

Development Control Committee



Forest Heath
District Council

Title:	Agenda									
Date:	Wednesday 5 December 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> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (10)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole</td> <td style="vertical-align: top;">Stephen Edwards Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (2)</u></td> <td style="vertical-align: top;">Andrew Appleby</td> <td style="vertical-align: top;">David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Members (2)</u></td> <td style="vertical-align: top;">Roger Dicker</td> <td style="vertical-align: top;">Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (10)</u>	David Bowman Ruth Bowman J.P. Louis Busuttil Simon Cole	Stephen Edwards Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
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<u>West Suffolk Independent Members (2)</u>	Andrew Appleby	David Palmer								
<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell								
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA **										
Substitutes:	Named substitutes are not appointed									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.									
Quorum:	Five Members									
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk									

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

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

Material Planning Considerations

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

2. Material Planning Considerations include:

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

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

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

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

Notes

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

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

Agenda

Procedural Matters

Part 1 – Public

Page No

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 12**

To confirm the minutes of the meeting held on 7 November 2018 (copy attached).
- 4. Planning Application DC/18/1912/FUL - Kininvie, Fordham Road, Newmarket** **13 - 44**

Report No: **DEV/FH/18/029**

Planning Application - (i) 60no.bed Care Home for the Elderly including car park, bicycle, refuse and garden stores (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing) (previous application DC/17/2676/FUL)
- 5. Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket** **45 - 64**

Report No: **DEV/FH/18/030**

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

Development Control Committee



Forest Heath
District Council

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

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman	Stephen Edwards
Ruth Bowman J.P.	Carol Lynch
Louis Busuttill	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

328. **Apologies for Absence**

Apologies for absence were received from Councillor Louise Marston.

Councillor Brian Harvey had advised that he would be attending a prior engagement but hoped to also attend the Committee, albeit arriving late. However, if he did not achieve the meeting he had asked that his apologies be noted. *(As it transpired, Councillor Harvey did not arrive during the Development Control Committee meeting and his apologies were therefore recorded.)*

Councillor Andrew Appleby was also unable to attend the meeting.

329. **Substitutes**

There were no substitutes present at the meeting.

330. **Minutes**

The minutes of the meeting held on 3 October 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

331. **Planning Application DC/18/1705/PIP - 2 Saxon Close, Exning (Report No: DEV/FH/18/023)**

Permission in Principle - 3no. dwellings and associated access

The Principal Planning Officer explained that this application was for Permission in Principle and was 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 determination of applications for Permission in Principle was not currently delegated to Officers, as such the application had been referred to the Development Control Committee for determination.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused, for the reason set out at Paragraph 12.1 of Report No DEV/FH/18/023.

Following questions raised at the site visit, the Principal Planning Officer made reference within her presentation to Exning's settlement boundary. She assured Members that the agreed changes that were to be made to the village boundary would not affect the site; which would remain outside of the defined boundary.

Councillor David Bowman spoke in objection to the application, raising concern at the impact the development could have on the protected trees in the site. He moved that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

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

Decision

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.

332. **Announcement by Solicitor**

The Solicitor, who was providing legal support to the meeting, advised that Councillor Roger Dicker had sought advice from the Monitoring Officer and would be declaring a local non pecuniary interest in Agenda Items 5 and 6 in his capacity as a local business owner within Kentford. He would remain in the meeting to speak on the items but would refrain from voting on both applications.

333. **Planning Application DC/17/2476/RM - Development Site, Meddler Stud, Bury Road, Kentford (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

This application was originally referred to the Development Control Committee meeting on 3 October 2018 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.

At the October meeting Members resolved to defer consideration of the application in order to allow Officers additional time in which to work with the applicant in light of concerns raised by the Committee in relation to:

- 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.

Since publication of the agenda supplementary papers had been circulated which related to; the Council's standard water efficiency condition and further comments received from the Jockey Club.

A Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 8.37 of Report No DEV/FH/18/024.

The Committee were reminded that 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.

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

- **The misspelling of Nick Patton (of the Jockey Club)'s name** within the supplementary paper;
- **Further comments had been received from the Design Out Crime Officer** reiterating earlier points made with regard to surveillance.
- **A management plan for the preservation of archaeology had been submitted** by the applicant;
- **Further comments had been received from Suffolk County Council Highways** welcoming the provision of visitor parking but reiterating other concerns as previously raised.

The Officer also drew attention to the amendments which had been made to the plans by the applicant in respect of the racehorse training establishment element, following the comments submitted by the Jockey Club which provided assurance that the scheme proposed could fulfil a useful purpose.

Lastly, reference was made to the visitor parking that had now been included alongside the amendments which had been made to the residential element of the scheme.

One less market dwelling was proposed and the layout at the Northern boundary had been altered to improve the appearance of this area and to reduce the impact of the development on the residents in Meddler Gardens.

Speakers: Councillor Malcolm Baker (Chairman, Kentford Parish Council) spoke against the application
Mr Matthew Bartram (applicant) spoke in support of the application

Councillor Roger Dicker was invited to address the meeting by the Chairman, in his capacity as Ward Member (South) for the application. Councillor Dicker highlighted to the Committee that the first application submitted for the site was for 144 houses; he now considered the scheme seeking determination to be a much more acceptable level.

Councillor Dicker commended the work that the applicant had undertaken with the Planning Authority and the Parish Council. He welcomed the inclusion of visitor parking and praised the amendments that had been made to the layout at the Northern boundary.

Councillor Carol Lynch raised a question with regard to the buildings required for the racehorse training establishment element, she stressed that these would need to be constructed as permanent structures.

In response, the Case Officer advised that the plans detailed permanent and not temporary structures, furthermore the materials to be used would be controlled by way of a condition.

Councillor Ruth Bowman spoke in support of the application and the amendments that had been made since the previous meeting of the Committee. She moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Carol Lynch.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

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

334. **Planning Application DC/18/0135/RM - Land Adjacent to Cock Inn (now known as The Kentford Public House), Bury Road, Kentford (Report No: DEV/SE/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

This application was referred to the Development Control Committee in light of an objection from the Parish Council, which was contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 13.1 of Report No DEV/FH/18/025.

Members were advised that this reserved matters application followed 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. A Member site visit was held prior to the meeting.

During the course of the application amendments had 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 to address Highways' concerns. Additional supporting information had also been provided in respect of ecology and drainage.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

As part of her presentation, the Principal Planning Officer drew attention to the following:

- **A minor amendment to the entry way** which was shown on amended plans;

- **Two additional conditions to be included in the recommendation** in respect of a Highways Management Plan and a Highways Lighting Plan;
- **The proposal for the front boundary low wall** which the Conservation Officer considered acceptable; and
- **The proximity and connectivity to the Meddler Stud site** application (as granted by the Committee under the previous agenda item).

The Officer also advised that Suffolk County Council Highways had confirmed that they would not be adopting the highways within the site, however it was not unusual for elements of schemes like the one before Members not to be adopted.

Speakers: Councillor Malcolm Baker (Chairman, Kentford Parish Council) spoke against the application
Mr Chris Smith (agent) spoke in support of the application

Councillor Roger Dicker was invited to address the meeting by the Chairman, in his capacity as Ward Member (South) for the application. Councillor Dicker made reference to the linkage between the application site and that of the Meddler Stud approved application. He considered that the ability for pedestrians and cyclists to travel across the village away from the highway (Bury Road) to be a key benefit.

