustainable Design and Construction
- DM11 Protected Species
- DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13 Landscape Features
- DM20 Archaeology
- DM22 Residential Design
- DM27 Housing in the Countryside
- DM46 Parking Standards

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 SALP proposes changes to parts of the settlement boundaries in Exning, however, these changes do not affect this site and the settlement boundary remains to the north of the land on which the three dwellings are proposed.

9.0 Other Planning Policy:

- 9.1 National Planning Policy Framework (2018) and National Planning Policy Guidance (2018)
- 9.2 The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. 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.
- 9.3 The key development plan policies in this case are policies DM5 and DM27 and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM 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 DM Policy. DM5 concerns development in the countryside and whilst the NPPF is supportive of a prosperous rural economy it still seeks to avoid inappropriate development in the countryside unless exceptional circumstances apply. As such, DM5 can be given full weight.
- 9.4 Policy DM27 requires proposals for new dwellings in the countryside to be in a close knit cluster of 10 or more dwellings adjacent to or fronting an existing highway as well as consisting of the infilling of a small, undeveloped plot by one or a pair of semi-detached dwellings commensurate with the scale and character of the dwellings existing in the area. Proposals for dwellings in the countryside must also be located and designed such to not harm or undermine a visually important gap that contributes to the character and distinctiveness of the area and would not have an adverse impact of the environment or on issues relating to highway safety. Paragraphs 77-79 of the 2018 NPPF discuss rural housing matters similar to this policy, in that the 2018 NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Furthermore, these paragraphs state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, as well as stating that planning policies and decisions

should avoid inappropriate development in the countryside except in exceptional circumstances as outlined in paragraph 79 of the 2018 NPPF. Given the consistency between the points raised in the local policy and these paragraphs of the 2018 NPPF, officers are satisfied that there is no material conflict between Policy DM27 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM27.

10.0 Officer Comment:

- 10.1 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The regulations provide for the granting of permission in principle on a site currently on part 1 of the Brownfield Register by placing it on Part 2 of the register. In addition, an application for permission in principle can be made to the Local Planning Authority on a piece of land providing the proposed development meets certain criteria. Permission in principle cannot be granted in relation to major development, habitats development, householder development or Schedule 1 development (for the purposes of the Environmental Impact Assessment Regulations). This is an application for permission in principle on greenfield land and does not concern the Brownfield Register.
- 10.2 The National Planning Practice Guidance (NPPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. All other matters should be considered at the technical details consent stage that would follow a successful application for permission in principle. In this case the LPA is therefore concerned with establishing whether the proposal for three dwellings on the application site is acceptable in principle given the location of the site, the current and proposed land use and the amount of development proposed.
- 10.3 The NPPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise.
- 10.4 At the heart of the NPPF remains a presumption in favour of sustainable development. However, paragraph 12 of the NPPF is clear that the Framework does not change the statutory status of the development plan as the starting point for decision making, providing it is considered up to date, which in this case, the policies are considered to be. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
- 10.5 The site is located outside the settlement boundary for Exning, on land considered to be countryside for planning purposes. Policy DM5 of the Joint Development Management Policy Document states such areas will be protected from inappropriate development. It goes on to state that new residential development will only be permitted in the countryside where it is

for affordable housing for local needs, a dwelling for a key agricultural, forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling.

- 10.6 Exning is defined in the Core Strategy (2010) as a Primary Village providing basic local services and able to accommodate small scale housing growth to meet local needs. Housing allocations in primary Villages will be designated and range in size dependent upon the appropriateness of the site and the capacity of the village to accommodate growth and will be designated to meet local needs to support rural sustainability.
- 10.7 The emerging Site Allocations Local Plan (SALP) identifies the environmental and infrastructure constraints around Exning that place a limit on the extent of development that can take place in the village. The SALP makes reference to the approval of 120 dwellings on land off Burwell Road and seeks to allocate a further adjacent parcel of land, with an indicative capacity of 205 dwellings.
- 10.8 The proposal is in conflict with the provisions of the development plan in relation to market housing in the countryside. It is acknowledged that the site lies adjacent to the settlement boundary and the applicant has raised the fact that planning permission for residential development has been granted on adjacent land to the east. That site is however within the settlement boundary where the principle of development is supported subject to all other material considerations. The Council's five year housing Supply statement (2017) evidences that the Council is presently able to demonstrate a five year supply of land for housing therefore it is considered that paragraph 11d of the NPPF is not engaged. Paragraph 78 of the NPPF states that planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. It is considered that the Council is addressing this through the SALP and that sufficient land is being allocated in Exning to meet its housing needs.
- 10.9 The proposal for three dwellings on land to the rear of No. 2 Saxon Close does not accord with the criteria attached to Policy DM27 in relation to housing in the countryside. The site is not adjacent to and does not front an existing highway. The backland nature of the proposal means that the proposal does not consist of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
- 10.10 Therefore, the proposal represents unsustainable development and should be rejected unless there are other material considerations weighing in favour of the development that would indicate that a different recommendation is appropriate. The Council is making provision for the sustainable growth of Exning and given the very limited benefits that three additional dwellings would make to the District's housing supply it is considered that significant weight must be attached to the conflict with the development plan.
- 10.11 As stated above, the scope of permission in principle is limited to location, land use and amount of development. Notwithstanding the issues identified in relation to the conflict with the development plan, it is acknowledged that

the site is located in a predominantly residential area and the use of the land to the rear of No.2 Saxon Close for residential purposes would be an appropriate use of the land. The site is of a sufficient size to accommodate three dwellings and subject to satisfactory details being put forward at technical details consent stage, it is considered that future occupiers would enjoy a satisfactory level of amenity space.

- 10.12 A noise assessment would be required at technical details consent stage in order to demonstrate that noise from the A14 could be mitigated against. A noise assessment carried out in respect of the adjacent development (DC/17/1488/OUT) confirmed that the impacts of noise could be made acceptable.
- 10.13 SCC Highways consider the development to be acceptable in principle subject to the proposed access road having a minimum width of 4.5m and parking provision being in accordance with the Suffolk Guidance for Parking. The access details would be agreed at technical details consent stage, however, it is considered that subject to other constraints a satisfactory access to the site could be achieved.
- 10.14 The northern part of the site, through which access to the three dwellings would be obtained, is covered by a tree preservation order. A visit to the site revealed that two significant trees may be affected by access arrangements, one on the site itself and one to the north of the site on part of the communal access road serving the dwellings in Saxon Close. The applicant is not required to submit an Arboricultural Impact Assessment at this stage and this would be a matter that would be dealt with at the technical details consent stage. It is only on the granting of technical details consent that planning permission is granted for the development and if the applicant was unable to demonstrate that the proposal would not adversely affect the protected trees the Council could refuse to grant such consent.
- 10.15 The site is located within Exning Conservation area and lies within an undeveloped area south of Windmill Hill and east of Church Street. The proposal would effectively extend Saxon Close with the proposed dwellings, subject to design and scale, mostly screened by No. 2 Saxon Close. The site is enclosed by existing vegetation and although the Ordnance Survey map indicates that there is a track running along the southern boundary of the site there is little evidence to suggest that there are any direct public views of the site. The Conservation Officer has raised concerns about the development of this 'open area', however, given the lack of public views of the site and the fact that sensitively designed dwellings could preserve the character of the conservation area, it is considered that the proposal could not be rejected on heritage grounds at this stage. The detailed design and scale of the proposed dwellings would be addressed at technical details consent stage.
- 10.16 The County Archaeologist has highlighted that the site lies in an area of high archaeological importance. An archaeological evaluation would therefore be required at technical details consent in order to inform archaeological mitigation requirements for this site.

11.0 Conclusion:

- 11.1 The application site lies outside of the defined settlement boundary for Exning and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal is contrary to adopted planning policies that direct new open-market housing to sites within defined limits of existing settlements and the application does not therefore accord with the development plan.
- 11.2 The application is for permission in principle and the scope of the permission is therefore limited to location, land use and amount of development. It is considered that the use of the land for residential development and the scale of development proposed could be acceptable, however the fact that the site is located outside the settlement boundary weighs heavily against the proposal and outweighs the limited benefits of three additional dwellings.

12.0 Recommendation:

- 12.1 It is recommended that planning permission be **REFUSED** for the following reason:
- 1) The site falls outside of the defined settlement boundary of Exning and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal does not accord with any of the exceptions to such development as set out in Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015). As such, it represents unsustainable development and fails to comply with policy DM5 and the provisions of the National Planning Policy Framework.

Documents:

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

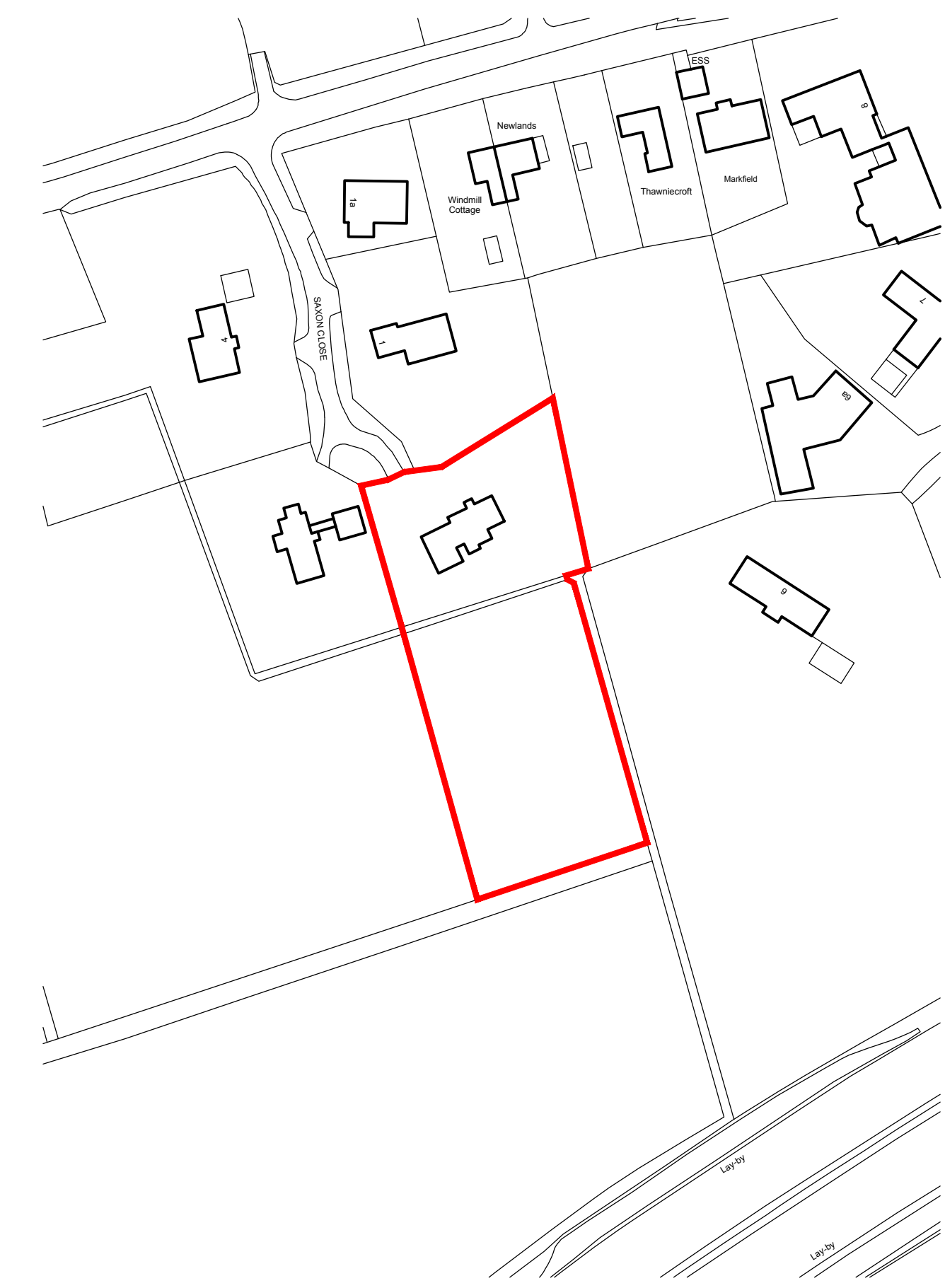
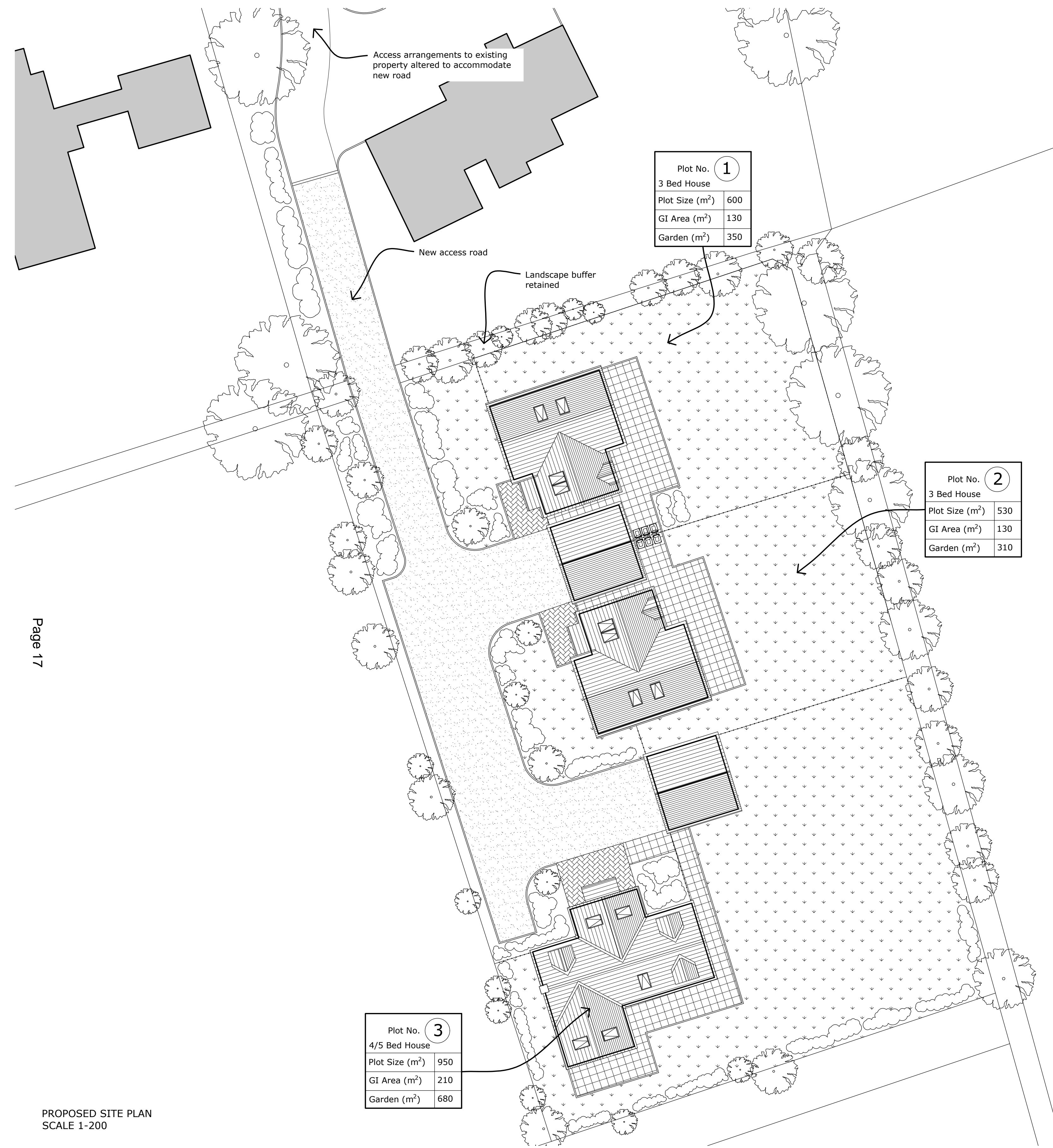
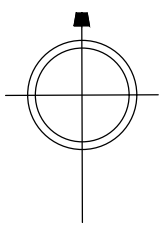
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DC/18/1705/PIP – 2 Saxon Close, Exning



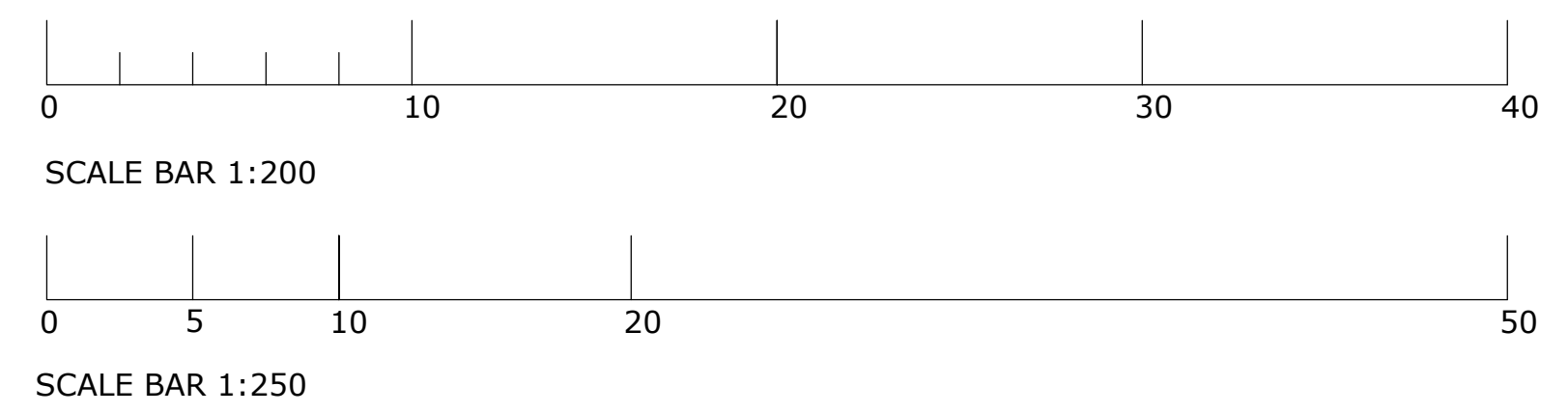
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SITE/LOCATION PLAN
SCALE 1-1250

PROPOSED SITE PLAN
SCALE 1-200

CDM RESIDUAL RISKS	
ITEM	RISK
01	Risk 01
02	Risk 02
03	Risk 03
04	Risk 04
05	Risk 05



Job NEW DWELLINGS
LAND TO THE REAR OF 2 SAXON CLOSE
Dwg SITE PLAN
AS PROPOSED
Client MR R GAWTHROP
2 SAXON CLOSE, EXNING
Date JUNE 2018
Scale 1-200/1-1250
Job No 60443 Dwg No (0-)101 Rev No P2

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Forest Heath
District Council

DEV/FH/18/024

Development Control Committee 7 November 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:

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

CONTACT CASE OFFICER:

Penny Mills
Email: penny.mills@westsuffolk.gov.uk
Telephone: 01284 757367

Background:

This application was considered by the Development Control Committee in October 2018, having been called to the Development Control Committee by the local Ward Member.