Councillor Simon Cole also made reference to the foot/cycle way linkage between the two sites. He asked if, in light of the Meddler Stud application having now been approved, the arrangements for this connectivity could be assured by the applicants. The Case Officer stated that she would ensure that this was confirmed.

Councillor Carol Lynch proposed that the application be approved, as per the Officer recommendation and inclusive of the two additional conditions relating to Highways management and lighting. This was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 10 voting for the motion and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** 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;
11. Hedgehog permeable fencing;
12. Highways Management Plan; and
13. Highways Lighting Plan

335. **Planning Application DC/18/0821/OUT - Former Police Station, Lisburn Road, Newmarket (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

This application was referred to the Development Control Committee in light of the Asset of Community Value (ACV) application that was made earlier in the year for the building and also due to the Newmarket Neighbourhood Plan (NNP) which was in the early stages of being drafted.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 10.1 of Report No DEV/FH/18/026.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

Speaker: Doctor Rachel Wood (Governor, All Saints Primary School) spoke against the application

Members raised questions with regard to the Asset of Community Value (ACV) application; in response the Senior Planning Officer explained that the application was to be determined based on the information that was before the Committee, with no weight to be attributed in the planning balance in respect of the ACV nomination.

Further questions were posed by the Committee in respect of parking arrangements and safeguarding (in relation to the neighbouring primary school). The Case Officer explained that as the application before the Committee was in outline form, these factors would be addressed at the reserved matters stage.

Councillor David Bowman moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole who spoke on the need for this type of accommodation in Newmarket.

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

Decision

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

- 1 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.

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.

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.

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.

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.

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

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.

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.

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.

336. **Planning Application DC/18/0614/FUL - Land East of Beeches Road, Beeches Road, West Row (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

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

Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and subject to conditions, as set out in Paragraph 11.1 of Report No DEV/FH/18/027.

Since publication of the agenda supplementary papers had been circulated which related to the Council's standard water efficiency condition.

The Principal Planning Officer reminded Members that the Development Control Committee had resolved to approve a hybrid planning application for the site at their meeting on 3 August 2016, however, progress on this development had since stalled.

As part of his presentation the Case Officer advised of the following updates:

- **The second sentence of Paragraph 9.53 of the report was to be disregarded and replaced** with;
"The site being an emerging local plan allocation is a material consideration carrying significant weight that supports the principle of development of the scale proposed on this site."
- **Anglian Water had submitted further comments and had requested an additional condition** in respect of foul water drainage;
- **No further comments had been received from Suffolk County Council's Rights of Way Officer**, however, the footpath improvement works could be dealt with by way of the Section 106 Agreement; and
- **No further comments had been received in respect of ecology.**

Councillor David Bowman spoke in his capacity as one of the Ward Members (Eriswell & the Rows) for the application. He believed that the development now seeking determination was the best scheme proposed for the site.

Accordingly, he moved that the application be approved, as per the Officer recommendation and inclusive of the additional condition regarding foul water drainage. This was duly seconded by Councillor Simon Cole who welcomed the bungalows and affordable housing to be provided.

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

Decision

Planning permission be **GRANTED** subject to the completion of a S106 legal agreement to provide for planning obligations set out in Paragraph 9.34 of Report No DEV/FH/18/027, 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
23. Foul water drainage details to be agreed

337. Tree Preservation Order TPO/018 (2017) - Street Record, London Road, Brandon (Report No: DEV/FH/18/028)

The Tree Officer presented this report which advised that a Tree Preservation Order (TPO) was made on 1 individual tree, 3 groups and 2 areas located adjacent to London Road, Brandon on 11 May 2018. The TPO was served primarily to replace an existing TPO (TPO/1957/019) made in 1957 which had been misplaced.

This Order, which consisted of mature Scots Pine trees, was still considered important as it would continue to protect the iconic Breckland trees which formed a distinctive street scene and had high amenity value as well as a cultural and historical value.

The Committee was advised that one letter of objection had been received, however Officers considered the TPO to be necessary to ensure the trees were protected into the future. Members were therefore recommended to confirm the TPO without modifications as detailed in Report No DEV/FH/18/028.

Councillor David Palmer spoke in his capacity as one of the Ward Members for Brandon. He supported the TPO and echoed the Officer's comments in respect of the importance of the trees in question.

Councillor Palmer moved that the TPO be confirmed, as per the Officer recommendation. This was duly seconded by Councillor Simon Cole.

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

Decision

The report be noted and Tree Preservation Order TPO/018 (2017) be **CONFIRMED**.

The meeting concluded at 7.45pm

Signed by:

Chairman

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Forest Heath
District Council

DEV/FH/18/029

**Development Control Committee
5 December 2018**

**Planning Application DC/18/1912/FUL –
Kininvie, Fordham Road, Newmarket**

Date: 21.09.2018 **Expiry Date:** 21 December 2018

Registered:

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

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application - (i) 60no.bed Care Home for the Elderly including car park, bicycle, refuse and garden stores (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing) (previous application DC/17/2676/FUL).

Site: Kininvie, Fordham Road, Newmarket

Applicant: Churchgate Newmarket Ltd.

Synopsis:

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

Recommendation:

It is recommended that the Development Control Committee consider the attached application and associated matters.

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

Background:

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

The proposals included in this planning application are a revised scheme following the Council's decision to refuse planning permission for a similar scheme in June 2018. The applicant has made some amendments to the proposals in order to address the reasons for refusal given against the previous scheme.

The Council has also determined a third planning application for the construction of retirement flats on the Kininvie site. That application also proposed a building of a similar size and scale. In that case, the Committee accepted the size of the building but refused planning permission for other reasons (absence of an agreed S106 Agreement).

Whilst the present proposals must be considered on their own merits in the light of prevailing material considerations, the following table sets out the differences in sizes between the three schemes as a quick reference for the Committee.

Measurements (all in metres)	Refused scheme (DC/17/2676/FUL)	Current Scheme (DC/18/2676/FUL)	Accepted scheme (DC/15/2120/FUL)
Height (frontage)	10.5-12	10.5-11.5	10.75
Height (central return)	9.7	9.5	8.4-8.9
Height (Rear element)	8-9.7	5.9-12.1	6.35-8.4
Max width (frontage)	32.6	32.6	35.5
Max depth (front to back)	59	56.6	59
Distance to front boundary	24.5	24.5	19.5
Distance to NW (side) boundary	6.7	6.7	4.8
Distance to SE (side) boundary	6.5	6.5	4.8
Distance to rear boundary	11.3	9.9	6.5

Proposal:

1. Planning permission is sought for the erection of a 60 bedroom care home in the grounds of an existing dwelling known as 'Kininvie', in Fordham Road. The existing dwelling and its outbuildings would be demolished to make way for the proposed re-development.
2. The proposed development would be provided in a single building (save for the construction of a detached garden building which also forms part of the proposals). Accommodation within the proposed building would be predominantly three

storeys. The frontage element of the proposed building together with a small element to the rear would have been designed as 'full-height' three-storey elements. There is a range behind the frontage which has been designed to appear as a two-storey element. Additional usable floorspace would be provided within its attic space. There is a small single storey element at the rearmost (eastern) part of the proposed building.

3. At the tallest point, the frontage elements of the proposed building measure up to 11.5 metres to ridge (excluding the finial detailing). However, the majority of the frontage element, including the first part of the rear return) is around 10.5 metres tall. There is a lower connecting element positioned centrally within the frontage element of the building, containing the main entrance. This measures around 9.2 metres in height. The height of the proposed building reduces down as it extends back into the site from the frontage. The two-storey elements (with attic accommodation) measure around 9.5 metres in height. There is a 'pyramid roof' feature towards the rear of the building. This contains a stairwell, is three-storeys in scale and measures around 12.1 metres in height. Finally, the single-storey 'garden room' element to the rearmost part of the building would be around 5.9 metres at its highest point.
4. The proposed building is of varying widths given its 'T' shape footprint. The widest element, its frontage, is around 32.6 metres. The maximum depth (front to back) is around 56.6 metres.
5. The existing vehicular access into the site would be improved to serve the proposed development. Information submitted with the planning application confirms that foul drainage would be discharged to the mains sewer and surface water to SuDS/soakaways. The application forms indicate the use of brown/buff facing brick and render to walls, with some elements of hanging tile. A combination of grey slate, grey plain tiles and red pantiles are proposed to the roof spaces.

Application Supporting Material:

6. Information submitted with the application as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, block plan, roof plan, elevations, floor plans, sections, plan 'as existing', tree protection plan, a 'comparison plan' and a detailed landscaping plan. The application is also accompanied by 'artist impressions' CGI information to assist with consideration.
 - Planning Statement
 - Transport Statement and parking summary
 - Design & Access, Statement
 - Flood Risk Assessment and Drainage Information
 - Archaeological Desk Based Assessment
 - Preliminary Ecological Appraisal & Ecological Impact Assessment
 - Contaminated Land Reports and Assessment
 - Demolition Plan and Statement
 - Arboricultural Impact Assessment

Site Details:

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

Planning History:

9. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).
10. 2017 – Planning permission refused for the erection of retirement living housing for the elderly (29 units) etc. Planning permission was refused solely on the basis that an affordable housing contribution could not be agreed with the applicant and a S106 Agreement securing such a contribution could not be completed (register reference DC/15/2120/FUL).
11. 2018 – In June 2018, planning permission was refused for the construction of a 63-bed care home (DC/17/2676/FUL). Planning permission was refused for the following reason:
 - *The proposals, for the construction of a 63-bed care home with ancillary facilities, vehicle parking & manoeuvring provision and alterations to existing vehicular access would be contrary to the design policies of the NPPF. The proposals are also contrary to the provisions of policy CS5 of the Forest Heath Core Strategy (2010) and to policies DM2 and DM22 of the Joint Development Management Policies Document (2015).*
 - *The NPPF states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
 - *Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objective ENV4 (high standard of design). The Objective is supported by Core Strategy policy CS5 which requires high quality designs that reinforce local distinctiveness. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.*

- *Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals and states development should (inter alia); recognise and address key characteristics, townscape character, local distinctiveness and special qualities of the area; maintain a sense of place and/or local character; not adversely affect the urban form, including individual or groups of buildings or the amenities of adjacent areas (including residential amenity) by reason of (inter alia) overlooking and overshadowing, and; produce designs that respect the character, scale, density and massing in the locality. Policy DM22 of the same document sets out similar design based requirements for residential development proposals.*
- *The application proposals would constitute 'over-development' of the application site by virtue of the sheer size, massing and scale of the proposed building which, if approved and constructed, would be out of character with the size, massing and scale of existing built development in the area. The proposals would, as a consequence, visually dominate the Fordham Road streetscene to the detriment of the character and appearance of this 'gateway' route into the Newmarket town centre. Furthermore, and, owing to a combination of the scale of the building, the shadow that would be cast by the building across the north-west site boundary during afternoon and evening periods and the number of windows at elevated levels that would be positioned to face towards boundaries shared with existing dwellings (to the north west and south east in particular) the application proposals would be materially harmful to the amenities of the occupiers of dwellings adjacent to the application site.*

Consultations:

12. Natural England – has no comments to make.
13. Environment Agency – has no formal comment to make but notes the site is located above a Principal Aquifer and within a Source Protection Zone and advises the developer should address risks to controlled waters from site contamination. The Agency also asks to be re-consulted if the development proposes to use deep infiltration systems in the construction.
14. Suffolk Wildlife Trust – Are satisfied with the findings of the consultant and request the recommendations are implemented in full via a condition of planning consent should permission be granted.
15. NHS England – Comments as follows:
 - The proposal is likely to have an impact on the services of 3 GP practices operating in the vicinity of the site. The practices do not have capacity for the additional growth resulting from this development and cumulative growth in the area. The proposed development is likely to impact on the NHS funding programme for the delivery of primary healthcare provision within this area. These impacts should be thoroughly assessed and mitigated.

- The planning application does not include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising. The West Suffolk CCG has prepared an HIA to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.
 - The development will generate approximately 60 residents that generally require an increased level of NHS support and subsequently increase demand upon existing constrained services.
 - The development would give rise to a need for improvements to capacity in line with CGC estates strategy, by way of extension, refurbishment or potential relocation, a proportion of the cost of which would need to be met by the developer.
 - A developer contribution will be required to mitigate the impacts of this proposal. West Suffolk CCG calculates the level of contribution required in this instance to be £9,453. Payment should be made before development commences and secured in the form of a S106 planning obligation.
16. Suffolk Constabulary – note that crime levels in the area have been relatively low and provide advice with respect to site security, crime reduction/prevention and residents safety and recommends further measures are secured by planning condition.
17. Suffolk County Council - Local Highway Authority: Refer back to the comments made in response to the previous planning application which included a care home with more bed spaces than the current scheme and recommend the following conditions (summarised)
- Details of proposed access (including visibility splays)
 - Provision of the refuse/recycling areas as shown on the drawings
 - Means to prevent discharge of surface water from the development onto the highway.
 - Provision of the parking/manoeuvring areas as shown on the drawings
 - Details of a Travel Information Pack to be submitted and approved.
18. The following comments were submitted by the Highway Authority in response to the last planning application (DC/17/2676/FUL):
- I have considered the issues covered by the Transport Statement and the traffic generation likely to be generated by the development is not considered to cause a severe impact on the highway and, therefore, the development is acceptable provided the following issues are covered by appropriate conditions.
 - The access is acceptable for the proposed use if revised in general accordance with the layout shown on drawing no. CS1703 01 P9 and the tree immediately to the north of the access is removed. Removal of mature trees may be an issue for the Local Planning Authority, although I note that there appears to be evidence that the tree in question is in poor health.

- Sustainable travel to the site can be encouraged by provision of cycle storage, electric charging facilities and travel information provided in travel packs for staff. The parking provision is within the maximum level within the Suffolk Guidance for Parking and is acceptable.
19. Suffolk County Council – Flood and Water Management – comments that the drainage strategy demonstrates that a viable scheme which complies with national standards is achievable. A condition is recommended requiring full details of the drainage scheme.
 20. Suffolk County Council – Suffolk Fire and Rescue Service – Refers to comments made in response to the previous planning application for a similar development (reference DC/17/2676). Those comments were as follows:
 - *Advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.*
 21. West Suffolk – Environment Team - **no objections** – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction. The team also requests the imposition of a planning condition requiring provision for electric vehicle charging to be secured (5% provision, or 1 dedicated parking space, is requested).
 22. West Suffolk – Public Health and Housing – **no objections**, subject to conditions relating to construction management including control over construction hours, holding of waste materials, site set up, construction noise, dust management and lighting. A further condition is recommended to control operational (external) lighting at the site.