The application was deferred at the October Committee meeting due to concerns with the adequacy of the Racehorse Training Establishment element of the Development, the impact of the development on neighbouring amenity, the clustering of the affordable housing and the shortfall in visitor parking.

This report should be read in conjunction with the October Committee Report, which is attached as Working Paper 1.

1.0 Proposal:

- 1.1 The application seeks reserved matters consent for a 2.19 ha 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 62 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
- 1.3 Following the October Development Control Committee meeting, amended plans have been submitted which provide the following:
 - details of unallocated visitor parking for the development;
 - a revised layout for the development in the northern area, facilitated by the loss of one market dwelling, to improve the appearance of this part of the development and reduce the impact on Meddler Gardens.

2.0 Application Supporting Material:

- 2.1 The following amended plans have been received since the October Committee (other associated plans and documents are set out in paragraphs 2.1 and 2.2 of Working Paper 1):
 - 001 Rev P10 - Masterplan Layout (updated to incorporate adjusted POS figures and further enrichment planting to the east boundary with Abington House)
 - 050 Rev P02 – 2B combination flats (plots 16-19)
 - 056 Rev P02 – 1B combination flats (plots 8-11 and 12-15)
 - Parking Strategy Plan (P00)
 - Updated Open Space Provision Plan (P01) (to accord with the above)

- Updated Affordable Designation Drawing (P01) (to accord with the above)

3.0 Site Details:

3.1 The site details are set out in paragraphs 3.1 to 3.5 of Working Paper 1.

4.0 Relevant Planning History:

4.1 The relevant planning history is set out in paragraph 4.1 of Working Paper 1.

5.0 Consultations:

5.1 The initial consultation responses are set out in paragraphs 5.1 to 5.16 in working paper 1.

5.2 A summary of the comments received in respect of the amended plans submitted after the October Committee is set out below. Full comments are available to view on the Council's website:

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

Members will be updated at Committee of any further comments received after the publication of this report.

5.3 NHS England – request for S106 contributions

5.4 SCC Archaeology – No Objection. Comments summarised below:

- Advised that the defined regionally important archaeological remains, in the form of upstanding earthworks, in the southern paddock should be preserved in situ, within an area of open space.
- Please to see that the trainer's house is still located away from these earthwork features and that no works are proposed within the area where preservation in situ is required. We therefore have no objection to the RM development plans.
- Advised that prior to the determination of this RM application, the applicant should be required to provide details of the strategy for preserving these earthworks in situ. We require written confirmation that no groundworks (including site stripping, landscaping, planting, services, fencing, attenuation, storing of spoil or materials etc) will be undertaken in this part of the site. In addition the measures which will be put in place to ensure that no ground disturbance will occur in the area of the earthworks during construction works and during the future operation of the racing stables will need to be outlined and agreed.
- Confirm that the archaeological fieldwork required at this site has been completed and the reporting work has also been completed, so no conditions relating to archaeological work will be necessary should permission be granted.

5.5 Jockey Club – comments summarised below:

- Clarification requested on where the play area will be.
- Recommend that the play area is as far removed as practicably possible from the RTE. If it is determined that the play area is located

as per the Amended Masterplan, we would ask that there is appropriate screening/planting between the play area and the RTE.

In addition to the above comments the local planning authority has sought further advice from the Jockey Club in respect of the detail of the Racehorse Training Establishment. This has not yet been received and Members will be updated on this at Committee.

5.6 SCC Contributions – confirmed no further comments

5.7 Natural England – confirmed no further comments

6.0 Representations:

6.1 The initial representations are set out in paragraphs 6.1 to 6.10 in working paper 1.

6.2 A summary of the representations received in respect of the amended plans submitted after the October Committee is set out below. Full comments are available to view on the Council's website:
<https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetailsdo?activeTab=documents&keyVal=OZPG7UPDKOT00>

Members will be updated at Committee of any further representations received after the publication of this report.

6.3 Parish Council: Maintain objection. Comments set out below:

- The Parish Council continue to object to the present plans for this development.
- Firstly, while we recognise improvements to the part of the development closest to Meddler Gardens, we support the continuing concerns of local residents that they feel they will still be crowded and over-looked. We share their view that these blocks of flats are out of keeping with the character of the village.
- In addition, we are very concerned about the viability of the stud which is a key attractive aspect of the plans. Gleaned local wisdom raises serious questions about ever seeing this proposed stud becoming a reality.
- Finally, we are concerned about the impact of the development on Bury Road. It will add volume to an already busy and speeding road, and local opinion is that the entrance is a potential hazard, coming soon after a blind corner from the west.

6.4 Public Representations

Additional comments, submitted jointly on behalf of the occupants of the two properties at Meddler Gardens objecting to the development and are set out below:

We have examined the revised plans and our observations are as follows:

- The developer has persisted in locating the social housing in an area where there already houses, as opposed to other sites on the development where there is no pre-existing housing. It was made

clear at the Planning meeting, by members of the council as well as ourselves, that due to size of the site there is no reason to put the block of flats near our side of the development.

- The new plans, although we can see that some consideration has been given to our objections, are still unacceptable in regards to our privacy.
- It would have been helpful if the resubmissions had included artists drawings of the site and the potential impact upon ourselves.

7.0 Planning Policy:

7.1 The relevant policies are set out in paragraphs 7.1 to 7.2, 8.1 to 8.3, 9.0 and 10.1 to 10.3 of Working Paper 1, attached.

7.2 In respect of the National Planning Policy Framework (the Framework), the policies set out within the Joint Development Management Policies have been assessed in detail by Officers and are considered sufficiently aligned with the provisions of the 2018 Framework that full weight can be attached to them in the decision making process.

8.0 Officer Comment:

8.1 The Principle of the Development remains unchanged and this is set out in paragraphs 11.1 to 11.4 of Working Paper 1, attached.

8.2 The key issues to be considered in the determination of this application also remain unchanged, these are:

- Impacts on the horse racing industry;
- Design, layout and visual amenity;
- Residential amenity;
- Open space, landscaping and drainage;
- Accessibility, sustainable transport links and highway safety;
- Trees, ecology and protected species
- Affordable housing provision;
- Heritage impacts; and,
- Sustainability.

8.3 The majority of the assessment in the October Committee Report, set out in section 11 of the attached Working paper 1, remains relevant at this time and unchanged. However, the amended plans have altered the officer assessment in respect of: design, layout and visual amenity; residential amenity, affordable housing provision; and accessibility, and sustainable transport links and highway safety. These matters are discussed in more detail below.

Design, layout and visual amenity

8.4 As set out in the October Committee Report, Officers considered that the proposed development overall would create a locally distinctive sense of place with architecture of a high quality, drawing on existing features within the local area and giving visual prominence to the new RTE. However, the small northern parcel, which contained a block of flats positioned to the south of Meddler Gardens, was considered to be less successful, with a more cramped appearance.

- 8.5 It was also considered that the proposed block of flats in the northern part of the development would have an adverse impact on an existing glimpsed view from Bury Road between the properties at Meddler Gardens and that this adverse effect should attract some weight against the development in the final planning balance.
- 8.6 The layout of this aspect of the development has been amended such that the single block immediately to the South of Meddler Gardens has been removed and two detached blocks now sit perpendicular to that boundary at a greater distance. This change in layout has not only reduced the visual impact of the development from Bury Road by respecting the existing gap in the frontage, but has also allowed for the provision of greater soft landscaping along this boundary to help soften the development and mitigate its visual impact.
- 8.7 In order to help accommodate the change in layout here, the number of open market dwellings has been reduced by 1. This area of the development now has a more open feel, with views to the edge the site framed by key buildings and terminating in a landscape buffer, which helps to reinforce the rural and sylvan setting of the site.
- 8.8 It is therefore considered that the amended development continues to create a locally distinctive sense of place in accordance with planning policy, and has overcome some of the previous shortcomings in the layout such that there would no longer be any adverse visual impacts.

Residential Amenity

- 8.9 The amended design and layout continues to provide a scheme where, in the view of Officers, all future residents will enjoy an acceptable level of residential amenity. In this respect the assessment of the development remains unchanged. However, in terms of the impacts on existing dwellings outside the site, the revised layout has resulted in a change in the level of impact.
- 8.10 The relationship with the properties along the northern and eastern boundaries of the eastern half of the site remains unaltered. As before, given the existing screening vegetation in some cases, the potential for additional screening to be planted and the degree of separation it is considered that the development would not give rise to any unacceptable adverse effects on amenity.
- 8.11 The relationship with Meddler Gardens was previously considered to be a problematic one in terms of the impacts on the amenity of those dwellings. This was primarily due to a combination of the scale of the building and its proximity some 7.3 metres from the boundary.
- 8.12 The revised scheme has significantly reduced the level of impact through an increase in the degree of separation (now over 20 metres), a change in the orientation of the buildings at this location to reduce the bulk presented to the boundary, the removal of first floor north facing windows and an increased opportunity to provide screening vegetation.

- 8.13 In light of the above, it is considered that whilst the buildings would still be perceptible from the properties known as Meddler Gardens, the level of impact on the amenity of those neighbours would be greatly reduced to a level that would be acceptable. As such, the harm that previously weighed against the scheme in the planning balance would be removed.
- 8.14 It should be noted that the change in layout here results in a different relationship with the dwelling to the East, Abington House. However, the degree of separation and degree of boundary screening, which could be further augmented with soft landscaping and appropriate boundary treatment, prevents any adverse effects on amenity from arising.

Affordable Housing

- 8.15 The quantum, mix and tenure of the affordable housing proposed remains unchanged and the development continues to provide a policy compliant 30%.
- 8.16 In terms of the position of the affordable housing within the site, it continues to be predominantly within the northern section of the site. The applicant has advised that by removing a unit from this area and creating increased separation a less dense parcel is created. They also highlight that, in terms of numbers, it is only marginally greater than the guidance contained in the Supplementary Planning Document. The applicant has further advised that this arrangement is the preference of the Registered Social Landlord (RSL).
- 8.18 Overall, as was previously stated, 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 open space and architectural quality. As such, the slight divergence from the specified mix 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 therefore remains neutral.

Accessibility, sustainable links and highway safety

- 8.19 As previously stated in the October Committee Report, 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 cannot be reconsidered as part of this reserved matters application.
- 8.20 One concern previously raised by the Highway Officer is the shortfall in the amount of parking provided. Specifically, this was a shortfall in visitor parking.
- 8.21 An amended plan has been provided which now shows unallocated visitor parking provided across the development, where dwellings are unable to cater for visitor parking within their own curtilage / driveways.
- 8.22 A formalised parking drawing has been produced which shows:

- a. 6no. parallel parking spaces flanking the northern edge of the main public open space north of the RTE / central tree belt. This provision is divided into 3 sets of 2no. spaces, each measuring 2x6m in accordance with county highway standards. A 45-degree splay is provided at each end to facilitate manoeuvring in/out and the pavement runs around the rear of spaces. These 6no. spaces cater for plots 1-19 and 22-24 insomuch that an unallocated visitor space is to be provided at a rate of 0.25 spaces per property. Accordingly, $22\text{no. properties} / 4 = 5.5$, so 6 spaces, provides for an over-provision in this regard.
- b. 4no. parallel parking spaces located adjacent to the highway at various points across the eastern parcel (the dimensions of which replicate the above), as follows:
 - i. 1no. space caters for plots 54-57 (i.e. 0.25 spaces per dwelling) and is located to the SE flank of the private drive immediately in front of plots 55/56;
 - ii. 1no. space caters for plots 45-48 (i.e. 0.25 spaces per dwelling) and is located to the SW flank of the parking court serving these dwellings (adjacent to the garage);
 - iii. 1no. space caters for plots 51 & 52 (i.e. 0.50 spaces per dwelling, so an over-provision) and is located opposite plot 52;
 - iv. 1no. space caters for plots 39, 40, 49 ad 50 (i.e. 0.25 spaces per dwelling) and is located at the SE flank of the type-6 road between plots 38 and 39;

All other dwellings on the development have the ability to cater for visitor parking in curtilage and this is shown on the plan.

- 8.23 It was previously noted that on balance the development would not result in any unacceptable impacts on highway safety and the scheme was considered to be broadly in accordance with the development plan policies and the guidance within the framework with regards to highways. The submitted amendment represents a significant improvement in terms of the quantum of parking available on site, which further reinforces this initial positive assessment.

Impacts on the Horse Racing Industry

- 8.24 The principle of what this element should contain in terms of its scale and its position on a mixed use site served by a single shared access is one that has been approved in the outline permission granted at appeal and therefore cannot be re-examined at the reserved matters stage.
- 8.25 No additional information has been submitted in respect of the Race Horse Training Element of the Development. However, as previously advised, the local planning authority's equine consultant has confirmed that the design and layout of the establishment is an acceptable one and the proposals continue to provide all the components required by condition 27 of the outline permission.
- 8.26 Notwithstanding the above and noting the importance of the Horse Racing Industry and the concerns of members in relation to this aspect of the scheme, further advice on the design detail of the facility and the adequacy

of the exercise track is being sought from the Jockey Club. Members will be updated on their response at Committee.

Other Matters

- 8.27 NHS England has responded requesting a financial contribution. This matter was dealt with at the outline stage and the Unilateral Undertaking secured a sum of £412.70 to be multiplied by the final number of dwellings proposed, meaning a contribution of £26,000.10 is already secured for this scheme.
- 8.28 SCC Archaeology has responded advising that the applicant should be required to provide details of the strategy for preserving these earthworks in situ. The applicant has advised that this is will be submitted shortly and Members will be updated at Committee.

Summary and Planning Balance

- 8.29 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.
- 8.30 The application has outline consent and the site is subject to an emerging Local Plan allocation. The principle of the development is therefore acceptable. At the time of the October Committee, there were aspects of the scheme that were identified by Officers as giving rise to harm in some cases. The amendments to the proposals have altered this position and as such the planning balance must be reassessed.
- 8.31 The additional benefits associated with the development which must also be considered, remain relevant. In this respect, the delivery of housing, including affordable housing, which would be facilitated by this application, lends significant weight in support of the development.
- 8.32 The local planning authority remains satisfied that the RTE would provide an appropriate facility as required by the outline consent, and in accordance the requirements of policies DM48 and DM49.
- 8.33 The development continues to 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, and taking into account the improvement in the layout in this part of the scheme, the resulting impact in terms of the balance is considered to be neutral.
- 8.31 In terms of the design and layout it is considered that 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. Furthermore, Officers continue to consider 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.

- 8.32 The development continues to include provision for a centrally located equipped play area within an area of public open space. This will meet the needs of future occupants of the development, and 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.
- 8.33 There are aspects of the road layout and on plot parking that could be improved however, the amended scheme makes much greater allowances for on-street visitor parking. In this context the already limited weight that these issues carried against the development in the planning balance are further reduced, such that they would attract minimal weight in the overall balance.
- 8.34 In terms of trees, the outstanding concerns with the clarity of the information that has been presented remain. However, overall the scheme 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. Taking these matters together it is considered that the uncertainty regarding trees should continue to carry modest weight against the development in the balance.
- 8.35 The development continues to be acceptable and in accordance with development plan policies, subject to the use of conditions, on matters of sustainability and heritage impacts.
- 8.36 On balance, it is considered that in almost all respects the development is fully in accordance with the policies of the development pan and only limited conflict with some elements of specific policies remain. The remaining, limited areas where any harm has been identified are clearly outweighed by the collective benefits that would arise from the application proposals, which are substantial. The development is therefore considered to be acceptable and should be approved, subject to a number of controlling and safeguarding conditions.

Recommendation:

8.37 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:

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

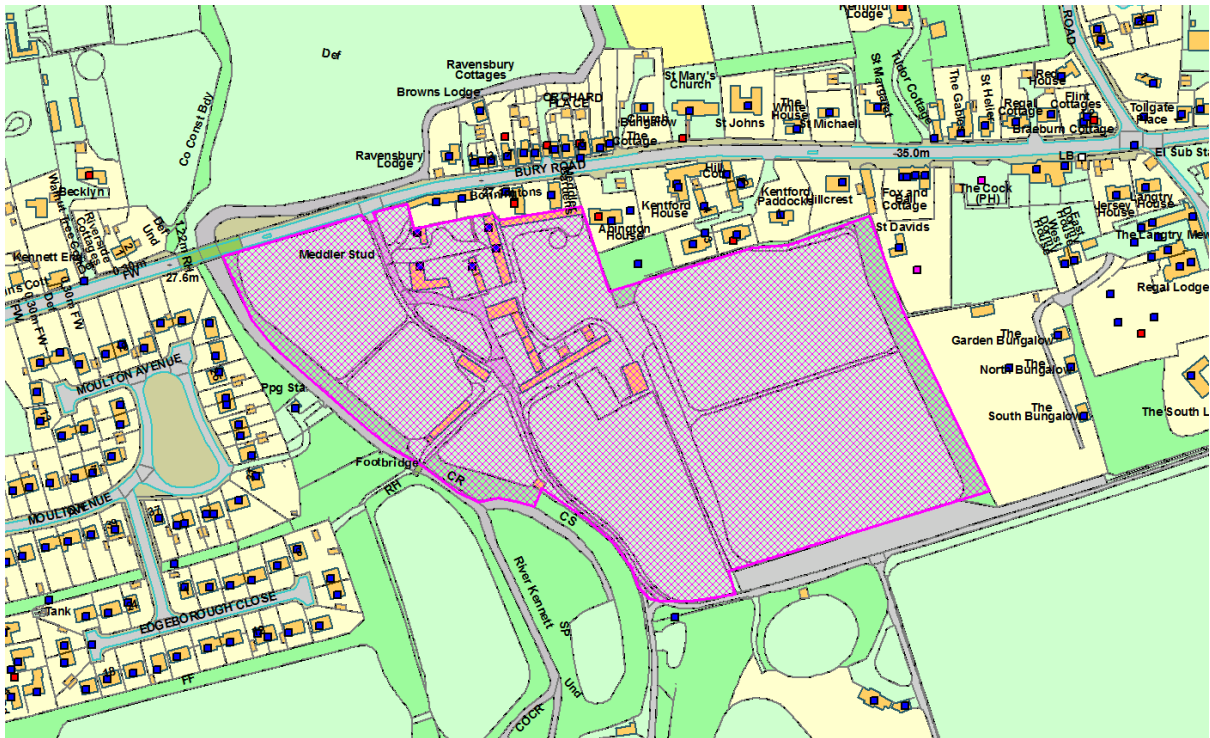
Documents:

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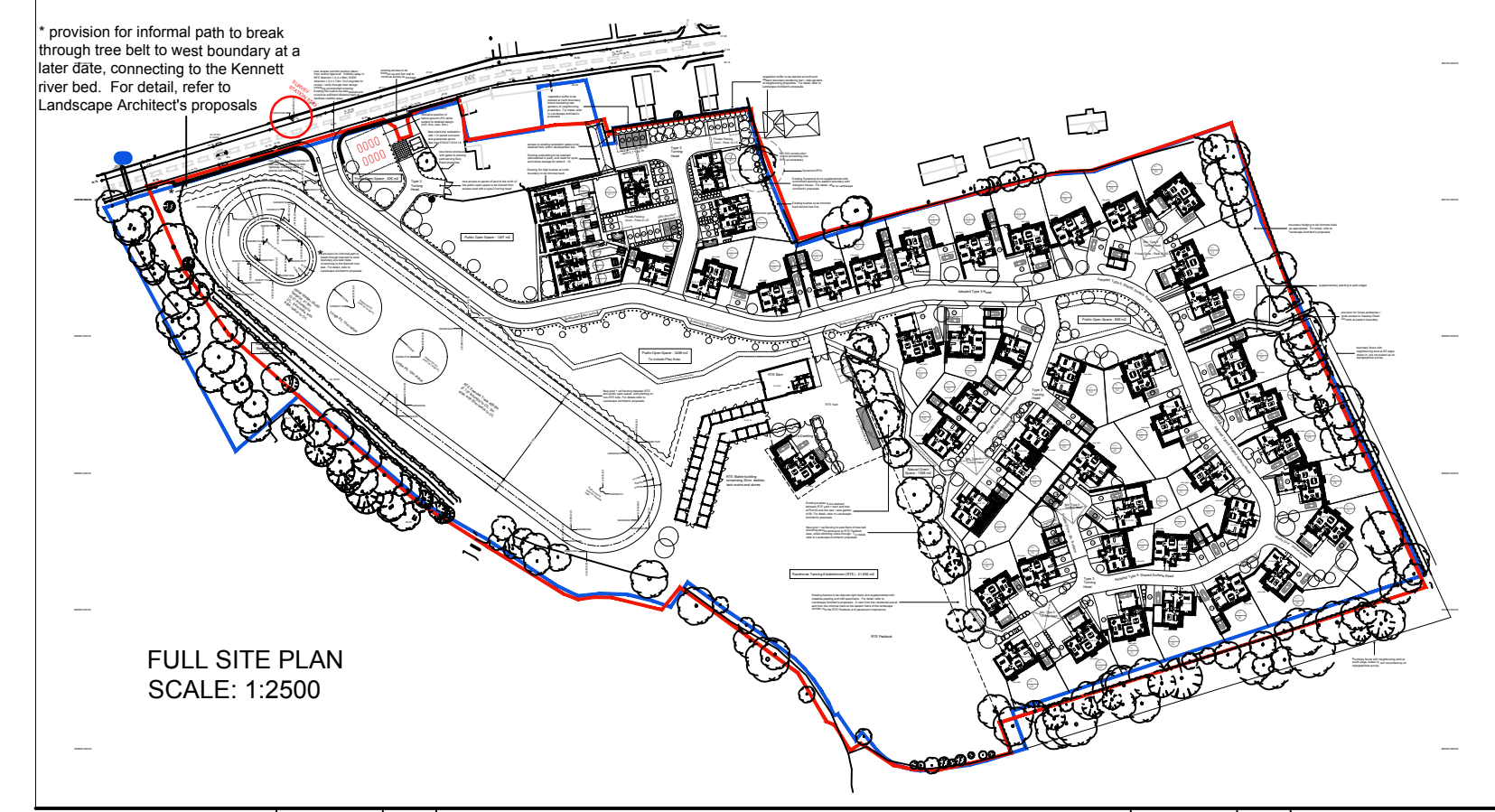
DC/17/2476/RM
Development Site
Meddler Stud
Bury Road
Kentford



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REV	DATE	CHK	AMENDMENTS	REV	DATE	CHK	AMENDMENTS
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. Bollards and indicative planting added alongside POS areas. Barn access road moved back to P04 position to create soft verge to grade levels down to gable end of barn.	P09	12.10.18	JME	Reworked masterplan to Committee Deferral Comments incorporating unallocated visitor parking and redesigned northern parcel
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.	P10	15.10.18	JME	POS figures updated to accord with unallocated visitor parking encroachment. Rear garden of plots 12-15 reinforced with further planting
P07	11.07.18	GEN	RTE equipment positions amended to suit civil engineering (SW attenuation)				
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.				

REF HEALTH AND SAFETY INFORMATION - CONSTRUCTION RISKS

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.

Feilden + Mawson
 21-27 Lamb's Conduit Street London WC1N 3NL
 1 Ferry Road Norwich NR1 1SU
 50 St Andrews Street Cambridge CB2 3AH
 email: info@feildenmawson.com
 www.feildenmawson.com

CLIENT
Heritage Developments Ltd
 JOB
Meddler Stud
Kenford
Newmarket

SCALE 1:500 PAPER A1 DATE NOV 17
 JOB DWG REV

SCALE	1:500	PAPER	A1	DATE	NOV 17
JOB	8431	DWG	001	REV	P10

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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-T03 4 bed house type 2 elevations
- 551-T04 5 bed house ground and first floor plans
- 552-T02 5 bed house 2nd 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 understood 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 4th 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 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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Forest Heath
District Council

DEV/FH/18/025

**Development Control Committee
7 November 2018**

**Planning Application DC/18/0135/RM –
Land Adjacent to Cock Inn (now known as The
Kentford Public House), Bury Road, Kentford**

Date Registered:	15.02.2018	Expiry Date:	17.05.2018
Case Officer:	Penny Mills	Recommendation:	Approve Application
Parish:	Kentford	Ward:	South
Proposal:	Reserved Matters Application - Submission of details under DC/14/2203/OUT - the means of appearance, landscaping, layout and scale for the construction of 30no. dwellings with associated access		
Site:	Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford		
Applicant:	Hopkins And Moore (Developments) Limited - Mr Chris Smith		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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) for up to 34 dwellings with associated roads, paths and access to the public highway.

During the course of this application amendments have been made to the scheme, including changes to the layout and design to better preserve the area of open space and protected trees to the north, and address highways concerns. Additional supporting information has also been provided in respect of ecology and drainage.

The application is before the Development Control Committee due to an Officer recommendation of APPROVAL in the context of an objection from the Parish Council.

1.0 Proposal:

1.1 The application seeks approval of the Reserved Matters (Appearance, Landscaping, Layout and Scale), following the granting of Outline Planning Permission DC/14/2203, for up to 34 dwellings, together with the associated access road, paths and infrastructure.

1.2 The development proposed comprises the erection of a total of 30 new residential dwellings (9 being affordable), together with their associated curtilages, pedestrian and vehicular access, parking and garaging. Alongside these, an area of public open space is proposed adjacent to entrance to the site.

1.3 The development comprises a mix of dwelling types and sizes, set out below:

1 bed house	4
2 bed apartment	5
2 bed flat over garage (FOG)	2
2 bed house	2
3 bed house	13
4 bed house	4

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:

Title	Drawing no.	Revision
Location Plan	001	
External Works Layout	002	N
Planning Layout	003	N
Site Entrance Details	004	G
Proposed Materials Plan	005	B
TS & AIA Drawing	6110-D AIA	A
LA3664 Soft Landscape Proposals (1 of 2)	002	A
LA3664 Soft Landscape Proposals (2 of 2)	003	A
DRAINAGE CONSRUCTION DETAILS	210935-304	P2
PRIVATE DRAINAGE TYPICAL SOAKAWAY DETAIL	210935-305	P2

PIPE BEDDING AND BACKFILL DETAILS	210935-306	P2
ENGINEERING LAYOUTS SHEET 1 OF 3	210935-410	P3
ENGINEERING LAYOUTS SHEET 2 OF 3	210935-411	P3
ENGINEERING LAYOUTS SHEET 3 OF 3	210935-412	P3
HOUSE TYPES		
1042 Floor Plans, plot 1	100	A
1042 Elevations, plot 1	101	A
1302 Floor Plans, plot 4	102	A
1302 Elevations, plot 4	103	A
1042 Floor Plans, plots 5, 6	104	A
1042 Elevations, plots 5, 6	105	A
1416 Floor Plans 1, plots 8, 9, 10	106	
1416 Floor Plans 2, plots 8, 9, 10	107	
1416 Elevations 1, plots 8, 9, 10	108	
1416 Elevations 2, plots 8, 9, 10	109	
855 Floor Plans, plot 11	110	
855 Elevations, plot 11	111	
892 Floor Plans, plots 12, 13	112	
892 Elevations, plots 12, 13	113	
2067 Floor Plans, plot 14	114	
2067 Elevations, plot 14	115	A
1635 Floor Plans, plot 15	116	
1635 Elevations, plot 15	117	A
892, 1050, 1200 Floor Plans, plots 16, 17, 18	118	
892, 1050, 1200 Elevations 1, plots 16, 17, 18	119	A
892, 1050, 1200 Elevations 2, plots 16, 17, 18	120	A
654 Floor Plans 1, plots 26, 27, 28, 29, 30	121	B
654 Floor Plans 2, plots 26, 27, 28, 29, 30	122	A
654 Elevations 1, plots 26, 27, 28, 29, 30	123	A
654 Elevations 2, plots 26, 27, 28, 29, 30	124	B
654 Elevations 3, plots 26, 27, 28, 29, 30	125	A
1302 Floor Plans, plot 7	126	A
1302 Elevations, plot 7	127	A
946 Floor Plans, plots 2, 3	200	A
946 Elevations, plots 2, 3	201	A
599, 892B Floor Plans, plots 19, 20	202	A
599, 892B Elevations, plots 19, 20	203	A
673 Floor Plans, plot 21	204	A
673 Elevations, plot 21	205	A
599, 892B Floor Plans, plots 22, 23, 24, 25	206	A
599, 892B Elevations, plots 22, 23, 24, 25	207	A
GARAGE		
Single Garage, Floor Plan & Elevations	300	
Twin Garage, Floor Plan & Elevations	301	
Double Garage, Floor Plan & Elevations	302	
Enlarge Single Garage, Floor Plan & Elevations	303	

2.2 The submission is also supported by:

- Tree survey and Arboricultural Impact Assessment Drainage Strategy
- Report and Drainage calculations;
- Architectural details drawings;
- Ecology Update and further Ecology report;
- Heritage Statement;
- Design and Access Statement

3.0 Site Details:

- 3.1 The application site, which is approximately 1,5 hectares in area, 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 To the north of the site on the southern side of Bury Road there is existing residential development as well as The Kentford Public House (formerly known as The Cock), which is a Grade II listed building. The site includes part of the pub's carpark, an area to the rear of the pub, which includes a number of protected trees, and a larger more open paddock area to the south of this. There are further protected trees on the southern, western and eastern boundaries and to the north, close to where the approved access is located.
- 3.3 In addition to the dwellings along Bury Road, there are neighbouring residential dwellings to the east of the site and one dwelling to the west. The western boundary of the site also adjoins a neighbouring site allocated for residential development for which there is current planning application (DC/17/2476/RM).
- 3.4 Other nearby listed buildings include the grade II listed Regal Cottage to the north of the site on the northern side of Bury Road and the grade II* listed Church of St Mary lies to the north west.
- 3.5 The southern part of the site falls within part of an archaeological sites buffer and is known to be of archaeological significance. The site also 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.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/14/2203/OUT	Outline Planning Application - Residential Development of up to 34 dwellings with associated road, paths and access to the public highway (Bury Road)	Application Granted	08.07.2016

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=P2YKWK PDLQX00>

5.2 SCC Floods: No objections

- SCC Flood and Water Management have reviewed the latest drainage layout by Canham Consulting (draw ref:- 210935-412-P3 & 210935-411-P3) and we have no further objections regarding appearance/layout of the drainage scheme.
- Clearance to large trees is generally excellent around the site for all pipework and domestic soakaways. Domestic soakaways are all 5m away from foundations as well. There are a few small/ornamental trees within 3m of some pipework/crates but a s.104 drawing should cover this later down the line.
- We have one minor concern but feel this can be dealt with under specific drainage condition(s) under DC/14/2203/OUT.
 1. Shared domestic soakaways – ideally domestic soakaways would be given to individual plots. But if this is not possible applicant will need to show how each owner(s) will be advised of their liabilities regarding maintenance (i.e. items in a covenant).

5.3 SCC Highways: No objection subject to use of conditions. Advisory comments summarised below:

- advised that permeable paving (proposed) would not be suitable for adoption by the Highway Authority. Advised the development would therefore need to be privately maintained.
- Highway Authority recommends that any permission which that Planning Authority may give should include the conditions relating to: construction of access in accordance with drawing KEN4 003 Rev N and with an entrance width of 5.5m; construction and surfacing of access road; provision of areas for storage and presentation of Refuse/Recycling bins as shown on drawing number KEN4 003 Rev N; means to prevent the discharge of surface water from the development onto the highway; details of estate roads and footpaths; provision of carriageways and footways; access before construction/deliveries; visibility splays; construction and deliveries management plan; areas for parking and turning as shown on KEN4 003 Rev N; secure cycle storage

5.4 Natural England – No comments to make on this application. Referred to standing advice for protected species.

5.5 Suffolk Wildlife Trust – Comments summarised below:

- Satisfied with the initial findings of the consultant in the updated ecological survey report (Southern Ecological Solutions, February 2018).
- Consultant has recommended further surveys for bats should any of the trees highlighted in the report be impacted by this development. The impact to trees should be established and surveys carried out, where required, prior to the determination of this application.
- An ESPM licence for bats is required in order to demolish Building A and the Barn.
- Request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted.

5.6 Landscape, Trees and Ecology Officer: Comments summarised below:

SUDS

- Drainage proposals need to be shown to demonstrate whether the impacts on trees are properly assessed and that the tree planting proposals can be delivered.

Landscape and Trees

- The amount of POS on site appears to be less than required
- The layout should have regard to the existing trees which form mature landscape features. The layout does not reflect this intention and proposes a large apartment block and associated parking area in this part of the site, with the removal of a number of trees to facilitate this.
- Concern over the removal of protected trees which make a contribution to the tree belt between the public house and the development site including tree T032 sycamore, tree T027 sweet chestnut and tree T28, T30 and T31 all sycamore.
- The trees that are retained T19 and T20 would potentially be affected by construction impacts (there is a path within the RPA and the building is located close to the edge of the RPA and the tree canopy) and there is significant potential for future resentment pressure as many of the rooms looking north towards the trees are either living/dining rooms or bedrooms with hallways/ bathrooms/kitchen sink windows to the south. In addition the access opens out beneath the trees. Whilst the arrangement of the rooms may have been influenced by the need to provide informal surveillance of the POS the proximity of the building to the trees has the potential to cause conflict in the future.
- Trees T093 and G10 will be equally affected by the relationship with the plot 25 both in respect to potential construction impacts and future resentment pressure.
- The loss of trees in group G11 will result in neighbour amenity issues and preferably these trees should be retained. If this is not possible alternative boundary features are required to soften the effects and restore the bat commuting route and green corridor connectivity.
- Lack of compensatory planting
- Whilst it is possible to raise the crowns of the trees within A002 and G001 to 8m, this is limited by the fact that the works can only be undertaken back to the boundary of the site without the permission of the adjacent landowner. The tree work would only be a temporary resolution to the issues relating to light in the adjacent gardens because the situation will require continued management in the future which will become the responsibility of the home owner.
- All closed board fences to include 12x12cm hedgehog access holes through to adjacent gardens and other greenspace.
- The path in the POS is not necessary; this route could be created by mowing a path and this would be less likely to damage protected trees. A barrier is required to prevent vehicle access onto this space on the road frontage and between car parking for plot 30. Natural surveillance to the POS should be increased particularly the eastern treed section.
- At the end of gardens adjacent to the access easement/horse route, close board fences are proposed. A 1.2m high post and rail fence along the length of the other side of this easement is proposed as part of the Medlar Stud development (DC/17/2476/RM plan 8431-006-

P03). This is considered to be a softer approach that would be less likely to be overbearing and provide a more attractive and safer route. The garden boundaries could be further strengthened with hedging if required. I note that the security of this route is also of concern in the comments made by the Police Design Out Crime Officer

- Small grass areas should be reviewed as these present a maintenance liability in the future. Any grass areas within car park areas should be protected against car parking.

Ecology and Protected site/species

- The submitted documents include an Ecology update note SES 15 Feb 2018. This document refers to bat survey undertaken at the site in June-August 2017 however there are no details of this survey included in the update.
- More details about the impact of the proposals on bats are required
- provide a lighting strategy for the site which should include an indication of the site features that are light sensitive.
- Previous survey required a badger check. The use of the site by badgers has not been reviewed as part of the update ecological information submitted to support the RM application.
- Reptiles have been noted on site during a site visit and given the character of the site has changed significantly. Whilst there is no evidence/records of reptiles in the area, a wildlife audit in 2015 of this site did comment that the poor semi-improved grassland has the potential to support common lizard but this will depend on how long the grassland had been unmanaged.
- Ecological enhancements are required.
- No likely significant direct effects on the Breckland SAC or SPA have been identified. The quantity of on-site open space as set out in the FHDC SPD and the open space is not sufficiently supervised neither do the landscaping proposals make any positive contribution to the space. On this basis the Habitats Regulations Assessment screening cannot currently conclude that there would be no likely significant in-combination recreational effects on Breckland SPA.

5.7 Strategic Housing – No objections. Comments summarised below:

- Support in principle. The development complies with affordable housing CS9 policy to deliver 30% affordable housing on site and the mix provided is in line with the mix previously requested by this team.
- Pleased to see that the developer has supported our advice regarding the minimum space standards and acknowledge that this will help to improve the health and wellbeing of the all households.

5.8 Public Health and Housing – No objections

5.9 Environment Officer – No comments

5.10 Conservation Officer – No objections – comments summarised below:

- Confirm that the amended entrance details and materials are acceptable from a conservation perspective.

5.11 Design Out Crime Officer – comments summarised below:

- I am glad to see the development planners are adopting both ADQ and Secure by Design (SBD) principles and I applaud the developers

for relooking at ways to achieve this aim by the repositioning and moving of properties.