Representations:

23. Newmarket Town Council – **objected** to the application on the following grounds:
 - Overlooking/Loss of privacy
 - Loss of daylight/sunlight or overshadowing
 - Scale and dominance of the development
 - Layout and density of the building
 - Highway safety
 - Traffic and parking issues
 - Impact on the community and other services.
 - Impact on GP surgeries.
24. Jockey Club Estates – Notes the site is not directly adjacent to any horseracing industry assets, but two training yards are located on the opposite side of the Fordham Road. It is recommended that any planning permission granted includes a condition to minimise risk and disturbance to the two training yards and for delivery routes (to avoid the town centre).

25. Letters/e-mails/web forms were received from 9 owners/occupiers of nearby dwellings raising **objections** to the proposed development. The issues and objections raised are summarised as follows:

Design

- There are only very minor changes from the previous plans which were refused planning permission (DC/17/2676/FUL).
- The building is too large.
- The building would be overbearing and overpowering.
- The building does not respond to the local context of detached single dwellings with garden spaces; the functional design and high density is out-of-keeping and out of character with the area.
- The building would be totally out of keeping with buildings to either side (bungalow and chalet bungalow).
- Contrary to policy DM2 – character and quality of the area; regard to local context, general design criteria, overdevelopment of the site.

Residential amenity

- Overlooking from windows to the sides.
- Overshadowing of neighbouring properties and loss of daylight and sunlight.
- Adverse impact upon the peaceful enjoyment of homes and gardens.
- The operation, including 24 hours, emergency vehicle accessing, lighting, noise and smell would cause inconvenience and disruption to residents.
- Loss of outlook owing to dominance of the building.
- Loss of views from properties.
- Adverse impacts from light pollution (residents and wildlife).
- The basement is likely to adversely affect boundary tree roots, which may die as a consequence.
- The use would change to commercial in a residential area.
- The proposed bin store would generate intrusive smells.
- Removal of trees/boundary planting would add to the degree of residential amenity impact.
- This proposal cannot be likened to the redevelopment of the nearby 'Nowell', which is three storeys (no basement) and has a small footprint by comparison.

Highway safety

- Fordham Road is already busy and severely congested; additional movements (including commercial delivery vehicles) would add to the daily hold ups.
- The volume of traffic continually accessing this site would constitute a hazard.
- Insufficient car parking provided for staff and visitors. No capacity for over-spill parking which may lead to knock-on impacts on Fordham Road.
- 'Rat run' usage of Paget Place would inevitably increase, with knock-on effects along Snailwell Road.

Other

- There is no need for this type of development; there is a planning application for an alternative care facility in the town (Exning Road). Also, East Cambridgeshire District Council has recently approved a 75-bed care home in

- Fordham (approx. 4.5 miles away).
- Increased demand upon drainage and sewerage.
- There are no public transport links within 0.6 miles of the location.
- The proposed building frontage onto Fordham Road is too large and imposing to be in sympathy with the Conservation Area.
- The street tree (lime) proposed for felling should be replaced as the trees make an important contribution to the main route (Fordham Road).
- Includes the demolition of a habitable property.

Policy:

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

Saved Policies of the Forest Heath Local Plan 2005

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

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

Forest Heath Core Strategy 2010

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

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

Joint Development Management Policies Document (2015)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.

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

Other Planning Policy:

Emerging Planning Policy

27. The emerging Single Issue Review and Site Allocations Development Plan Documents have reached an advanced stage and have been the subject of Inspector led hearings. The emerging Policy documents do not alter the planning policy context of the application site insofar as it would remain an unallocated site situated within the Settlement Boundary of Newmarket. Furthermore, given the relatively low levels of traffic generation anticipated, it is unlikely the development would add significantly to traffic volumes on local roads and would not, therefore need to mitigate any impacts upon the horse racing industry arising from increased traffic. Accordingly, the emerging Development Plan Documents do not directly influence the outcome of this particular planning application.
28. A proposed Neighbourhood Plan for Newmarket remains at drafting stage and has not been published. No weight can be attributed to the emerging Neighbourhood Plan at this stage.

National Policy and Guidance

29. The Government has recently (July 2018) updated national planning policies and has published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

How does the NPPF define sustainable development?

30. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:
 - i) economic (to help build a strong, responsive and competitive economy),
 - ii) social (to support strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)
31. The Framework explains (paragraph 9) that these objectives should be delivered

through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

32. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

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

- Principle of Development
- Highway Safety
- Natural Heritage
- Built Heritage
- Environmental Conditions
- Design and Layout
- Residential Amenity
- Sustainable Construction and Operation
- Impact upon the Horse Racing Industry
- Planning Obligations

Principle of Development

34. Paragraph 59 of the Framework 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.
35. In addition, the Framework 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).
36. 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.
37. 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.
38. Paragraph 61 confirms that (inter alia) the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (including, inter alia, 'older people').
39. Core Strategy policy CS1 defines Newmarket as a market town and recognises the importance of the horse racing industry.
40. Policy DM1 of the Joint Development Management Policies applies a presumption in favour of sustainable development (where specific circumstances dictate). Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
41. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. There is no requirement, neither in national nor local policy, for the applicant to demonstrate a need for specialist housing of the type proposed. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation.
42. The applicant has claimed the Council is not able to demonstrate a five-year supply of housing and thus, the 'presumption in favour of sustainable development applies'. The applicant has not provided any analysis or evidence to support their claim, but has relied upon Inspectors decisions in respect of a couple of relatively recent appeal decisions. Officers consider that the presumption in favour of sustainable development applies in this case as the principle of development at this location accords with the provisions of the Development Plan. Accordingly, the matters of the Council's five year housing supply are not considered determinative to the outcome of this planning application and do not need to be explored further.
43. With the NPPF 'presumption' applied, the outcome of the planning application is dependent upon the localised impacts of the proposals and the weight to be attributed to the identified 'benefits' and 'harm' arising from the 'development proposals'. The remainder of this section of the report considers these.
Highway Safety

44. The NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (which can help to reduce congestion and emissions, and improve air quality and public health). However it also recognises opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and concedes this should be taken into account in both plan-making and decision-taking.
45. With regard to considering development proposals, the Framework states that, in assessing specific 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 type 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 transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
46. It is national policy that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
47. Core Strategy Spatial Objective T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirm the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
48. Policy DM46 of the Joint Development Management Policies Document confirms the authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for development will be required to provide appropriately designed and sited car and cycle parking and make provision for emergency, delivery and service vehicles in accordance with the adopted standards. In town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of parking may be sought in all new development proposals.
49. The Suffolk County Council Parking Standards (referred to by Policy DM46) were adopted in 2014 and updated in 2015. For residential care homes (Use Class C2), the standards set maximum vehicle parking requirements of 1 space per full time equivalent staff and 1 visitor space per 3 bedrooms in the facility. Minimum standards are also set for cycle parking (1 stand per 5 staff), for Powered Two Wheelers (1 space + 1 space per 20 car spaces) and for disabled parking (which depends on the specifics of the development).
50. Vehicular access to the proposed development, which would be via the existing access (following improvements) is considered safe and suitable for vehicles and pedestrians and the development would not lead to significant highway safety