- I would really like to see the development apply for either SBD New Homes 2016 Gold or Silver status. Further details can be obtained through the Secure By Design (SBD) site at <http://www.securedbydesign.com/>
- a number of my previous concerns have I am pleased to say been addressed, my only remaining concerns are:
 - At the number of proposed car ports. I have particular concerns with regard to any canopied car ports, as not only are they generators for car crime and anti-social behaviour, they have been known to become targets for arson.
 - For any recessed front entrances, this reduces the viewing from a spy hole on any front door.
 - That if vegetation is not properly maintained by the rear of plot 16 and 17, it could shield an offender. I would like to see slow growing low vegetation there.
 - The flying freehold and car ports for plot 16-17, as there will be no affordable surveillance of this area and as they are canopied, they could be more susceptible to vehicle crime, criminal damage, ASB or even arson.
 - The elongated alleys for plots 8 and 22-25. Placing locks on the gate and restricting access to only authorised personnel will ease this concern.
 - The border on the western and southern sides in that the vegetation needs to be dense enough to prevent an offender from gaining access to these areas. I would prefer it if these areas could include defensive planting.
 - That the pathway for the open space area will be wide enough to reduce any perceived fears of crime and will be well lit.

6.0 Representations:

6.1 Parish Council: Objection

The Parish has confirmed that the initial objection (set out below) still stands.

The Parish Council object for the following reasons:

1. The development will put further pressure on the busy Bury Road area. There is an urgent need to enhance traffic calming measures to reduce speeds at the junction of the proposed new access road and Bury Road.
2. Pressures would also be increased at the dog-leg Bury Road/Herringswell junction which has been the scene of a number of recent accidents. Urgent consideration needs to be given to improving this junction.
3. As the size of the pub carpark would be reduced, there will be further spilling out of cars at busy times, onto Bury Road and adding to dangers.
4. The pub Orchard is locally seen as the "the village green" for Kentford, and presently the location of the village Fete. We are concerned about maintaining the size and usefulness of this key village asset. This concern includes light pollution.
5. The recycling centre will be lost, and indeed the bottle bank has already been removed, without a new site being available.

6.2 Public Representations

31 nearby addresses notified and site notice posted. 3 representations received. The comments made are summarised below:

Amenity Issues:

- Concerns regarding the boundaries between St Davids and this development together with its access road, which will run along our eastern boundary.
- Would like to see a thick screen of vegetation and security fence along the boundary between the site and St David's with specific reference to fencing, plus vegetation where possible, to provide a screen and additional security.

Highways issues:

- Access road will diminish the size of the pub car park. Already considerable spillover. Concerned that the location of the access road will cause further obstruction and access to our house and access to the electric car charger in our drive will be affected.
- Increased parking on Bury Road, limiting access for emergency vehicles.
- Bury Rd is often used as a diversion when roadworks occur on the A14 in either direction. A high-volume access road will increase congestion and potentially cause further accidents.
- Suggest that an alternative access be considered, e.g. from Gazeley road.
- Poor sight lines.
- Currently the pub car park is used by local schools as a pick up point for their minibuses.
- Overriding these developments is a need for better management of the roads. The Parish has worked hard to add VAS and speedwatch to help calm traffic. We have cleared and cleaned traffic signs, and cleared foliage from pavements. With the additional pressure of Kennett, there needs to be a push to improving the existing traffic-calming measures as well as enhancing where possible – eg Herringswell Rd.
- There was planning permission for a second bungalow between St David's bungalow and the garden of the Cock. Access was to be directly onto the Bury Road, between the Fox and Ball cottages and the Cock car park. The last planning application for this site was numbered F/2009/0014/OUT. We note that the new access road will be a private road and will be close to our boundary. We are therefore concerned that the proximity of this road may jeopardise the provision of a new access to the St David's site in the future.

Floodrisk/drainage

- Despite recent works to improve drainage, the proposed access road is situated in an area prone to deep flooding. We are concerned that a tarmac access road will be frequently flooded, causing a knock on effect to flooding on Bury Rd and to properties on the Northern side of Bury Rd, especially Regal Cottage.

Other matters:

- We are concerned that there is no mains gas supply to the village, and this development will require the instillation of at least 30x 1000litre oil tanks or will depend on electricity supplies for heating and hot water.

- Pleased that pedestrian connectivity between the 2 developments is seen as a key issue, and that consideration will be given to connecting with the wider village. The ability to walk through the village without going on the Bury Road is important.
- Pleased that the development behind the pub offers lots of opportunities for first time buyers. Kentford has enough large and expensive houses.

Errors in submission

- The bungalow of St David's is not shown on the plans and needs to be included.
- In paragraph 3.4 it is stated that "To the west of this parcel of land there are two neighbouring properties". This is wrong. St David's is the only property which borders the western boundary of the grassed garden to the rear of the Kentford pub, formerly the Cock.

7.0 Policy:

- 7.1 The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Forest Heath Core Strategy 2010

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

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 SA13 which seeks to allocate this site (SA13b) for up to 30 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 (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 Policies set out within the Joint Development Management Policies have been assessed in detail by Officers and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

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 up to 34 dwellings with a single vehicular access from Bury Road being approved in that consent. An associated S106 Legal Agreement sets 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 up to 34 dwellings.
- 11.4 Given the outline permission and emerging allocation, the principle of the proposed 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:
- Design, layout and open space;
 - Highway safety; accessibility, sustainable transport links;
 - Trees, ecology and protected species
 - Affordable housing provision;
 - Heritage impacts; and,
 - Drainage and landscape; and,
 - Sustainability.

Design, layout and open space

- 11.6 The Framework stresses the importance the Government attaches to the design of the built environment, confirming 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.
- 11.7 These design aspirations are reflected 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 and Development Management Policy DM2, which 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.
- 11.8 A Design and Access Statement has been submitted with the application, which serves as a Design Code for the development as required by condition 19 of the outline permission.
- 11.9 The development proposes a mix of 1,2,3 and 4 bed dwellings, all of which would be located in the larger southern part of the site. Due to the shape of the site and the need to preserve existing landscape features the

development would be served via a long access road. However, moving into the site, the amended layout creates a visually interesting development with a mix of building sizes using a traditional architectural approach drawing on the local vernacular.

- 11.10 When determining the outline application, the retention of existing landscape features within the layout was set out as a clear expectation of any future reserved matters application. The area of protected trees to the rear of The Kentford, along with the other mature landscape features on the site, contribute to the landscape quality of Kentford. In particular, the open space to the rear of the public house, is of particular landscape amenity value and enhances the setting of the listed building.
- 11.11 These existing landscape features provide a unique opportunity to create interesting, high quality connected spaces within the development. The amended layout seeks to make the most of this opportunity, and incorporates existing landscape features into the backbone of the open space and landscaping. The amended layout ensures that the built development does not encroach on this important northern part of the site, instead, retaining this as an area of public open space, which is well connected to the development with good levels of natural surveillance. The removing of built development from this area has also increased the amount of open space proposed on the site, such that it is now considered to be an acceptable, policy compliant amount.
- 11.12 Changes have also been made to the positioning and detailing of the buildings to create an attractive streetscene with key buildings in prominent positions to frame key views and create a sense of place. Materials and boundary treatments are used in a way that creates interest, whilst also respecting a traditional building hierarchy. The amount of frontage parking has also been reduced to create a more attractive streetscene whilst also providing the requisite amount of parking.
- 11.13 The use of timber post and rail fencing, as well as the use of trellis topped closed-boarded fencing, also helps to create a more open, rural feel adjacent to the larger tree belts.
- 11.14 In response to issues raised by the police architectural liaison officer, gates have been added to the pathways to rear gardens and soft landscaping will be used to provide defensive planting where necessary. The Car Ports are considered to benefit from sufficient natural surveillance so as to prevent the likelihood of undesirable activity occurring. This has been achieved through the positioning of dwellings and windows and through the use of flats over garages.
- 11.15 In terms of the amenity of future occupants, it is considered that the dwellings are positioned such that they would all benefit from a good level of amenity. All of the houses have adequate garden space and the apartments without private outdoor amenity space are well positioned close to the public open space.
- 11.16 In terms of the impacts on the amenity of existing neighbouring dwellings, there are existing dwellings to the east and west, the impact on which should be considered. The small terrace which is formed by plots 22-25 is situated

11.6 metres from the eastern boundary where the nearest neighbouring dwelling, Villa Fantino, is approximately a further 6 metres away.

- 11.17 It is considered that there would be a sufficient distance between the proposed terrace and the boundary to ensure that it would not be overbearing. Furthermore, whilst the detailed landscaping is secured under condition 22 of the outline consent and will be submitted separately in due course, the submitted landscape plans show there is scope for additional plating to the rear of these dwellings to soften the impact of the development. Sufficient space is also maintained along the western boundary to ensure appropriate additional planting can take place to safeguard the amenity of the neighbouring dwelling, St David's.
- 11.18 The amended design and layout has responded to officers' concerns and the result is a development that preserves existing landscape features and creates an attractive and well-designed development that meets the requirements of policies DM2 and DM22 and the guidance contained within the NPPF.

Highway safety; accessibility, sustainable transport links

- 11.19 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.
- 11.20 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.
- 11.21 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network.
- 11.22 The application proposes a single highway access into the site from Bury Road via a new publically accessible private road. This access location is as approved in the outline planning permission (DC/14/2214/OUT) and has therefore already been accepted in principle by SCC Highways and the local planning authority.
- 11.23 A number of concerns have been raised regarding the suitability of the access from Bury Road, the loss of part of the pub car park and the knock on effects on highway safety in the locality due to these two factors as well as the introduction of additional traffic. However, as both the access and the scale of development were determined as part of the outline approval, these matters cannot be re-examined as part of the reserved matters application.

- 11.24 Whilst the primary access arrangement has previously been determined, the internal Highways layout has not previously been considered. In this regard, the Highways Officer raised some concerns with the detail of the scheme and in response a number of changes have been made to the internal layout of the development. A 1.8m wide pedestrian footway has been incorporated along the entirety of the western side of the access road to address concerns over a lack of safe pedestrian access into the site and granite setts have been introduced along its length, to assist in reducing vehicle speeds. Additional visitor spaces and cycle storage provision have been introduced so that the scheme is now in accordance with the adopted guidance and garage doors have been added to the previous carports serving Plots 27, 29 & 30. The proposed Bin Collection Points have also been increased to accommodate two bins for each property.
- 11.25 The site has been designed to maximise connectivity with the inclusion of a link to the adjacent housing development to the west which is currently being considered by the local planning authority. The development has also been laid out to ensure that future possibilities for further connectivity beyond the site are not designed out through the positioning of buildings and private gardens.
- 11.26 In light of the amendments to the scheme, the Local Highways Authority has removed their objection. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users. The proposal therefore accords with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

Trees, ecology and protected species

- 11.27 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.
- 11.28 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.
- 11.29 Concerns were initially raised over the removal of a number of protected trees which make a contribution to the tree belt between the public house and the development site, including tree T032 sycamore, tree T027 sweet chestnut and tree T28, T30 and T31 all sycamore. The amended layout and associated amended tree survey now shows that all of these trees are

retained, with the exception of T32 which is to be removed to enable the access to the site. Given that the principle of development is established, an access to the southern part of the site must be accommodated and it is considered that the current location of the internal access road is such that it has the least impact on the trees with the number requiring removal minimised.

- 11.30 The apartments have been moved further to the south to create a better separation from the protected trees, which Officers had previously raised as a concern. The majority of the number of ground floor windows have been removed and living rooms which have windows looking north towards the trees also have secondary windows. In this context it is considered that the development would not lead to unacceptable conflict with the trees.
- 11.31 The amended playout also results in a much greater separation between plot 25 and the protected trees, which still providing appropriate surveillance to the open space to the north.
- 11.32 There is still some loss of some unprotected trees on the eastern boundary (group G11). However, it is considered that alternative boundary features could be provided to both soften the effects and restore the bat commuting route and green corridor connectivity as suggested by the Landscape Tree and Ecology Officer.
- 11.33 In addition to the Ecology report submitted with the application, an updated ecology Update Report was submitted in July reporting the findings of a number of additional ecological surveys, the aim of which was to determine the likely ecological impacts of the proposed development on badgers, bats and reptiles.
- 11.34 In terms of impacts on bats, the report states that the majority of features on trees were not as suitable to support roosting bats as initially suspected and so were downgraded to no potential or low potential in line with best practice guidance.
- 11.35 Some trees were subject to emergence /re-entry surveys as were Bungalow A and the Barn. A common pipistrelle re-entered the Barn and Bungalow A on 11th July 2017. However, no other bats were seen to emerge from or re-enter any of the other buildings or trees surveyed. The report therefore considers that these roosts are of low conservation significance and their loss will not have an adverse effect on the wider population of common pipistrelle bats. Mitigation will involve the installation of two bat boxes on a tree close to the two buildings, which will be secured by condition. The Barn and Bungalow A will also need to be soft stripped of any potential roosting features under supervision of a licenced ecologist and declared free of bats before mechanical demolition. These works will be undertaken under a European Protected Species licence granted by Natural England (2018-36108-EPS-MIT).
- 11.36 The report also confirms that bats will use the trees at the boundary of the site for commuting and foraging purposes. Therefore lighting around the boundary and at the bat boxes installed on the trees during the construction and operational phases will need to be avoided or bat-sensitive. There are a number of ways to minimise the effect of lighting on bats and the report sets out possible mitigation strategies, which would be secured by condition.

- 11.37 The report concludes that badgers are likely absent from site and so will not be affected by the proposed development. It also considered that the site provides sub-optimal habitat for reptiles and a directional staged cut of the grass should be undertaken during suitable weather conditions to avoid injuring or killing reptiles during the development. This recommendation and other recommendations in relation to biodiversity enhancements would be secured by the use of a condition.
- 11.39 Through the above recommendations and precautionary methods, it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species will likely be able to be wholly mitigated and appropriate enhancements secured, in accordance with policies DM11 and DM12 of the Joint Development Management Policies Document, the guidance contained in the NPPF and in line with relevant wildlife legislation.

Affordable Housing Provision

- 11.40 The proposed development provide the required 30% affordable housing in line with the mix suggested by the Council's Strategic Housing Officer.
- 11.41 The affordable units are located in the northern part of the site, sufficiently spaced such that they would not form an unacceptable cluster. Within the context of the broader site the units would also not be easily distinguishable due to either size, design or location.
- 11.42 The Strategic Housing Officer supports the development, which is considered to be in line with local planning authority's policies relating to affordable housing.

Heritage impacts

- 11.43 Heritage assets encompass a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 11.44 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).
- 11.45 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.
- 11.46 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.

- 11.47 It was recognised at the time of the outline approval that the development had the potential to impact on the setting of The Kentford Public House, a Grade 2 listed building. However, it was considered that with careful layout and design, it should be possible to achieve development without having a detrimental impact.
- 11.48 Consideration of the potential impacts on the setting of this heritage asset has helped to inform the rationale for the design and layout. As it stands, the amended scheme, which retains the green backdrop to the listed building ensure there would be no harm to the setting of this asset.
- 11.50 Amendments have also been secured to the proposed entrance, which the Conservation Officer initially raised concerns over, due to the overly formal arrangement and lack of consistency with existing pub fencing. The amended proposal, which shows a simple feature brick wall has been confirmed by the Conservation Officer as being acceptable.
- 11.51 The development is therefore considered to be acceptable in terms of its impact on the historic environment and in accordance with policy DM15 and the guidance within the NPPF.

Drainage and landscape Sustainability

- 11.52 The detailed soft landscaping for the site and the surface water drainage scheme are secured by conditions on the outline approval. The applicant is not seeking to discharge these conditions at this time and as such these details will be supplied at a future date as part of a discharge of condition application. However, it is necessary, as part of this reserved matters application, to make an assessment of whether appropriate drainage and soft landscaping schemes could be accommodated within the proposed design and layout.
- 11.53 In order to demonstrate that the proposed layout would allow for an acceptable drainage and landscaping scheme detailed landscaping drawings have been produced and drainage details have been prepared. It is important for these two elements to be considered together as the location of drainage infrastructure within the development will have an impact on the delivery of the proposed trees and other planting.
- 11.54 SCC Flood Officer has reviewed the submitted details and is satisfied that the latest drainage layout is acceptable. They have advised that the clearance to large trees is generally excellent around the site for all pipework and domestic soakaways. Domestic soakaways are also all 5m away from foundations. It is therefore considered in principle that sufficient spaces has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.
- 11.55 In respect of the soft landscaping, it is considered that there is sufficient space to provide the necessary additional planting, taking account of building positions and the position of essential drainage infrastructure. The detailed scheme will therefore be able to provide the appropriate screening where this is required for amenity purposes, biodiversity enhancements and to enhance the appearance of the development.

Sustainability

- 11.56 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.
- 11.57 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).
- 11.58 The Design and Access Statement confirms that the built forms here meet and exceed current standards of insulation and incorporate measures to minimise energy use. It also states that the development will incorporate a variety of environmental measures as a minimum:
- The development will incorporate water use reduction measures including water butts and dual flush cisterns.
 - All homes will be fitted with Energy Efficient Lighting.
 - Installation of Bird Boxes and similar measures will be undertaken wherever possible to encourage wildlife.
 - All homes, where practicable, will have dedicated space for dry recyclables and composters will be provided within gardens.
- 11.59 It is considered that a planning condition should be applied to any consent to secure the precise details of these measures and ensure their delivery in order to meet the requirements of policy DM7
- 11.60 The provisions of Policy DM7 of the Joint Development Management Policies Document (2015) also requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is therefore also 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.

12.0 Summary and Planning Balance:

- 12.1 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.
- 12.2 Following amendments and the submission of additional information it is considered that the proposed development would create a well-laid out attractive scheme that respects and incorporates existing landscape features whilst providing sufficient opportunity for further soft landscaping. The dwellings are considered to be well designed, creating an interesting series of street scenes with safe access for vehicles and pedestrians and good connectivity. The development would not give rise to any unacceptable

adverse effects on amenity and would have no adverse effect on nearby heritage assets.

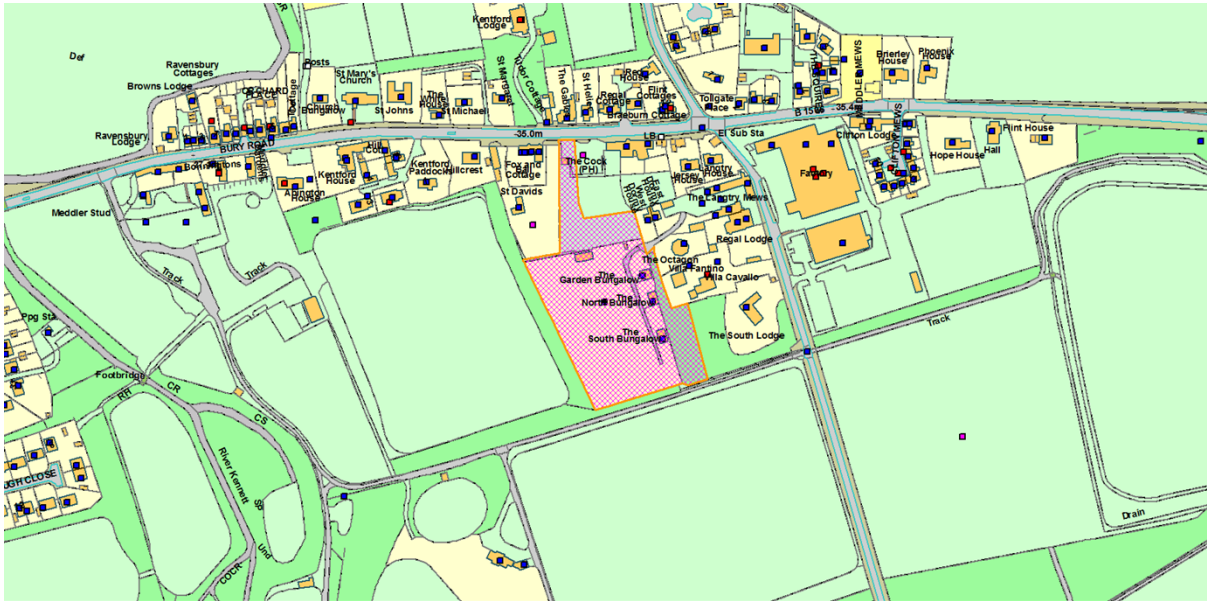
- 12.3 The quantum and mix of affordable housing is in accordance with the requirements of the Strategic Housing Officer and the level of public open space is also acceptable. Additional information submitted in respect of ecology and protected species has also demonstrated that there would be no adverse impacts in this regard subject to appropriate precautionary measures, mitigation and enhancements.
- 12.4 Furthermore, the delivery of housing, including affordable housing that would be facilitated by this application, should lend significant weight in support of the development.
- 12.5 In conclusion, subject to the use of conditions, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework

13.0 Recommendation: Approve, subject to conditions:

- 13.1 It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. Approved plans
 2. Access in accordance with KEN4 003 RevN with entrance width of 5.5m
 3. Construction and surfacing of access road;
 4. Refuse/Recycling bins as shown on drawing number KEN4 003 Rev N
 5. Areas for parking and turning as shown on KEN4 003 Rev N
 6. Deliveries management plan;
 7. Secure cycle storage;
 8. Sustainability Measures;
 9. Water consumption for dwellings;
 10. Recommendations of Ecology Report; and
 11. Hedgehog permeable fencing.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0135/RM](https://www.dorsetcouncil.gov.uk/DC/18/0135/RM)



DC/18/0135/RM - Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford

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Forest Heath
District Council

DEV/FH/18/026

Development Control Committee 7 November 2018

Planning Application DC/18/0821/OUT – Former Police Station, Lisburn Road, Newmarket

Date Registered: 10.05.2018 **Expiry Date:** 09.08.2018 – EOT
08.11.2018

Case Officer: Kerri Cooper **Recommendation:** Approve Application

Parish: Newmarket **Ward:** All Saints

Proposal: Outline Planning Application (All matters reserved) - Conversion of existing building (mixed use: Class D1 and Sui Generis) into 12no. apartments (Class C3) with associated external works, landscaping and parking

Site: Former Police Station, Lisburn Road, Newmarket

Applicant: Mr Chris Rush

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

The application is referred to the Development Control Committee for transparency in light of the Asset of Community Value (ACV) application and Newmarket Neighbourhood Plan.

1.0 Proposal:

- 1.1 Outline planning permission is sought for the conversion of the former police station and Magistrates Court (Sui Generis) and Suffolk County Council Adult Services (Class D1) to 12no. apartments (Class C3).
- 1.2 As the application is in outline form with all matters reserved, access, appearance, layout, scale and landscaping is reserved for a future application.

2.0 Site Details:

- 2.1 The application site comprises a mixed use (Class D1 and Sui Generis) building on the corner of Lisburn Road and Vicarage Road. The site is situated within the Housing Settlement Boundary and located adjacent to Newmarket Conservation Area. A vehicular access and associated car park is located off Vicarage Road.
- 2.2 All Saints Primary School lies immediately to the south of the site. Newmarket High Street is situated approximately 320metres from the application site to the west.

3.0 Planning History:

Reference	Proposal	Status	Decision Date
F/2000/095	Construction of disabled ramps access	Approve with Conditions	31.03.2000
F/2011/0343/COU	Change of use of the Police Station (sui generis) to offices (B1)	Approve with Conditions	17.08.2011
F/99/104	County Matter: Change of use of ground floor to community resource centre for adults with severe learning difficulties.	Approve with Conditions	19.04.1999

4.0 Consultations:

- 4.1 Environment Team – No objection, subject to conditions.
- 4.2 Environment Agency – No formal comment to make, however advisory notes to applicant regarding controlled waters and foul drainage.
- 4.3 Suffolk County Council Highway Authority – The Highway Authority notes that the Suffolk Guidance for Parking (SGP) recommends 17no. residents parking spaces and 3no. visitor spaces should be provided for the proposed development of 6 x 1-bed dwellings, 2 x 2-bed dwellings and 4 x 3-bed

dwellings. However as this development is in sustainable location, the reduction of the visitor spaces to 2no. would be acceptable. In addition, secure cycle storage should be provided with at least 2no. spaces per dwelling. It is further noted that the existing access should be widened to 5.0m to allow vehicles to enter and exit at the same time without having to reverse onto the highway, and a safe pedestrian & cycle access into the development should be provided. No objection to the proposed development, subject to conditions.

- 4.4 Strategic Housing - The Strategic Housing team supports the proposed development. The affordable housing requirement for this development will be 3.6 dwellings, we would require 3no. dwellings on site and a financial contribution for the 0.6.
- 4.5 Parks Infrastructure Manager – An offsite contribution for children’s play is requested for additional equipment to spend at one of the three play areas within 450m of the development.
- 4.6 Suffolk County Council Development Contributions Manager - Contributions towards primary schools in the catchment area are sought as there is forecast to be surplus capacity to accommodate pupils anticipated from this scheme. A contribution towards the development of library services is sought. Consideration will also need to be given to adequate play space provision, supported housing, transport issues, waste management, surface water drainage, fire safety and broadband. As local circumstances may change over time this information is time limited to 6 months.
- 4.7 Public Health and Housing – No objection, however comments have been made regarding size of rooms and fire escape.
- 4.8 Suffolk County Council Floods and Water – No comments to make.
- 4.9 Policy – *The Newmarket Neighbourhood Plan is still at pre-submission stage and has not been formally submitted to the LPA or been through the LPA publicity period. Therefore to the extent that the decision maker judges that the emerging neighbourhood plan is a material consideration for the purpose of determining the application only limited weight can be given to its proposals especially given the unresolved issues concerning the application site.*
- 4.10 All consultations can be viewed online in full.

5.0 Representations:

- 5.1 Town Council - The Town Council do not object to the principle of the development to the upper floors, however all community uses should be considered for the ground floor.
- 5.2 Ward Member - No comments received.
- 5.3 Neighbours - 1no. letter of objection has been received from the owner/occupier of 11A Station Approach, which is summarised as follows:
- Strongly object;
- Building could be a benefit to Newmarket and its residents;
- Newmarket Neighbourhood Plan seeks to identify the need for adequate

provision for special education needs in Newmarket;

- All Saints School could expand into the site;
- Community uses have not been fully explored

5.4 1no. letter of comments has been received from All Saints School, which is summarised as follows:

- All community uses should be explored first;
- Regard should be given to Suffolk County Council SEND (Special Educational Needs and Disabilities) Sufficiency Plan consultation;
- Limited parking in the area

5.5 Jockey Club - No objection, subject to noisy construction works outside the hours of 6am-12pm and that the Jockey Club are kept informed during construction.

5.6 All representations can be viewed online in full.

6.0 Policy:

6.1 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:

- 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 DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM41 Community Facilities and Services
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future

climate change

- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

7.0 Other Planning Policy:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance
- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Supplementary Planning Document (2013)
- Forest Heath District Council Open Space, Sport and Recreation Supplementary Planning Document (2011)
- Emerging Forest Heath Single Issue Review (SIR)
- Emerging Newmarket Neighbourhood Plan

8.0 Officer Comment:

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

- Principle of Development
- Asset of Community Value (ACV)
- Newmarket Neighbourhood Plan
- Affordable Housing
- Visual Amenity and Character of the Area
- Residential Amenity
- Highway Safety
- Planning Obligations
- Other Matters

8.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. 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. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

Principle of Development

8.3 The proposed development comprises the conversion of the former police station and Magistrates Court (Sui Generis) and Suffolk County Council Adult Services (Class D1) to 12no. apartments (Class C3).

8.4 Policy DM41 (Community Facilities and Services) states that the provision and enhancement of community facilities and services will be permitted

where they contribute to the quality of community life and the maintenance of sustainable communities. Proposals that will result in the loss of valued facilities or services which support a local community (or premises last used for such purposes) will only be permitted where:

- a. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
- b. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
- c. alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking. Where necessary to the acceptability of the development the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and a financial contribution towards the cost of these developments proportional to the impact of the proposed development in that area, through the use of conditions and/or planning obligations.

- 8.5 The application site was originally all occupied in association with the police station, including the provision of Magistrates courts. Over a number of years parts of the building became unoccupied and underused and therefore a small proportion of the building was sold to Suffolk County Council to be used by Adult Services to provide a day centre. Therefore, 80% of the building is owned by Suffolk Constabulary and 20% of the building is owned by Suffolk County Council.
- 8.6 As the demand and need for the existing facilities as a police station reduced, planning permission was sought and approved for the conversion of the building to offices in 2011. The building was then marketed by Savills in 2012 for 12 months, where little interest was shown and the building was never sold as detailed in their submitted marketing assessment. As a result, this permission lapsed.
- 8.7 In more recent years, implementation of the Suffolk Local Policing Model in April 2016 has also resulted in relocation of various departments and the closure of the public access function, reducing the occupancy even further at this station. As such, from the 1st April 2016 the only occupants of the building were the Newmarket SNT (Safer Neighbourhood Team) comprising a total of 6 no. officers who occupied one office on the first floor and a small locker room. Due to the changes, in 2016 the Newmarket SNT relocated to Newmarket Fire Station, when an opportunity arose to integrate the two services following conversion and extensions to Newmarket Fire Station. Therefore, Suffolk County Council Adult Services were the only occupiers of a small proportion of the building.
- 8.8 It has been demonstrated in the submitted documentation and following a site visit undertaken by the Local Planning Authority (LPA) that the need and demand for this service has reduced significantly and it is no longer viable for the service to be run from the building. Changes to the service have taken place since 2016 to address the matter, with the support of Suffolk Constabulary and the Local Authority. The service which is provided has now been adapted to suit the needs and demand for this service in Newmarket,

by providing one on one individual care and support and use of the services and facilities at Newmarket Community Hub for activities.

- 8.9 In conclusion, there is no loss of community facilities or services or employment as a result of the proposed development as both uses are being relocated and dispersed elsewhere, due to it being clearly demonstrated that the existing building is not viable for the uses that have undergone major changes. It is considered that the proposed development is not contrary to policy DM41 or DM30.
- 8.10 Policy CS1 states that within the Housing Settlement Boundary, planning permission for new residential development will be granted where it is not contrary to other planning policies.
- 8.11 The site is located within the Housing Settlement Boundary for Newmarket which is designated a market town and suitable location for future development. As such, the principle of residential development is acceptable, subject to the impacts of the proposal otherwise being satisfactory.
- 8.12 Access, scale, appearance, layout and landscaping is reserved for a future application. However, noting the context below, further consideration of matters of detail also go to the heart of the issue of principle.

Asset of Community Value (ACV)

- 8.13 During the course of the application, a nomination was received by the Local Authority on 27th June 2018 for the building (Former Police Station, Lisburn Road, Newmarket) the subject of this application, to be listed as an asset of community value (ACV). The nomination was refused by the Local Authority on 3rd August 2018 for the following reason:
- 8.14 *The nominated site comprises a large building, outbuildings and a parking area, the majority of which (approximately 80% of the area) was last used as a police station. The part of the site until recently used by Leading Lives, i.e., the former court area, is the only part of the site in which a use which furthers the social wellbeing or social interests of the local community has been identified. It is considered that the use of this part of the site is not - in its own right - a primary or principal use of the site. In the context of the site as a whole, the community use is subsidiary to the principal use as a police station. In order to meet the relevant statutory test for listing land or buildings as Assets of Community Value, the community use must not be ancillary. Accordingly this nomination cannot be accepted.*
- 8.15 Therefore, no weight is attributed in the planning balance in respect of the ACV nomination.

Newmarket Neighbourhood Plan

- 8.16 Newmarket Town Council are in the early stages of drafting a Newmarket Neighbourhood Plan (NNP). This is classified as the 'Pre-submission Newmarket Neighbourhood Plan (PSNNP)'. The document has been sent to the Local Planning Authority to comment on and the comments from our Planning Policy team which are relevant to this application are as follows:

- 8.17 PSNNP Policy NKT9, Community Action 9 and supporting paragraph 4.4.5 concern this site and read as follows:

"4.4.5 A town the size of Newmarket should be inclusive, with facilities for all its residents, but there is currently no school for children with complex special educational needs in Newmarket, and children have to travel to Bury St Edmunds and beyond or out of County. Leading Lives is a valued adult activity centre for differently abled adults, which was based in the old Court Buildings, but is closing imminently. This would provide a valuable continuity of care.

Policy NKT9: Special educational needs provision

The site of the former police station and the old Court buildings should be designated as a centre for special educational needs.

Community Action 9: Special Educational Needs Provision

To find adequate provision for children with complex special educational needs in Newmarket. A possible site would be the former Police Station and old Court buildings adjacent to All Saints' School;"

- 8.18 In the formal Forest Heath District Council (FHDC) Pre submission consultation response to Newmarket Town Council (NTC), FHDC provided comments both as Local Planning Authority (FHDC- LPA), and corporately, as the Local Authority (FHDC-Corporate). The relevant extracts from these responses for the application site are set out below:

8.19 *FHDC - LPA*

Policy NKT9: Special educational needs provision

Comment: The wording of this policy needs further consideration. Has the support of the landowner been secured? A planning application DC/18/0821/OUT has been submitted to the Local Planning Authority, which proposes: "Outline Planning Application (All matters reserved) - Convert existing building into 12 apartments with associated external works, landscaping and parking..." This was submitted by Suffolk Constabulary as a site owner. If the site is viable and deliverable the policy should be worded to make a designation rather than 'should be designated'. If the viability or deliverability of the site is uncertain, it is suggested the policy is worded more generically without reference to the police station and old court buildings giving support to appropriate proposals for a centre for special educational needs. The need for a policy and a community action addressing the same issue is questioned and it is suggested depending on the approach adopted only one is retained.

8.20 *FHDC - Corporate*

Para 4.4.5, Policy NKT9 - Special Educational Needs, and Community Action 9 - Special Educational Needs Provision

Comment: An initial application was made to FHDC to list the former Police Station, 2 Lisburn Road, Newmarket, as an Asset of Community Value (ACV). The application to list this site as an ACV has subsequently been refused on 3 August 2018, and accordingly it is suggested NTC seek independent legal advice if they wish to pursue allocation / designation of this site for such a use within a policy. In order to be deliverable, draft Policy NKT9 should also have the support of the landowner/s. A planning application DC/18/0821/OUT has been submitted to the Local Planning Authority, which proposes: "Outline Planning Application (All matters reserved) - Convert

existing building into 12 apartments with associated external works, landscaping and parking..." This was submitted by Suffolk Constabulary as a site owner. It is therefore suggested that the site is not available or deliverable for the suggested designated use. It is recommended that NTC should also liaise with Suffolk County Council as the lead education authority regarding the education requirements and future roll demands for Special Educational Needs and Disability children within Newmarket. The need for a designated centre for Special educational needs is not evidenced by NNP currently. Community Action 9 appears to duplicate Policy NKT9, and repetition should be avoided.

8.21 In summary, FHDC raised concerns that the NNP Pre-submission designation was not supported by sufficient evidence to demonstrate that a SEND Facility was required within the wider town of Newmarket, or that the Former Police Station (application site) was deliverable for that use.

8.22 As such, appropriate and relevant weight needs to be attributed to Policy NKT9. It is considered that Community Action 9 is considered a statement of intent by Newmarket Town Council and not a proposed planning policy/allocation. The PSNNP was published for public consultation before the publication in July 2018 of the revised National Planning Policy Framework (NPPF).

8.23 National Planning Practice Guidance (NPPG) Paragraph: 007 Reference ID: 41-007-20170728 states: '*An emerging neighbourhood plan may be a material consideration.*' Paragraph 48 and foot note 22 of the revised NPPF sets out the weight that may be given to relevant policies in emerging plans in decision making, and factors to consider include:

(a) the stage of preparation of the plan (the more advanced the preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) *the degree of consistency of the relevant policies in the emerging plan to "this Framework" (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

8.24 In relation to parts (a) and (b) above and the PSNNP proposed designation:

(a) The draft Plan proposals are at pre-submission stage (see below).

(b) The LPA has concerns over the deliverability of the allocation given the existing land owners' current residential planning application aspirations. Further SCC have questioned the appropriateness of the NNP allocation in the context that they are still assessing the results of the SCC Special Educational Needs and Disability (SEND) Sufficiency Plan (undertaken this summer), in the context of identifying whether there is a need for a SEND facility for this site, and Newmarket town as a whole.

(c) The evidence underpinning this allocation and its deliverability are questioned.

8.25 Paragraph 014 Reference ID: 21b-014-20140306 of the NPPG gives advice on prematurity which has been incorporated into paragraph 50 of NPPF, this states:

'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.' It should be noted in this context that the NNP is currently at the pre-submission stage and not the submission stage/ submission plan publicity to which this paragraph of the NPPG refers.

8.26 In conclusion the NNP is still at pre-submission stage and has not been formally submitted to the LPA or been through the LPA publicity period. Therefore, the emerging neighbourhood plan is a material consideration for the purpose of determining the application, however only limited weight can be given to it due to the reasons outlined above.

Affordable Housing

8.27 Policy CS9 of the Council's Core Strategy requires developers to integrate and provide affordable housing within sites where housing is proposed. Where a site is 0.3 hectares and above 10no. or more dwellings, 30% affordable housing shall be provided.

8.28 The affordable housing requirement for this proposal for 12no. dwellings equates to 3.6 dwellings, so 3no. dwellings would be required on site and a 0.6 commuted sum. Forest Heath District Council's tenure requirement is 70% Affordable Rent and 30% Shared Ownership Housing, however, as the proposed development is for 12 units only, Strategic Housing would recommend all the affordable housing requirement be for affordable rent.

8.29 *Affordable Rent (3no. dwellings)*
2 x 1 bed apartment (min 2 person)
1 x 2 bed apartment (min 4 person)

8.30 Therefore, the proposed development is compliant with Policy CS9.

Visual Amenity and Character of the Area

8.31 Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. In addition, it also requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.