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

51. Concerns have been expressed about the level of car parking proposed for the care home and, in particular, it has been questioned whether there are sufficient levels proposed by the planning application. The applicant has provided a 'parking summary' statement with the planning application which is a facsimile of the statement submitted with the previous (refused) planning application (reference DC/17/2676/FUL). This can be accessed via the Council's website (please refer to link at the end of this report). The evidence set out within the statement is considered sufficiently robust to be relied upon in the determination of this particular planning application because it was prepared for a slightly larger scheme which would have commanded a slightly larger parking requirement.
52. The applicant has provided sufficient evidence to satisfactorily demonstrate the level of car parking proposed is sufficient to meet the parking needs of the proposed development, having particular regard to its use, its location and is supported by evidence generated from other similar developments in the country. Suffolk County Council, as Local Highway Authority has assessed the proposals, including car parking provision, and, subject to the imposition of planning conditions (including some sustainable travel measures for employees), are not objecting to the proposals. The level of car parking provision did not form part of the reasons for refusal given against the previous (and recent) proposals for a care home at this site (paragraph 11 above).
53. The proposals include provision for two spaces where charging points will be made available for electric vehicles. This is double the amount the Council would normally request from schemes of this type (e.g. normally 5% of spaces would be equipped). The provision could be secured by planning condition.

Natural Heritage

54. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity.
55. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
56. The planning application is accompanied by two ecological appraisals and a bat

survey. The Ecology reports concluded (subject to further bat survey work, obtaining an 'EPS license' from Natural England and sensitive construction management) there is unlikely to be any significant ecological impacts arising from the development. The reports included various recommendations for ecological enhancements and these could be secured by condition.

57. The Suffolk Wildlife Trust (paragraph 14 above) are satisfied with the findings of the reports and recommend the recommended ecological enhancements are secured by planning condition.
58. Officers are satisfied that, subject to the prior award of a license from Natural England to ensure bats using the existing buildings at the site are adequately safeguarded, the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed and operated development is likely to result in net ecological gains. The implementation of the enhancement measures set out in the applicants' reports could be secured by condition.

Built Heritage

59. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and assets identified by the local planning authority (including local listing).
60. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
61. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework goes on to advise that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
62. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of an asset should be exceptional (or wholly exceptional for more important assets). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable

use.

63. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
64. The development proposals would not impact upon any listed buildings, (including their settings). The site is outside the Newmarket Conservation Area, the boundary of which is situated on the opposite side of the Fordham Road. Indeed the Conservation Area boundaries have been deliberately drawn to exclude a suburb of residential development between Fordham Road (east of) and Snailwell Road (west of).
65. Notwithstanding the location of the application site outside the Conservation Area, the impact of the development (with particular regard to the frontage of the site) on views into and out of the Conservation Area does require consideration and assessment, given its close proximity on the opposite side of Fordham Road.
66. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states

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

67. The proposed development would be viewed from certain areas of the Conservation Area, particularly on the opposite side of Fordham Road, to the application site (west side) and Fordham Road itself, both of which are within the Conservation Area. The relevant starting point is to consider the impact of the development upon the Conservation Area, as a whole before deciding whether any adverse impact identified is 'substantial', or 'less than substantial', as discussed in the Framework.
68. There is no doubt that re-development of the application site would increase its visual prominence and influence in the Conservation Area given the new frontage buildings, being around 11.5 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained frontage planting or in breaks in the landscaping for vehicular/pedestrian access. The rear elements of the proposed development, behind the frontage elements, would have only limited visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped (albeit presently unkempt) garden areas currently in that position on the site.
69. The proposed building and parking area would be situated behind boundary planting on the front and side boundaries of the application site such that along the Fordham Road approaches to the site the visual influence of the proposed development would be significantly reduced from and protected against public vantage points from within the Conservation Area. Public views would be limited

to glimpses in-between vegetation or through the access point.

70. Such views would be greater in winter when deciduous trees are not in leaf but not to the extent that development would be visually prominent or dominant in the streetscene (including the elements of the Conservation Area which include the east facing frontage onto Fordham Road). The application building is set back into the site from its frontage towards the Conservation Area. Accordingly, views of the proposed development (which would not be experienced by the receptor in the context of the character and appearance of the conservation area as a whole) would not be significant and, in the opinion of your officers, would not lead to even the 'less than substantial harm' benchmark set out in the Framework. Accordingly, the impact of the proposed development upon the character of the Newmarket Conservation Area (as a whole) would, in your officers' view, be neutral.
71. The application site does not contain any known archaeological deposits and is situated outside sites designated because of their known or potential archaeological interest. The application is accompanied by an Archaeological Desk Based Assessment which concludes the site has low potential for archaeological remains which (if present) may have been damaged by the construction of the existing development on the site. The report, however, recognises there is a degree of potential for archaeological artefacts to remain at the site particularly at previously undisturbed locations. It is therefore considered prudent to pursue a precautionary approach to archaeology at this site and impose a condition requiring further archaeological investigations to be carried out prior to development.

Environmental Conditions (Flood Risk, Drainage and Contamination)

72. Policies for Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
73. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from, or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
74. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
75. Policy DM6 of the Joint Development Management Policies Document requires the

submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.

76. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed development would be at risk of flooding from any existing watercourse.
77. The planning application is accompanied by a surface water drainage scheme which is agreed by the Flooding Team at Suffolk County Council (paragraph 19 above). A condition is recommended and officers consider it is reasonable to impose this upon any planning permission granted.
78. The planning application is accompanied by a Desk Study Appraisal of ground conditions. This concludes that it unlikely that contamination is present at the site, given its history of use and does not recommend any further mitigation. The Council's Environmental Health team has agreed those conclusions and no conditions relating to remediation of contamination are required.

Design and Layout

79. The Framework states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
80. It also advises that planning decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and

future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

81. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
82. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
83. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 sets out similar requirements but is specific to proposals for residential development.
84. The site is situated in a residential suburb to the north of Newmarket. Fordham Road is a primary entrance into the town from the A14(T) and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions), albeit the individual plots are generally considerably smaller than that afforded to Kininvie at the application site.
85. The redevelopment of the application site with a larger building on a larger site than those in the surrounding area would not necessarily be out of keeping with the prevailing pattern of development. The application site would not be subdivided into a number of smaller plots, which would necessarily occur with a more traditional 'open market' housing development, in which case its character would be more befitting to the sizes of some of the other housing plots in the area. The singular character of the large site would be retained via the development. The proposed building is large; it has to be in order to contain the number of bedrooms included in a single accessible block. That in itself raises concerns given this approach (the sheer size of the footprint of the building) is not replicated by other buildings in the immediate surroundings.
86. That said, the positioning of the existing building on its plot and the large size of the existing plot are in-themselves considered to be at odds with the prevailing pattern of development. The recent redevelopment of the nearby plot 'Nowell' with a flatted development adds a degree of density and scale to the locality, albeit it would be much more 'domestic' in form than the care home proposed by this planning application. Whilst the sheer size of the footprint of the building would be at odds with the prevailing character of the area by reason of that sheer size, officers consider this would, in-itself, give rise to only moderate harm to the character of the area, but nonetheless counts against the proposals in the final 'planning balance'.