8.32 Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

- 8.33 Appearance, scale and layout are reserved matters and as such the final design and external appearance of the building would be the subject of a further reserved matters application. It has been demonstrated internally how the existing building could be converted into 12no. apartments.
- 8.34 The existing building sits prominently in the street scene of both Lisburn Road and Vicarage Road. The majority of the building is of three storey nature, with the Suffolk County Council element of the building along Lisburn Road being of a two storey nature and a later two storey extension located to the rear/side of the former police station. Minus the later addition to the rear/side of the building, the original building commands the street scene, in particular the frontage along Lisburn Road. The surrounding buildings vary in design, scale and form, resulting in a mixed character. Whilst there are differences in building styles and design, there is a strong pattern of development along Lisburn Road and the connecting roads including Vicarage Road and Rous Road where there is fine grain arrangement; buildings positioned close together and immediately adjacent to the highway.
- 8.35 It is considered that subject to the detail of any reserved matters application, the proposed development provides an opportunity to enhance the character of the building and that of the wider area.

Residential Amenity

- 8.36 The proposed developed seeks the conversion of the existing building and the footprint of the building is to remain unchanged. Other than the present use of the application site, Lisburn Road consists of residential properties. To the rear of the site is All Saints Primary School.
- 8.37 The layout and floor plans are indicative, but the plans show how the development could be laid out internally and externally, and how it could relate to adjoining development. As this is only an outline application, the proposed appearance of the building has not been provided. However, it is considered a development can be achieved without having a detrimental impact on the residential amenity of adjoining properties or the Primary School.

Highway Safety

- 8.38 Access is a matter to be reserved, however it is important at outline stage to establish the requirements from the Highway Authority in order for an assessment to be made of the proposed development on highway safety. As a result of the proposed development, the existing access would be required to be widened to accord with current visibility standards. Suffolk County Highway Authority considers that the proposed development, comprising 12no. residential units, will not lead to an adverse impact on highway safety subject to improvements to the existing access.
- 8.39 As set out above, layout is also a matter to be reserved and therefore parking and cycle storage would be dealt with during the further application. However, it has been demonstrated that the site with the development that is being proposed, enables sufficient space for adequate space for both.

Planning Obligations

- 8.40 Suffolk County Council as the education authority has identified a shortfall in the number of available primary school places and requests a financial contribution of £12,181. A contribution of £192 towards the library provision within the area is requested. A contribution of £20,000 is sought by the District Council for the maintenance and improvement of three areas of Public Open Space within 450metres is also considered reasonable and compliant with CIL Regulations.
- 8.41 Policy CS9 of the Council's Core Strategy and the National Planning Policy Framework requires schemes of more than 10 units to provide 30% affordable housing. As set out in the affordable housing section, the proposed development is policy compliant.
- 8.42 This leaves the following Planning Obligations to be secured:
- £12,181 towards the costs of primary school places
 - £192 towards the cost of library provision
 - £20,000 towards the maintenance of on-site public open space
 - Affordable Housing to be 30% in line with the SPD

Other Matters

- 8.43 Public Health and Housing and Strategic Housing have made comments that consideration should be given to National Space Standards when assessing the size of the rooms and apartments. As stated in the sections above, this is an outline application with all matters reserved and therefore the internal layout at this stage is purely indicative and relevant legislation and guidance will be given full weight and consideration accordingly within any subsequent applications.
- 8.44 Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.
- 8.45 The site lies within Flood Zone 1, being land at the lowest risk of flooding. No objections have been received from the Environment Agency or Suffolk County Council as lead local flood Authority. Therefore, the effects of the proposal upon matters of flood risk and drainage can be considered acceptable.
- 8.46 The application is supported by a Phase 1 Desk Study Report, reference TEB/18.090/Phase1, dated 16th March 2018 undertaken by AF Howland Associates. This report provides a summary of the history and environmental setting of the site and surrounding area and includes an acceptable preliminary risk assessment. The report concludes that "If future development introduces any garden or soft landscape areas to the site then limited further assessment is recommended to ensure that the site is suitable for the proposed end-use." The proposed block plan includes a small area of proposed open amenity space soft landscaping. It is therefore recommend by

the Environment Team that the standard land contamination condition is attached to the outline planning permission, should planning be granted.

- 8.47 The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
- 8.48 Policy DM2(k) of the Joint Development Management Policies Document requires proposals for all developments to produce designs that encourage the use of sustainable transport. The National Planning Policy Framework (NPPF) states that: '*Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission vehicles*'. In order to encourage the uptake of sustainable transport in the form of electric vehicles and to enhance air quality, it is recommended that a condition is imposed to require all dwellings with off street parking shall be provided with an operational electric vehicle charge point. This is a requirement also within Suffolk Parking Standards.

9.0 Conclusion:

- 9.1 The development proposed is within the settlement boundary for Newmarket. Robust and sufficient evidence has been provided to demonstrate that there will be no adverse impact to community facilities and services or employment, as to accord with Policy DM41 and DM30.
- 9.2 Noting the conclusion set out above regarding the Newmarket Neighbourhood Plan, limited weight can be given to this in the planning balance and the Local Planning Authority are satisfied that the proposal provides many and notable benefits. It would therefore be very difficult to justify refusal on the basis that the proposal conflicts with the emerging Neighbourhood Plan.
- 9.3 Accordingly, it is considered that the proposal complies with the relevant national and local policies and approval is recommended as set out below.

10.0 Recommendation:

- 10.1 It is recommended that planning permission be **APPROVED** subject to the following conditions:
- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 3 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works is set out in the remediation strategy.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 Prior to commencement of development details of the access, appearance, landscaping, layout, and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reference No:	Plan Type	Date Received
P994/26198/2	Block Plan	10.05.2018
P994/26196/4	Existing Floor Plans	01.05.2018
P994/26196/3	Existing Floor Plans	01.05.2018
10	Location Plan	30.04.2018
(-)	Design and Access Statement	30.04.2018
(-)	Ecological Survey	30.04.2018
(-)	Planning Statement	30.04.2018
(-)	Flood Risk Assessment	30.04.2018
(-)	Land Contamination Assessment	30.04.2018
(-)	Notice served	10.09.2018
(-)	Application form	30.04.2018
(-)	Marketing Assessment	30.04.2018

Reason: To define the scope and extent of this permission.

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale

of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

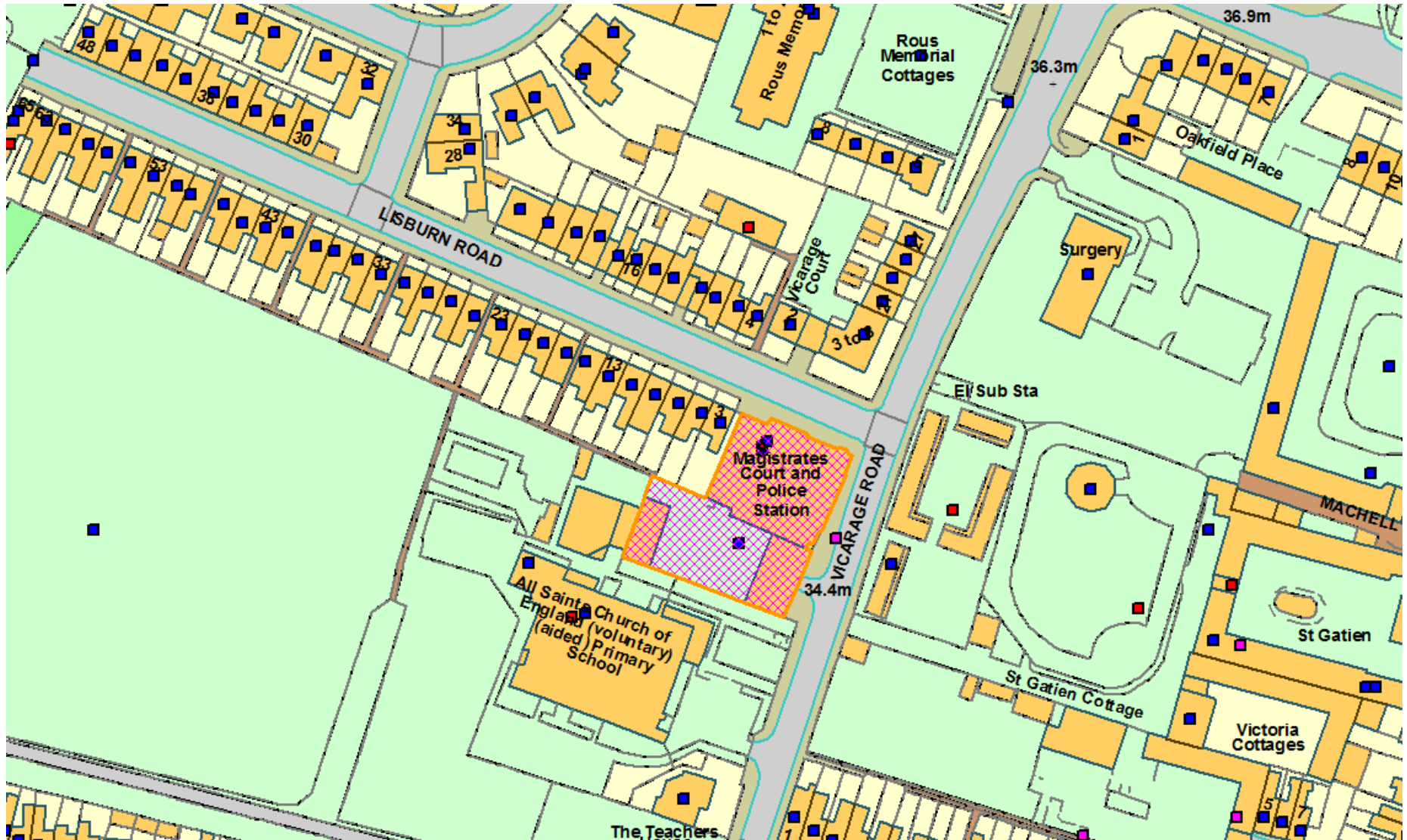
- 9 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015)

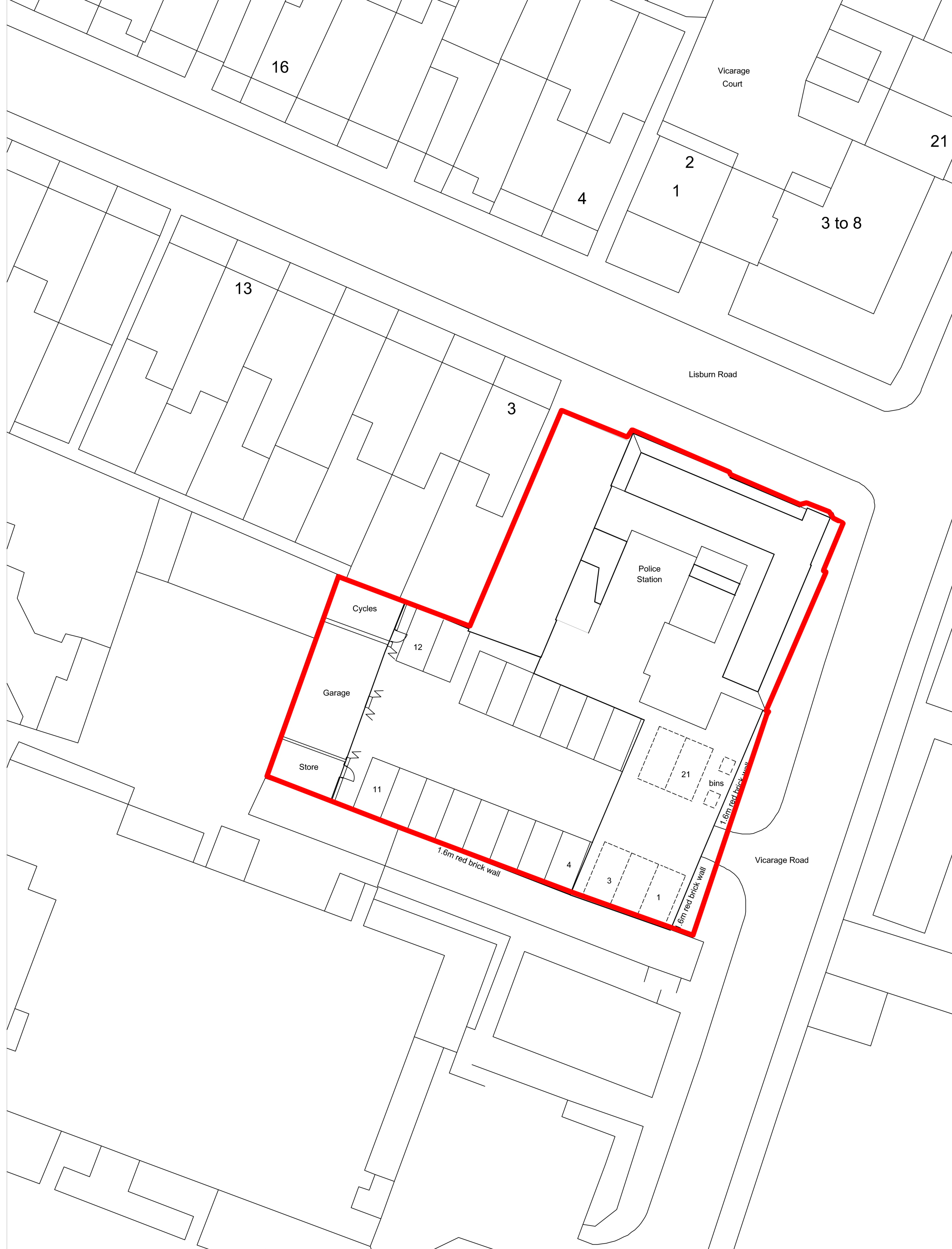
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0821/OUT](#)

DC/18/0821/OUT
Former Police Station
Lisburn Road
Newmarket



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REV	DATE	DESCRIPTION
Plan No. P994/26198/2		
Scale 1:200 @ A2		
Date: 15 April 2011		
DRAWN BY		Page 107
CHECKED BY		RS

Title. Block Plan / Roof Plan

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Forest Heath
District Council

DEV/FH/18/027

**Development Control Committee
7 November 2018**

**Planning Application DC/18/0614/FUL –
Land East of Beeches Road, Beeches Road,
West Row**

Date Registered:	13.04.2018	Expiry Date:	13.07.2018 (EOT until 30.11.2018)
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Mildenhall	Ward:	Eriswell and the Rows
Proposal:	Planning Application - 46 no. Dwellings (including 14no. affordable dwellings) with the creation of new vehicular access onto Beeches Road		
Site:	Land East of Beeches Road, Beeches Road, West Row		
Applicant:	Mr Jonathan Waters		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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

Background:

This application is referred to the Development Control Committee because the applicant is related to the Leader of the District Council and because the application is contrary to the Development Plan.

1.0 Proposal:

1.1 Full planning permission is sought for 46 dwellings (including 14no. affordable dwellings) and the creation of new vehicular access onto Beeches Road.

2.0 Application Supporting Material:

2.1 The planning application is accompanied by the following drawings and reports:

- Drawings (Location Plan, Block Plan, Dwelling & Garage Elevations & Floorplans and Street scene Drawings)
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Phase I Contamination Report
- Phase I Habitat Survey
- Breeding Bird survey
- Reptile Survey
- Development brief

3.0 Site Details:

3.1 The site is situated south of Mildenhall Road, east of Beeches Road and north of Chapel Road. Mason Gardens is also directly south of the proposed site. The local primary School, village shop, hairdressers and a fast food take away are to the west and various community facilities (tennis courts, recreation ground, sports pavilion, village hall, allotments) are located to the south west.

3.2 Mildenhall Air Base is located to the north east. A footpath is on the eastern side of the site and links Mildenhall Road and Chapel Road. This footpath then links into another footpath which links Chapel Road and Church Road.

3.3 The site is located outside the existing Housing Settlement Boundary for West Row, but the site is a preferred site for development in the forthcoming local plan site allocations.

4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/14/2047/HYB	Hybrid Planning Application comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline	Pending Decision	

application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

DC/17/0964/FUL	Planning Application - 6 no. dwellings (adjoining development proposed under application DC/14/2047/HYB).	Application Withdrawn	02.05.2018
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5.0 Consultations:

- 5.1 Mildenhall Parish Council – Object. Concerned with the access and egress and the proximity of the school crossing. Parking in term times will totally block the view of anyone exiting onto Beeches Road. Also concerned with the capacity of the drainage systems especially the sewerage. Over-development of the site regarding the layout and density of the houses in regard to large vehicles like a refuse truck.
- 5.2 SCC Planning Obligations – require contributions towards enhanced primary and secondary education provision, along with contributions towards enhanced library facilities.
- 5.3 SCC Flood and Water – Although the overall drainage strategy is acceptable for the site, several concerns have been raised with the detailed technical information submitted with the application. At the time of writing this report the applicant has still to address these matters and a further update will be given to members at the committee meeting.
- 5.4 MOD (Noise) - Consider the available supporting information insufficient in order to determine the suitability of the development for its proposed use, or in order to clearly demonstrate that the occupants of that development will have acceptable protection from noise. However, they also comment that if the LPA were minded to grant planning consent for the proposed development, appropriate planning conditions should be considered to ensure that acceptable internal noise levels are achieved during daytime and night-time periods (in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', and in line with those agreed between the MOD and FHDC).
- 5.5 Public Health and Housing – No objection, subject to conditions dealing with construction hours and the protection of residential amenity during construction.

- 5.6 Conservation Officer – (Original plans) the provision of housing immediately adjacent to the listed building (namely units 21 and 22) would detract from the significance of the heritage asset due to its impact on the setting appearing as an intrusion to its rural setting and the loss of domestic curtilage, causing harm to the significance of the heritage asset. Such harm could be addressed with the removal of the two most northerly units. (Amended plans) – no comments received.
- 5.7 Ecology and Landscape Officer - For Appropriate Assessment to conclude no adverse effect on integrity of Breckland SPA from cumulative recreational pressure, measures should be provided that would influence recreation in the surrounding area. These measures could include provision of on-site open space/ green infrastructure, promotion and facilitation of recreational connectivity including connection to the PRoW network and potentially a contribution (financial for a defined project or SANG) to mitigate cumulative effects. The current proposals do not include such measures. Comments on amended proposals awaited.
- 5.8 SCC Highways – Formal comments on amended plans awaited. No objection in principle, subject to appropriate conditions dealing with off-site improvement works (provision of zebra crossing) and access, parking and highway drainage details.
- 5.9 Strategic Housing – Support. The developer is proposing to provide 14 affordable homes and an appropriate mix has been agreed. Tenure will be 70% affordable rent and 30% shared ownership.
- 5.10 Suffolk Wildlife Trust – no objection, subject to the implementation of the mitigation outlined in the ecological report and surveys.