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

Residential Amenity

88. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
89. Concerns have been expressed by local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings for various reasons including alleged increased overlooking from upper level windows, overshadowing/loss of light, general noise and disturbance from the intensification of the use at the site (and 24 hour operation), the impact of external lighting and the positioning of a bin storage area.
90. The application is, apart from its road frontage, surrounded by existing residential properties. Albion Lodge is situated to the north-west of the site. The boundary between the application site and Albion Lodge is marked by mature landscaping. The information submitted with the planning application confirms the majority of this planting is to be retained and managed going forward. Being situated to the north-west of the application site, Albion Lodge is the most vulnerable to impacts from loss of light/overshadowing as a consequence of development. However, given the presence and impact of existing mature and dense landscaping on the north boundary of the site (to be retained) and the fact that the sun is at its highest point in the sky when it passes south of the application site (thus avoiding long shadows to the north) light reaching the windows and gardens of 'Albion Lodge' are unlikely to be significantly affected by the proposed development. There may be some discrete impact as the sun begins to set during the latter part of the afternoon, but the existing landscaping on the site boundary would already be filtering sunlight to the dwelling. The proposed building is not considered to significantly exacerbate the existing situation. Albion Lodge is considered to be suitably separated from the proposed building such that, following development,

there would be no significant loss of daylighting to it.

91. The frontage part of the proposed building would be positioned 6.7metres in from the shared boundary to 'Albion Lodge' leaving a gap of around 12.7 metres between the existing and proposed buildings. There are some windows facing towards 'Albion Lodge' in north west elevation of the very frontage element of the proposed building, but these serve stairwells such that no outlook is necessary and these could be fitted with obscure glass to restrict potential views out.
92. The rear elements of the proposed building facing towards 'Albion Lodge' are mostly two-storeys, with an element of three storeys towards the front (north west). It is positioned further from the boundary than the frontage, owing to the 'T' shape of the proposed building. The single second floor window in the north elevation of the rear element of the building serves a day room. Further windows are positioned at ground and first floor levels, again serving day rooms and bedrooms. The windows would be positioned some 11 to 15 metres in from the boundary with Albion Lodge. Given the distances involved, combined with the presence of mature landscaping in-between, this is considered an acceptable relationship.
93. 'Aldene' is situated to the south east of the application site, the full length of its plot straddling the south eastern application site boundary. The frontage element of the proposed building sits adjacent (north-west) of 'Aldene', approximately 6.5 metres from the mutual boundary leaving a gap between the existing and proposed buildings of approximately 10.9 metres. The garage to 'Aldene' would be positioned in-between. In a similar way to the north-west elevation of the frontage element of the proposed building, there are also windows in the south east elevation. These serve corridors and en-suite bathrooms and could be fitted with obscure glass to restrict views out.
94. The rear elements of the proposed care home building are positioned further into the application site away from the south eastern boundary with 'Aldene' because of the 'T' shape of the proposed building. Here, the building would be set back from the boundary by between 14 (minimum) and 17 (maximum) metres. There are bedrooms with ground and first floor windows facing south east from the rear range of the proposed care home building. The previous scheme proposed bedroom accommodation at second floor level with windows facing towards the south east boundary with 'Aldene'. All of these bedrooms have been removed from the revised scheme and replaced with residents facilities which do not require windows (e.g. a cinema) or where 'sunlights' positioned within the flat roofed aspect would allow light into the room (private dining, spa and residents bar).
95. The south eastern elevation has been designed with 'serrated' windows serving the majority of the bedrooms at ground and first floor level. These turn to face east whereas the elevation as a whole faces southeast, thus deflecting the aspect of these particular bedrooms and potential overlooking away from the rear gardens of 'Aldene'.
96. 'Aldene' is situated to the southeast of the application site and thus sunlight and daylight reaching the dwelling and its garden would not be affected by the proposed development. Furthermore, and given the separation distances, it is considered that the relationship of the proposed building, in terms of its siting and

scale, would be acceptable and would not dominate over its neighbour (including its rear garden).

97. A number of properties in Meynell Gardens to the east and northeast abut the application site. The proposed building is considered a sufficient distance away from these buildings such that there would be no dominance, loss of light/sunlight or harmful overlooking. The separation distances are set out in the table below:

Property address	Distance of proposed building to boundary (approx.)	Distance between proposed and existing building (approx.)
Albion Lodge	6.7m	12.7m
Aldene	6.5m	10.9m
5 Meynell Gardens	10.0m	19.1m
6 Meynell Gardens	31.8m	44.7m
7 Meynell Gardens	15.2m	22.8m
8 Meynell Gardens	11.7m	32m
9 Meynell Gardens	25.8m	34.4m

98. In light of the above discussion and having carefully assessed the information submitted with the planning application it is your Officers' view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be justified.
99. Whilst the care home would operate on a 24 hour basis it is not anticipated that noise and disturbance through the night time would be particularly unusual. Ambulances accessing during the night time are unlikely to use sirens at the site given that the approach roads are unlikely to be busy. Furthermore, the staff would work shift rotations and these are unlikely to change-over during 'anti-social' hours. Deliveries and visitors would access the site during the daytime. Accordingly it is your officers' view that it is unlikely that the operation of the care home facility on a 24-hour basis would give rise to significant disturbance to neighbours. The bin storage area (towards the north-west corner of the site) would be managed by the site operator. A refuse management plan (which would include the regularity of refuse collection and the type of bins to be used in the storage area) could be secured by planning condition. Similarly a condition could be imposed requiring an external lighting strategy for the site to be agreed (with no further lighting installed thereafter). This would address the type of lighting (eg sensor driven) and luminance levels (low intensity lighting, directed away from site boundaries where necessary) to be installed.
100. Whilst no significant harm to the amenities of neighbouring properties arising from the presence and operation of the care home has been identified, it is likely that

some moderate degree of harm would occur to some neighbouring properties. This may be in the form of harm being perceived by the receptor. This might, for example, include being able to see windows on the proposed building at a distance or perhaps some noise/disturbance (predominantly during day time hours) from activities within the frontage car parking area. Whilst this adds a degree of 'moderate' weight against the scheme in the overall planning balance, it is your officers' view that it does not amount to serious planning concern where an outright refusal of planning permission is warranted.

Sustainable Construction and Operation

101. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
102. 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.
103. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

 - *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
104. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
105. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
106. The planning application is not accompanied by a sustainability statement setting out how Building Control requirements for energy efficiency will be achieved (or perhaps exceeded). This could reasonably be secured at a later date (prior to above ground construction) by planning condition.
107. The planning application does not address water efficiency measures and does not presently propose a strategy for ensuring water use would not exceed 110 litres

per person, per day set out in Policy DM7. The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires these to be achieved. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan. It is therefore appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

Impact upon the Horse Racing Industry

108. Vision 2 (Newmarket) of the Core Strategy recognises the importance of the horse racing industry to the town and wider District. This is reflected in Policy CS1 which states it will be protected and conserved through the plan period. The Joint Development Management Policies Document contains a number of policies relating to the horse racing industry in Newmarket. One of these, policy DM48, states any development within and around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic etc) will not be permitted unless the benefits of development would significantly outweigh the harm to the horse racing industry.
109. Given the relatively small scale of the proposed development and the nature of its use (particularly the expected age profile of its residents) it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. Indeed, this planning judgement is corroborated via representations received on behalf of the horse racing industry (paragraph 24 above). There is some potential for the construction of development to affect nearby training yards, but this risk is capable of mitigation via construction management techniques reducing potential disturbance to the yards. These measures could be secured by planning condition.

Other issues

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

Planning Obligations

111. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
 - be necessary to make the development acceptable in planning terms.

- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

112. With the exception of mitigation towards the impact of the development upon local health infrastructure, the proposals are not required to provide any general infrastructure contributions to off-set impacts, given that none have been identified (eg education, libraries, policing, off-site public open space etc). Furthermore, given the planning application does not propose a conventional 'housing' scheme, (i.e. Use Class C3) it is not appropriate to secure an element of affordable housing from it (on site or off site).

Health

113. NHS England has confirmed (paragraph 12 above) the development proposals would impact upon the delivery of health services at catchment GP surgeries. They have confirmed there is a capacity deficit in the area and a developer contribution of £9,453 would be required to mitigate the impact of development. The financial contribution could be secured by means of a S106 Agreement. The impact of the project and the mitigation measures requested by the NHS have been properly explained and justified. The planning obligation is therefore considered to meet the tests of lawfulness set out at paragraph 108 above.

Conclusions and planning balance:

114. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits of development against its harm) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.
115. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as development generally has a positive effect (albeit limited in this case) on economic output particularly in terms of construction employment but also the consequential 'freeing up' of the dwellings of a proportion of those persons whom would occupy the completed care home facility which, in itself, would lead indirectly to higher local spend and general economic growth (again, only to a limited extent in this case).
116. Officers' consider the development proposals would result in moderate economic benefits.
117. In terms of the social role of sustainability the development would provide a specialist care facility in an area where the population is ageing. It would also serve to return a number of potentially 'under-occupied' existing dwellings back to the market which would contribute indirectly to meeting the needs of present and future generations. The development would result in a built environment of a good quality and would be viewed in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area

than the existing bungalow on the site, but not (in your officers' view) to the extent that significant material harm would arise as a consequence. The development would lead to increased impacts upon the amenities of neighbouring property in comparison to the existing bungalow on site, but these impacts are not considered so significant that a 'stand-alone' reason for refusal on this ground could be justified. The proposal would rely on the viability and accessibility of existing local services to service its needs, both within Newmarket and further afield, with the exception of health, where mitigation measures would be secured to address impacts identified by NHS England.

118. Officers' consider the development proposals would lead to 'social' harm overall, but only to a moderate extent.
119. In relation to the environmental role it is self-evident that the character of the site would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate or soften these effects. The proposals would also preserve any bat species present at the site and, via planning condition, ecological enhancements could be secured.
120. Officers' consider the development proposals would result in moderate environmental benefits.
121. The proposals would result in a more efficient use of the site and achieve a good quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The proposals would also contribute to the local economy and housing supply, albeit only to a limited extent. Some moderate harm would occur, particularly to the amenities of occupiers of dwellings close to the proposed development and given that it would not closely reflect the prevailing pattern of development in the locality, but these factors are not considered (on their own) to warrant a refusal of planning permission. The development is considered to represent 'sustainable development' as defined by the Framework as a whole and would not be contrary to the Development Plan.
122. On balance, the proposals are therefore recommended for approval.

Recommendation:

123. That, planning permission be **GRANTED** subject to:

A. The prior satisfactory completion of a S106 agreement to secure:

- Developer contribution towards health infrastructure (£9,936).

And, B.

Subject to conditions, including:

- Time limit (3 years)
- Compliance with the approved plans

- Precautionary archaeological investigations
 - Samples of bricks and tiles to be used
 - Details of finishes (colours to be applied to render, fenestration doors and other detailing)
 - Scheme of windows to be fitted with obscure glass and fixed closed to be agreed subsequently.
 - No use of the terrace at second floor (south facing) by staff, residents including their visitors.
 - Surface Water Drainage scheme.
 - Provision of a fire hydrant (or fire hydrants).
 - As recommended by the Local Highway Authority
 - Implementation of recommendations of the ecology and subsequent bat survey reports (including ecological enhancements)
 - Landscaping to be provided in accordance with the approved plan (and maintained for a period of at least 5 years) and details of a replacement street tree.
 - Management of the landscaping scheme (including the container planting provided on the second floor external roof terrace)
 - Protection of retained trees and shrubs during construction
 - Construction Management Plan (including safeguarding of nearby training yards)
 - Lighting strategy and scheme (including sensitivity to bat corridors).
 - Water use efficiency.
 - Sustainable construction – how Building Control requirements will be met.
 - Crime reduction strategy.
 - Waste minimisation and re-cycling strategy (including demolition of Kininvie).
 - Provision of the electric vehicle charging points
 - Submission of a refuse management strategy.
 - Further archaeological investigations
- B. In the event there is a failure to conclude a S106 Agreement securing the health contribution within a reasonable time period, the planning application be returned to the Development Control Committee for further consideration.

Documents:

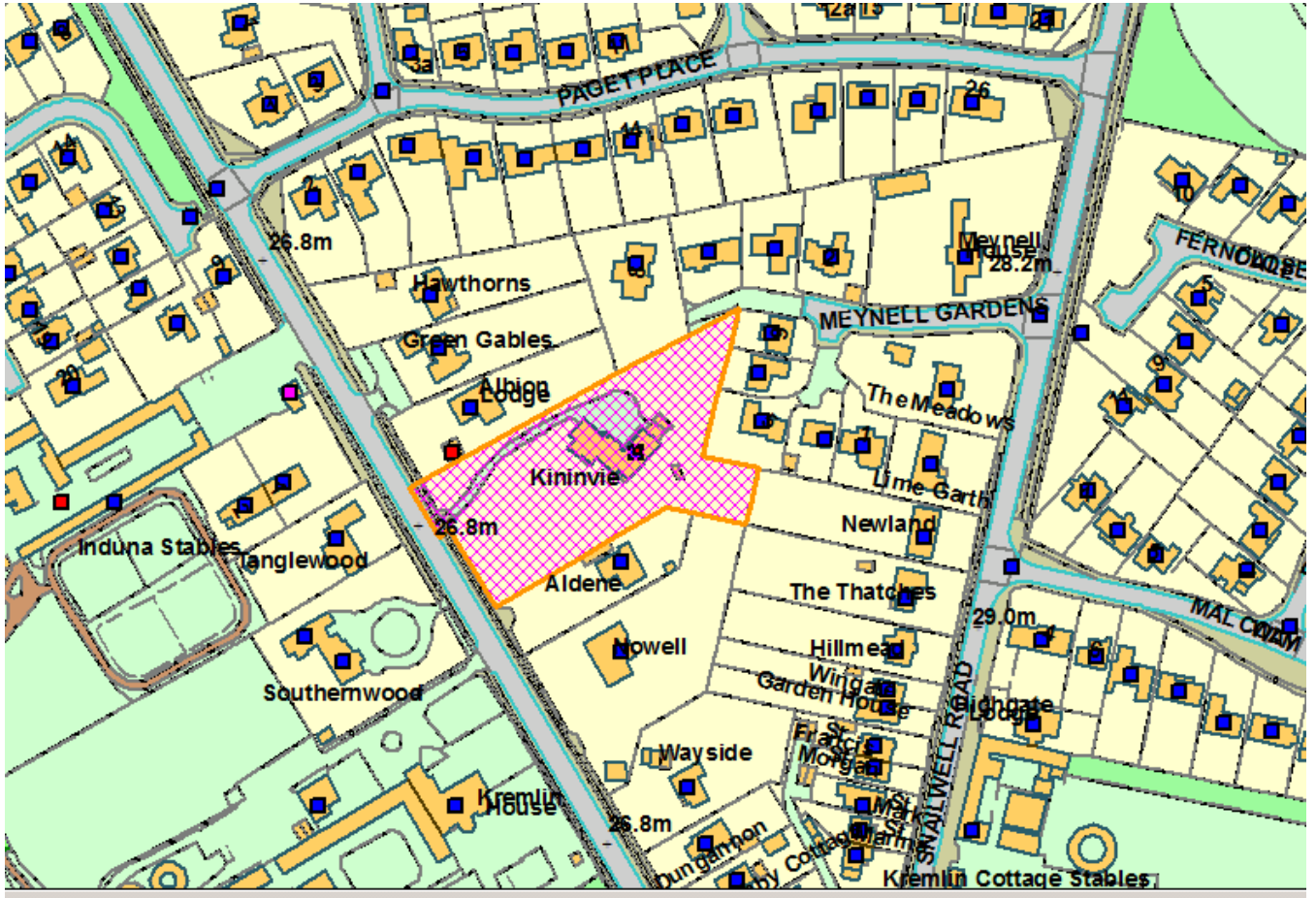
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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DC/18/1912/FUL - Kinivie, Fordham Road, Newmarket, CB8 7AQ