6.0 Representations:

- 6.1 A total of 16 letters of objection received from local residents raising the following issues of concern:
- Danger from construction traffic opposite the school
 - Loss of agricultural land
 - Cramped development with a lack of green space
 - Affordable housing should be made available to local people
 - Additional pressure on infrastructure including the school
 - Development not in accordance with the local plan
 - Danger from increased traffic opposite the school
 - Development too large with poor access
 - No provision of enhanced green infrastructure
 - Lack of public transport to serve the development
 - Development not in keeping with the nature and character of the village.

7.0 Policy:

- 7.1 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:
- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM17 Conservation Areas
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM41 Community Facilities and Services
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

- Core Strategy Policy CS10 - Sustainable rural communities
- Core Strategy Policy CS13 - Infrastructure and developer contributions

8.0 Other Planning Policy:

8.1 National Planning Policy Framework 2018

8.2 Emerging Site Allocations Local Plan under Policy SA14(a). This Policy allocates a 7.8 hectare site to the east of Beeches Road for residential development (indicatively 152 dwellings) and the expansion of the school.

9.0 Officer Comment:

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

- Principle of Development
- Highway Impact
- Open Space, Design and Layout
- Ecology
- Noise impact from RAF Mildenhall
- Planning obligations

Principle of Development

9.2 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), and the Core Strategy Development Plan Document (adopted May 2010). National planning policies set out in the revised National Planning Policy Framework 2018 are also a key material consideration.

9.3 The development site is subject to a current hybrid application, DC/14/2047/HYB. This includes a full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, and an outline application with all matters reserved for the erection of up to 90 dwellings and 7 self-build homes. The provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation is also proposed. It is understood that progress with this application has now stalled, and the application remains undetermined.

9.4 At the Forest Heath Development Control Committee on the 03.08.2016, members resolved to grant permission for the above development subject to conditions and the completion of a S106 legal agreement to secure the following:

- Proportionate Highway contribution to an altered Queensway Junction
- SCC Travel Plan evaluation and & support officer – £1,000 per year up to 5 years from final occupation
- Travel Plan Bond - £123,623

- Rights of Way (footpath improvements) - Between £82,320 and £88,920 depending on the order making process.
- Primary Education £401,973
- Pre School £73,092
- Public Transport £15,000
- Affordable Housing in perpetuity - 30%
- Library Provision - £2,208
- Health - £45,380.00
- Off-site skylark habitat compensation – Control of land and provisions

- 9.5 The site is also subject to an allocation in the emerging Site Allocations Local Plan under Policy SA14(a). This Policy allocates a 7.8 hectare site to the east of Beeches Road for residential development (indicatively 152 dwellings) and the expansion of the school. Any development of the site should provide for measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to the Breckland SPA. Strategic landscaping, archaeological investigation and sustainable travel provision including for pedestrians and cyclists should also be included.
- 9.6 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. 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. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.
- 9.7 Paragraph 59 of the NPPF states to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.8 In addition, the NPPF requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five-years’ worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (or a 10% buffer if demonstrated via an annual position statement, or a 20% buffer where there has been significant under-delivery of housing over the previous three years).
- 9.9 The presumption in favour of sustainable development is “at the heart of the Framework” and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to habitats sites and or designated SSSIs, designated heritage assets and areas at risk of flooding); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.10 However, paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 9.11 Paragraph 177 of the NPPF states: "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined. An Appropriate Assessment of the application proposals has been carried out and, accordingly, paragraph 11 of the NPPF, including the 'presumption in favour of sustainable development', is not relevant to the application proposals.
- 9.12 However, given that the planning application proposals are included as part of the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan, it is inevitable that, unless the applications are approved, the Council would fall into a position where it is not able to demonstrate a 5-year housing supply.
- 9.13 Although the proposals for residential development in the countryside are contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites, the harmful impact on the wider landscape character is considered to be minimal. This largely being due to the proximity of the site to other built areas of the village and the containing nature of the boundary trees and hedging to the north, south and west of the site.
- 9.14 The minimal harmful impact of the proposed development upon the landscape is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new boundary landscaping (the precise details of which could be secured by condition).
- 9.15 The application proposals, owing to the situation of the application site at a 'countryside' location (as currently defined) are contrary to the dominant operative policies of the adopted Development Plan. Accordingly, and as a

starting point both Section 38(6) of the 2004 Planning Act and the NPPF set out a 'presumption against' the development and direct that planning permission should be refused unless material considerations indicate otherwise. However, it remains the case that the planning application falls to be determined in accordance with Section 38(6) of the 2004 Act with the NPPF and the emerging site allocation policy being key material considerations.

- 9.16 The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and the NPPF, taking into account relevant material planning considerations. The planning obligations set out above are reviewed and updated in paragraph 9.43 below.

Highway Impact

- 9.17 The application site proposes a single highway access to Beeches Road, with a new junction created just to the south of the school. The arrangement is as proposed under application DC/14/2047/HYB and has already been accepted in principle by SCC Highways. The estate road into the site would be to adoptable standard with appropriate footpath provision. A new zebra crossing to Beeches Road opposite the school is proposed to provide a safe and convenient access from the site to the school and other village amenities. The exact position of the crossing will be confirmed by SCC Highways and would be the subject of a traffic analysis and safety audit.
- 9.18 The proposed estate road has been arranged to allow for future potential access to the remainder of the wider SA14 site, so as not to prejudice the delivery of the remainder of the residential allocation. The proposed cycle path is to the south of the proposed access road, leaving it available to continue through to any proposed further future development to the south.
- 9.19 Following SCC Highway's initial comments, additional parking has been provided throughout the site in accordance with adopted standards. Cycle storage has been provided for all plots either in sheds in rear gardens or incorporated within garage space, and all plots have been provided with bin storage locations.
- 9.20 Subject to appropriate conditions requiring the submission of detailed designs for the access junction, off-site highway works and estate roads, the application has demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety. Safe and suitable access can be achieved for all users. The proposal accords with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

Design and layout (inc. open space)

- 9.21 The application proposes a mixture of 1, 2, 3, 4 & 5 bed dwellings, the majority of which would be two-storey in terms of scale. Two single-storey bungalows are also proposed. The housing layout is similar to that proposed in application DC/14/2047/HYB and this has already been found acceptable by members of the Forest Heath Development Control Committee. Due to the shape of the site, the development follows a linear

pattern to either side of the estate road, with the majority of dwellings having front and rear gardens with in-curtilage parking. The materials proposed would be in-keeping with the local vernacular including the use of pantiles, red brick and weatherboarding.

- 9.22 The comments of the Conservation Officer have been taken on board in respect of the adjacent listed building at the north of the site. Although not removing plots 21 and 22 from the scheme, the amended plans have reduced the scale of these dwellings so that there are now single storey. This reduces their impact within the skyline, reducing the impact on the setting of the listed building. The siting of these dwellings in proximity to its boundary will still have impact on the setting of the listed building, although taking into account the fact that the current setting to the north-east of the listed building will remain unchanged, any harm to the setting is considered to be limited.
- 9.23 This type of development generates a requirement for on site open space in accordance with Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. The application is not proposing any on-site open space in this case. This triggers a default position of requiring a financial contribution in lieu of there being on-site provision. However, in order to comply with the Community Infrastructure Levy Regulations 2010 and the pooling requirements therein, any financial contribution needs to provide for funding towards a particular infrastructure project.
- 9.24 In this case the applicant has identified that the local Bowls Club are looking to extend their built facility to accommodate other community activities. The Service Manager for Operations, Leisure and Culture has confirmed that a financial contribution towards this facility in lieu of on-site open space provision meets the requirements of the SPD. A contribution of £86,278 has been agreed as being a reasonable and proportionate amount, and this can be secured via a Section 106 legal agreement.
- 9.25 Overall in terms of design, scale, appearance and overall sustainability, the proposed development is considered to perform well when assessed against Joint Development Management Policies DM13, DM22 and the NPPF.

Ecology

- 9.26 The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017.
- 9.27 The site is within 3.7km of Breckland Special Protection Area (SPA), in this case Breckland Forest. This is a site of international importance, important for woodlark and Nightjar. The site is sufficiently remote from the boundary of the SPA and its constraint zones for direct impacts to be screened out. However the potential for the construction of residential dwellings on this site has been considered in relation to the potential to contribute to recreational pressure on the SPA.
- 9.28 Policy SA14 of the Site Allocations Document allocate sites for housing development at West Row. The policy requires that development must provide measures for influencing recreation in the surrounding area, to

avoid a damaging increase in visitors to the Breckland SPA. Measures should include provision of suitable alternative natural greenspace and the enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures. In addition strategic landscaping and open space must be provided to address the individual site requirements and location. The SIR and SALP have been subject to HRA which takes into account the policy wording and the implementation of the recommendations in the natural greenspace study.

- 9.29 As such it is necessary that residential applications within this distance to the SPA provide their own sufficient green infrastructure to allow for recreational activities on site such as dog walking paths, allotments and areas of natural green space. Such on site provision will help to ensure that new residents are not travelling to the adjacent protected sites because there is insufficient quality green space. Of particular concern is ensuring residents are able to exercise dogs. Mitigation in the form of provision of well connected open space that will serve as local green space for residents should be provided on this site and connection to the wider network of public rights of way is a priority.
- 9.30 For Appropriate Assessment to conclude no adverse effect on integrity of the Breckland SPA from cumulative recreational pressure, measures should be provided that would influence recreation in the surrounding area. These measures could include provision of on-site open space/ green infrastructure, promotion and facilitation of recreational connectivity including connection to the PRoW network and potentially a contribution (financial for a defined project or SANG) to mitigate cumulative effects.
- 9.31 Members resolved to approve hybrid application DC/14/2047/HYB that included a financial contribution of £87, 000 for the conversion of two footpaths (FP7 and FP8) to a Public Bridleway, and surface improvement works. As this full application seeks permission for dwellings on part of the wider allocated site, it is appropriate to consider a proportionate contribution towards similar footpath improvement works. There are also other footpaths close to the site (to the west), that could also benefit from improvements. At the time of writing this report final comments from the County Council's Public Rights of Way officer are still awaited, but any approval of this application for 46 dwellings will be subject to a S106 legal agreement that will secure a financial contribution towards footpath improvement works.
- 9.32 With the above mitigation in place, it is possible to conclude that there would be no adverse effect on the integrity of Breckland SPA from cumulative recreational pressure in accordance with emerging Policy SA14 and the Conservation of Habitats and Species Regulations 2017.
- 9.33 The application is accompanied by an Ecological report, a Breeding Bird survey, and a Reptile Survey. Of significance for breeding birds, the report notes that for the wider site (application DC/14/2047/HYB) Skylark mitigation was required for the scheme. However, this mitigation was in relation to a larger area including the arable fields to the east or south, which are known to support breeding Skylark. Although the grassland previously growing on this application site was considered suitable for Skylark, providing intermittent breeding habitat, at the current conditions

this site is not considered suitable for breeding Skylark, and is unlikely to have provided permanent nesting habitat previously. Therefore, the proposed development is not considered to impact the breeding habitat available to Skylark, and as such Skylark mitigation is not considered necessary for this smaller site. (Subject to the grassland on the site being maintained so it remains unsuitable for Skylark and other ground nesting birds prior to and during construction.)

- 9.34 In respect of reptiles, the report notes that there is a small population of Common Lizard on the site. The main concentration of reptiles was located along the existing hedgerow in the north eastern section of the site. A small concentration of reptiles is likely to be using the grassland located immediately north of the area where reptiles have been confirmed, and that the hedgerow habitat is likely to be used as hibernation habitat. The hedgerow and field margin habitats within the site boundary are therefore considered important for reptiles. Providing the recommendations within this report are adhered to, there will be limited direct impact upon the reptile species present on site. Ecological mitigation can be required by condition ensuring the application accords with the requirements of Core Strategy Policy CS2 and JDM Policy DM12 in this respect.

Noise impact from RAF Mildenhall

- 9.35 Both the NPPF and the Local Plan Policy seek to protect and secure a good standard of amenity for new and existing development. Paragraph 170(e) of the NPPF provides brief guidance on planning and noise and states that planning decisions should enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.
- 9.36 Policy DM2 of the JDMP seeks to avoid sensitive development where its users would be significantly and adversely affected by noise, smell vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented.
- 9.37 In a Statement of Common Ground dated August 2017, forming part of the SIR and SALP process, The Council and the Defence Infrastructure Organisation (DIO) agreed a form of conditions to be imposed on noise sensitive development position in respect of allocated sites within the designated noise contours. All dwellings would therefore need to meet the World Health Organisation (WHO) guidelines in respect of noise (in this case from military aircraft). Of course this does not negate the need for the impact of noise to be properly assessed.
- 9.38 To meet the WHO guidelines it should be demonstrated that noise levels inside a living room, with the windows closed, shall not exceed a daytime level of 35dB LAeq (16rs) during the daytime, and in the bedrooms at night-time a level of 30 dB LAeq (8hrs) should not be exceeded. An agreed condition can secure this.
- 9.39 The application site lies outside the 63 dB LAeq, 16h noise contour RAF Lakenheath (dated 2017) and just outside of the 66 dB LAeq, 16hr noise contour for RAF Mildenhall (dated October 2015). However, the RAF Mildenhall contour does not include the contribution from the operation of

CV-22 Osprey aircraft operating more recently from RAF Mildenhall. The initial compliment of 2 aircraft arrived at the base in July 2013, however since this time the number of aircraft has increased and now there are 10 CV-22 aircraft based there. The number and frequency of sorties for this aircraft will have also increased since 2013.

- 9.40 The results of a noise survey in 2014, submitted to accompany application DC/14/2047/HYB indicated that sound levels in this area were actually in the region of 64-66 dB LAeq, 16h. Having regard to this survey the MOD consider the site to be located within an area subject to low-medium noise levels. In order for the MOD to be confident that future occupants will be adequately protected from adverse noise, the developer would normally be expected to provide a suitably detailed and comprehensive noise assessment containing an acoustic design statement (ADS). The applicants have not chosen to submit a noise assessment and they are confident that the required noise attenuation through construction can be achieved.
- 9.41 Having regard to the above, and to try and ascertain the significance of the impact of the CV-22 Osprey aircraft, further evidence as to the frequency and flight path of the CV-22 Osprey aircraft was requested from the MOD. At the time of writing this report no further information has been forthcoming. It is generally understood however that the flight path of these aircraft is not directly over West Row and the application site. The noise from the aircraft is at its loudest when arriving and departing the base along the course of the runway. This noise from the aircraft occurs for a very short period of time and is infrequent.
- 9.42 Taking into account the above officers considered that, notwithstanding the absence of a recent noise survey with the application, the internal noise levels within dwellings required to meet the WHO guidance can be achieved. In accordance with the Statement of Common Ground this requirement can be secured by condition. Subject to this condition, the proposal would accord with the NPPF and JDM Policy DM2 in this regard.

Planning Obligations

- 9.43 In order to meet the infrastructure requirements of the development in accordance with Core Strategy Policy CS13, the following planning obligations will be secured through the completion of a S106 legal agreement:
- Primary Education - £121, 810
 - Secondary Education - £168, 299
 - Public Transport (amount to be confirmed)
 - Affordable Housing in perpetuity - 30%
 - Library Provision - £736
 - Contribution towards PROW footpath improvements (amount to be confirmed following consultation with SCC – maximum of £88, 920)
 - Contribution towards the local Bowls Club for the extension of their built facility to accommodate other community activities - £86,278

Other matters

- 9.44 Archaeology - The application lies in an area of archaeological interest defined in the County Historic Environment Record, situated within the historic settlement core of West Row (MNL 676). The proposed works

would cause significant ground disturbance with the potential to damage any archaeological deposit that exists. Suffolk County Council Archaeology have advised that they do not object to the development, provided that any permission granted is subject to a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to this condition, the development will accord with JDM Policy DM20 in this regard.

9.45 Drainage – the comments of SCC are noted and at the time of writing this report the applicant is addressing the concerns raised and will provide the technical information required. These matters are likely to be concluded ahead of the committee meeting, and members will be updated accordingly. The implementation of the agreed drainage measures and/or the submission and approval of detailed engineering drawings can be required by condition.

9.46 Energy efficiency – JDM Policy DM7 states that

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

9.47 The applicant's Design and Access Statement states that the development will;

"incorporate (where appropriate) established sustainable design principles together with additional sustainable technologies and material selection to optimise the developments overall sustainability credentials and minimise embodied energy and maximise recycled content and reuse."

9.48 However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant's sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations (in accordance with Policy DM7 requirements).

9.49 Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support,

and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.

- 9.50 In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.
- 9.51 Local residents and Parish Council – the comments of local residents and the Parish Council have been taken into account. The concerns about infrastructure impact and construction traffic are understood, however any permission would be subject to a legal agreement being entered into to provide for financial contributions towards education, enabling SCC to enhance the education provision at the local school(s). Construction traffic will be dealt with through the requirement for a Construction Management Plan to be submitted and approved that will help to ensure that inconvenience and disturbance from traffic during construction is kept to a minimum and that due consideration is given to the amenity of local residents.
- 9.52 The impact on the existing amenity of neighbouring dwellings to the development site has been considered having regard to the scale, design and layout of the development, and Officers are satisfied that there will be no significant loss of existing residential amenity.
- 9.53 Concerns regarding the principle of the development of this greenfield site are also acknowledged, however this site is part of an emerging local plan allocation for residential development and members have already resolved to approve development on this site. These are both material considerations of significant weight that support the principle of development of the scale proposed on this site.

10.0 Conclusion:

- 10.1 This report has identified that the proposed development due to its location outside the current settlement boundary is contrary to the development plan. Paragraph 12 of the NPPF does recognise that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. That proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;
- The application proposes the development of part of an emerging allocation for residential development, which is highly likely to be formally adopted as part of the new Forest Heath Local Plan by the end of the year. This is a material consideration that carries significant weight in favour of the proposed development.
 - The development would contribute 46 dwellings towards the five-year housing supply, and provide 14 much needed affordable homes.

- The development of the site would lead to economic gains realised through the financial investment and employment created. Further benefits would accrue from the increased population that would spend money in the local economy. This can be afforded modest weight.
- The provision of a financial contribution towards enhanced footpaths in the area would benefit more than just the residents of the scheme and Officers consider these new community assets should be afforded moderate weight in favour of the scheme.

10.2 The information submitted with the application (as amended) has demonstrated that a sustainable development of 46 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the emerging allocation Policy SA14, and the NPPF 2018 (as set out in this report). Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, public footpaths, and improvements to the local Bowls club. The impact of military aircraft noise from RAF Mildenhall has been considered, and the comments of the MOD and Public Health and Housing have been taken into account. Officers have concluded that whilst there will be harm to amenity from aircraft noise outside of the dwellings, internal noise levels within the WHO guidelines can be achieved through suitable mitigation. Furthermore the application would not prejudice the delivery of the remainder of the emerging site allocation.

10.3 In conclusion, having considered the material considerations raised by the application proposal, Officers consider that the collective benefits arising from the development are substantial and are of sufficient weight to allow the development to be approved contrary to the Development Plan.

11.0 Recommendation:

11.1 It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for planning obligations set out in Paragraph 9.34 of this report, and the following conditions:

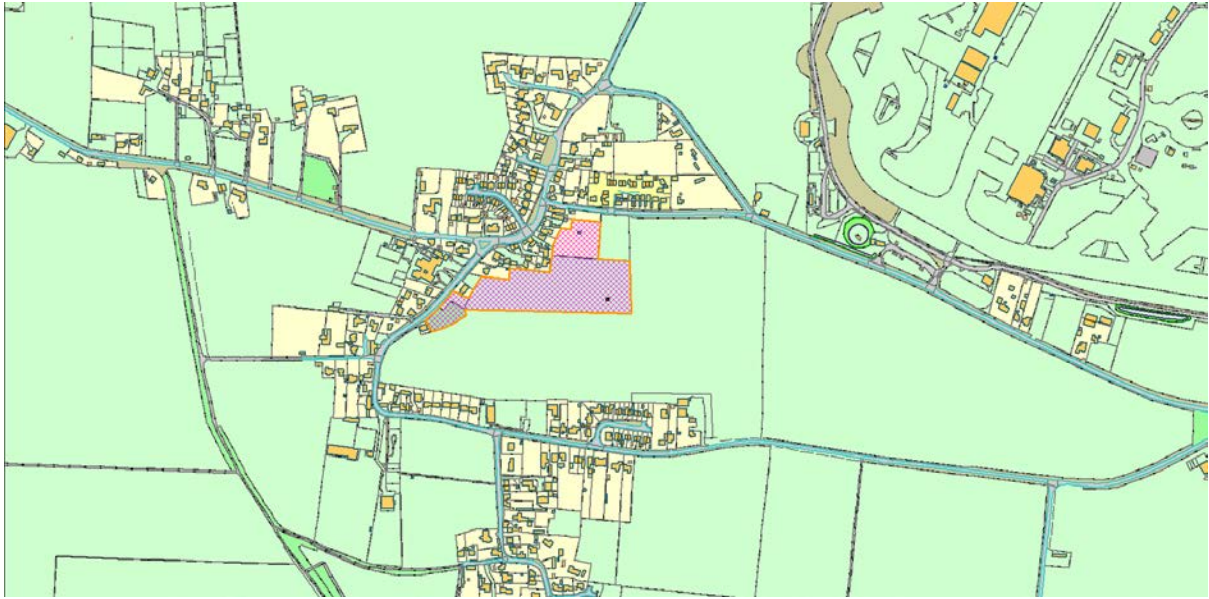
1. 3 year time limit for permission
2. In accordance with approved plans
3. Materials
4. Detailed landscaping scheme to be submitted
5. Boundary treatments to be submitted and agreed
6. Site Levels
7. Energy efficiency (water consumption)
8. Off-site highway works
9. Highway details (access) to be agreed
10. Details of estate roads to be agreed
11. Parking and access to be provided before occupation
12. Highways drainage details to be agreed
13. Electric vehicle charging points
14. Ecological mitigation
15. Site drainage details to be agreed
16. Internal noise levels of dwellings in accordance with WHO guidelines
17. Construction hours

18. Construction Management Plan to be agreed
19. Land contamination survey/mitigation to be submitted and agreed
20. Air quality – provision of electric vehicle charging points
21. Archaeology – written scheme of investigation to be submitted, agreed and implemented
22. Energy statement to be submitted, agreed and implemented.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/18/0614/FUL>

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DC/18/0614/FUL – Land East of Beeches Road, Beeches Road, West Row



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House Legend

-  = Garage (double)
-  = Garage (3xCPS)
-  = 2 Bed House 79m²
-  = 1 Bed Bungalow 50m²
-  = 2 Bed Bungalow 80m²
-  = 3 Bed Detached house 80m²
-  = 5 Bed Detached house 258m²
-  = 4 Bed Semi-detached House 230m²
-  = 3 Bed House 149m²
-  = 4 Bed Detached house 258m²
-  = Terraced (2x 2bed, 3x 3bed) 79/102m²
-  = 2x 2 Bed Semi-detached 79m²
-  = 4 Bed House 211m²
-  = 3 Bed Bungalow 96m²
-  = 3 Bed Bungalow 120m²
-  = 4 Bed Detached house 215m²
-  = 6 x flats- 4 x1 bed, 2 x 2 bed
-  = 4 Bed House 152m²
-  = 2 bed chalet-style semis 81m²







Total: 46 No.



1:1250 Site Location Plan
(Based on topographical survey)

Private Sale/Rent x 32 Units
Affordable Allocation x 14 Units:
Affordable Rent: Plots 6, 12, 13, 14, 33-38
Shared Ownership: Plots 7, 15, 16, 17

Key

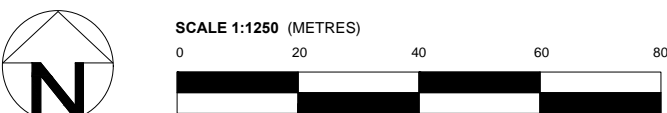
-  = Block paviour (private road/driveways)
-  = Tarmac Rd (to adoptable rd standard)
-  = 1.8m boundary (fence/wall)
-  = New Trees
-  = Granite Setts/Speed humps
-  = Affordable Units

Rev	Description	Date	Rev	Description	Date
C	Paths increased to 2m width, bin/cycle store added to rear of affordable flats, plots 4 & 5 swapped with plots 6 & 7, car parking info added, sheds added to all plots without cycle provision	11.5.18	B	Entrance altered and extra parking added to Affordable flats, S/O plot 4 swapped with Aff. plot 5, Plot 15 is now S/O and Plot 18 is private sale	26.4.18
H	Potential development shown to east and south of site	28.8.18	A	Bin Locations added to site plan	13.4.18
G	Plot 30 Re-designed, plot 1,2 parking relocated	01.8.18	Rev		
F	Topographical Survey added, Plots 33-38 design and site location altered, plot 39 site location altered, Plots 21 & 22 changed to 3 bed bungalows	29.5.18			
E	Patios & paths added to gardens, lay-by's added, plot 3 altered, path widths altered, extra visitor parking added, vehicle tracking added to road	24.5.18			
D	Plot 3 altered, Plot 2 boundary altered. All carports changed to garages, plots 4/5 and 45/46 no longer staggered, plot 25 re-arranged	16.5.18			

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Client : Jonathan Waters
Job title : White Horse, West Row
Drg : Proposed Site Location Plan

scale @ A3 1:1250 date: Sept 2017 drg. no. TAB300-011



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Forest Heath
District Council

DEV/FH/18/028

Development Control Committee 7 November 2018

Tree Preservation Order TPO/018 (2017) – Street Record, London Road, Brandon

Synopsis:

A Tree Preservation Order (TPO) was made on 1 individual tree, 3 groups and 2 areas located adjacent to London Road, Brandon, on 11th May 2018. The TPO was served primarily to replace an existing TPO (TPO/1957/019) as the original order which was made in 1957, has been misplaced.

This order which consists of mature Scots Pine trees is still important as it will continue to protect these iconic Breckland trees which form a distinctive street scene. Further to the above, these Scots Pine trees provide a valuable screen between the local industrial estate and residential housing, proving they have a high amenity value as well as a cultural and historical value.

A letter of objection has been considered, however the TPO is considered to be necessary to ensure the trees are protected into the future.

It is recommended that Members **CONFIRM** the TPO without modifications as detailed in this report.

Commentary:

1. The District Council's Standing Orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting any representations relating to such action at the Development Control Committee.
2. Because the original TPO documentation had been misplaced, a request was made for the Council's Tree Officer to serve a new order. The Tree Officer visited the site and confirmed that the trees remain worthy of protection and a new order was justified.
3. The Tree Preservation Order was made on 11 May 2018 (Working paper 1). The reason for the Tree Preservation Order was that:

This TPO has been served primarily to replace an existing TPO (TPO/1957/019) as the original order which was made in 1957, has been misplaced. This order which consists of mature Scots Pine trees is still important as it will continue to protect these iconic Breckland trees which form a distinctive street scene. Further to the above, these Scots Pine trees provide a valuable screen between the local industrial estate and residential housing, proving they have a high amenity value as well as a cultural and historical value.

4. A representation has been made in relation to the Tree Preservation Order by the occupant of 236 London Road, Brandon. The objection is related to the group G2 and raises no issues with A1, A2, G1, G3 or T1.
The main reasons for the objections relating to the 4 Scots Pines within group G2 are as follows:
 - The trees grow through live electrical wires. If branch failure occurred, it would bring down the live wire which would be dangerous.
 - Branches overhang the property of 236 London Road. If branch failure occurred, it would damage cars which are parked to the front of the house. This concern was reported in 2016 and at that time permission was given for the offending branches to be cut back.
5. Officers have considered the objections carefully along with information available relevant to the concerns that have been raised.
6. The Tree Officer visited the site to inspect each of the contentious trees. Some minor aspects of ill health were visible, however no significant defects were observed that would raise concerns regarding the structural integrity of the trees. The health and form of the trees are considered to be typical for the age and species.
7. The TPO would not prohibit works to trees that pose a risk to the overhead electricity cables. The relevant section of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 should be considered.
Exceptions to the regulations apply for works to trees by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary-
 - a) In the interest of the safe operation of the undertaking;
 - b) In connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker.“Statutory undertaker” in this instance meaning the holder of a licence under section 6 of the Electricity Act 1989(6).
8. The assertion was made that consent was granted for works to the trees in question, although no record of this was found, suggesting that the work was consented in a timely manner under a 5 day notice. Applications may be made for works to trees covered by an Order. If a risk to people or property is evidenced and justified, works would normally be granted consent, and in the case that the works are urgent, procedures can deal with this in a timely way. The TPO would therefore not restrict good management practices on the grounds of health and safety.

Finance/Budget/Resource Implications:

9. Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and Arboricultural Officers will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.

Should an application for works to a preserved tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given that the condition and location of the trees can be considered fully when deciding where to locate new dwellings and other facilities associated with any development.

Environmental Impact and Sustainability

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

Policy Compliance/Power

11. The Local Planning Authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.
12. The making of a TPO in this instance, is in line with the powers and policies of the Council.

Performance Management Implications

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

Legal Implications

14. This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or representations to the Order. The statutory consultation period expired on 14 June 2018.

Human Rights Act and Diversity Implications

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

Crosscutting Implications

16. None

Risk Assessment

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

Council Priorities

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

Recommendation:

19. It is recommended that the report be noted and Members CONFIRM the Tree Preservation Order.

Documents Attached:

Working Paper 1 – TPO including Schedule and Plan
Working Paper 2 – TEMPO Assessment

CONTACT OFFICER

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

Town and Country Planning Act 1990

Forest Heath District Council

**Tree Preservation Order TPO/018(2017)
Street Record, London Road, Brandon, Suffolk**

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

Citation

1. This Order may be cited as Tree Preservation Order TPO/018(2017) for Street Record, London Road, Brandon, Suffolk

Interpretation

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

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 17th May 2018

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and, subject to the exceptions in regulation 14, no person shall -

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

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

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

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

Dated this 17th May 2018

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



Handwritten signature

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

Authorised Signatory

CONFIRMATION OF ORDER

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

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

OR

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

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

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

DECISION NOT TO CONFIRM ORDER

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

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

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

VARIATION OF ORDER

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

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

Order], [a copy of
[insert reference number to the variation which is attached]

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

REVOCATION OF ORDER

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

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

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

SCHEDULE

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

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Pine, Scots (<i>Pinus sylvestris</i>)	to the front of 232 London Road

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

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
A1	79 Scots Pine trees	along verge on south side of London Road
A2	27 Scots Pine trees	along verge on south side of London Road

Group of Trees
 (within a broken black line on the map)

<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	2 Scots Pine trees	to the front of 260 and 262 London Road
G2	4 Scots Pine trees	to the front of 234 and 236 London Road
G3	6 Scots Pine trees	to the front of 250 - 252 London Road

Woodlands
 (within a continuous black line on the map)

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

J. Brandon

Scale



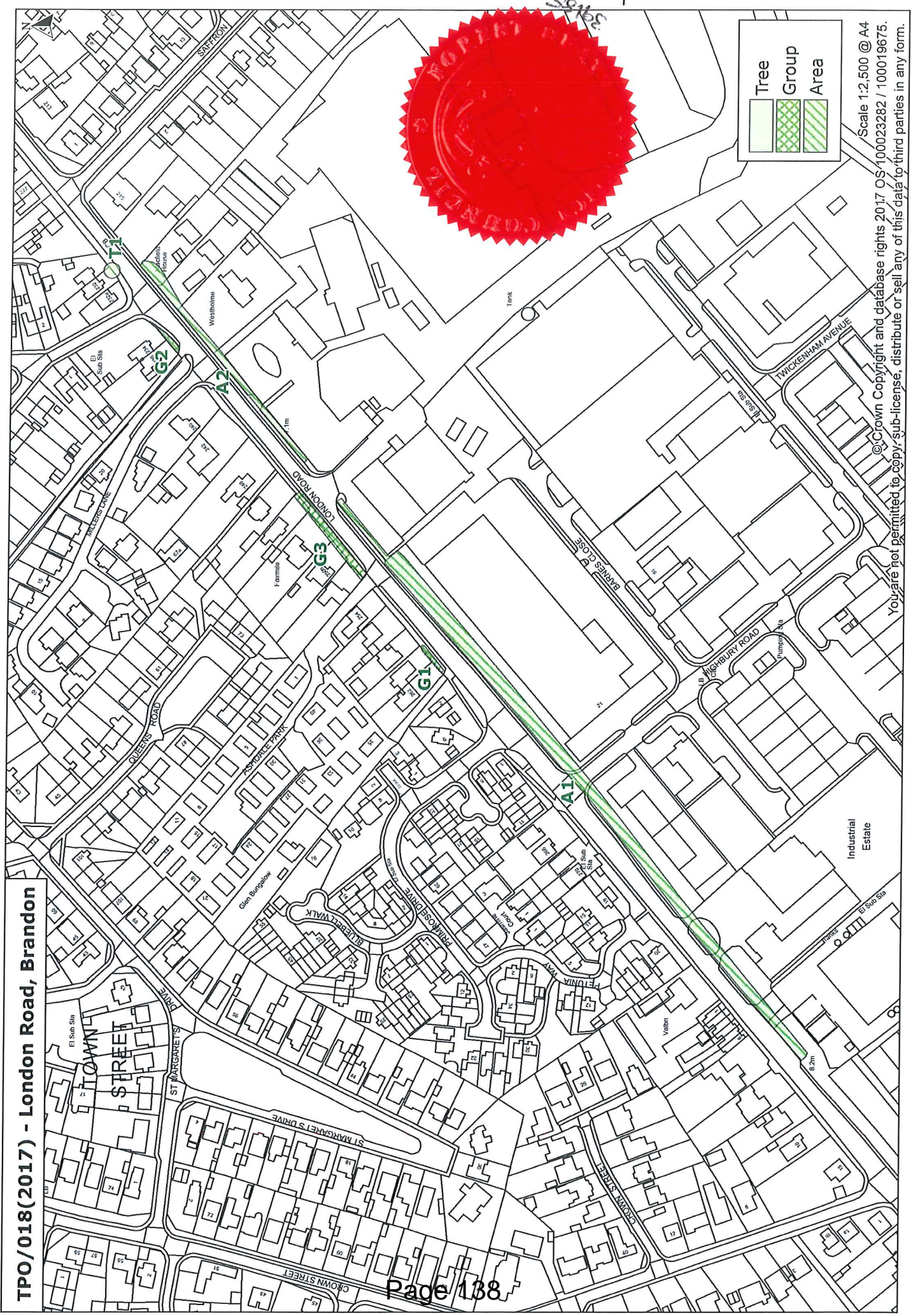
	Tree
	Group
	Area

Scale 1:2,500 @ A4

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TPO/018(2017) - London Road, Brandon



TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):	
SURVEY DATA SHEET & DECISION GUIDE	
Date: 16 th October 2018	Surveyor: Falcon Saunders
Tree details TPO Ref: TPO/018 (2017) Tree/Group No: A1, A2, G1, G2, G3 & T1 Species: Scots Pine (Pinus Sylvestris) Owner (if known): Various Location: Land Adjacent to London Road, Brandon	
Part 1: Amenity assessment a) Condition & suitability for TPO: Refer to Guidance Note for definitions	
5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Unsafe	Unsuitable
0) Dead	Unsuitable
Score & Notes: 3 – Medium sized specimens forming an attractive avenue of trees along London Road, Brandon. The trees are consistent with the important cultural landscape feature of pine lines in the Brecks. Minor dead wood and contorted stems observed, health and form considered to be typical of the age and species.	
b) Remaining longevity (in years) & suitability for TPO: Refer to ‘Species Guide’ section in Guidance Note	
5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10	Unsuitable
Score & Notes: 2 – 20-40 years appropriate given fair condition and location. The mature life stage in conjunction with high usage of target areas limits foreseeable safe useful life expectancy beyond 40 years.	
c) Relative public visibility & suitability for TPO: Consider realistic potential for future visibility with changed land use; refer to Guidance Note	
5) Very large trees, or large trees that are prominent landscape features	Highly suitable
4) Large trees, or medium trees clearly visible to the public	Suitable
3) Medium trees, or larger trees with limited view only	Just suitable
2) Small trees, or larger trees visible only with difficulty	Unlikely to be suitable
1) Young, v. small, or trees not visible to the public, regardless of size	Probably unsuitable
Score & Notes: 4 – Medium sized trees in a highly visible and high frequency location.	
d) Other factors Trees must have accrued 7 or more points (with no zero score) to qualify	
5) Principal components of arboricultural features, or veteran trees 4) Members of groups of trees important for their cohesion 3) Trees with identifiable historic, commemorative or habitat importance 2) Trees of particularly good form, especially if rare or unusual	

1) Trees with none of the above additional redeeming features	
Score & Notes: 4 – The trees form a landscape feature that provides both cultural importance and a visual buffer from residential area and industrial estate	
Part 2: Expediency assessment	
Trees must have accrued 9 or more points to qualify; refer to Guidance Note	
5) Known threat to tree	
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	
0) Tree known to be an actionable nuisance	
Score & Notes: 1 – Precautionary measure to ensure the retention of amenity and cultural value.	
Part 3: Decision guide	
Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO
Add Scores for Total: 14	
Decision: TPO defensible	