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Notes
 Do not scale without prior approval. Use written dimensions where provided. Large scale drawings take preference over small scale drawings unless advised otherwise. This drawing is to be read in conjunction with all related drawings, schedules, and specifications. All component and assembly dimensions are to be checked on site prior to beginning the production of any shop drawing or off-site fabrication. Any discrepancies with drawn information are to be reported to Churchgate Services.
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THIS IS AN A1 DRAWING		
Rev	Date	Description
P1	24.08.2017	Colours adjusted
P2	24.08.2017	Hatch density adjusted
P3	11.08.2018	Revised 60 bed unit with Lift 3 omitted.

Albion Lodge

8 MEYNELL GARDENS

9 MEYNELL GARDENS

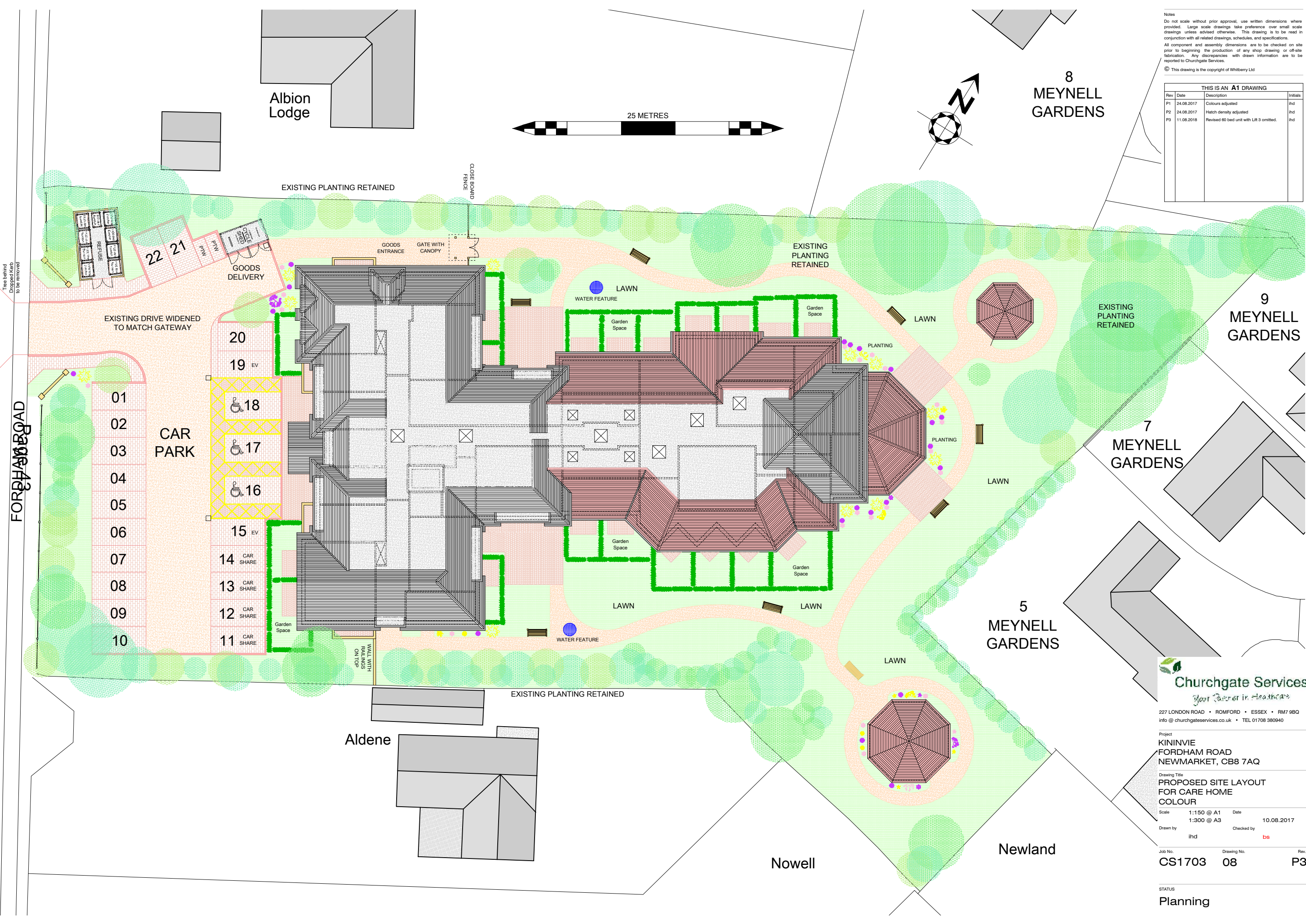
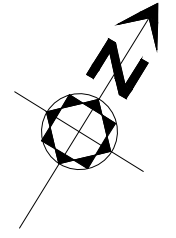
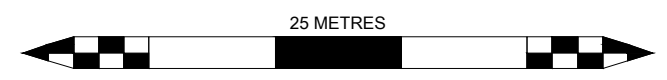
7 MEYNELL GARDENS

5 MEYNELL GARDENS

Aldene

Nowell

Newland



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Project
KININVIE
 FORDHAM ROAD
 NEWMARKET, CB8 7AQ

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

Scale 1:150 @ A1 Date 10.08.2017
 1:300 @ A3
 Drawn by ihd Checked by bs

Job No. CS1703 Drawing No. 08 Rev. P3

STATUS
Planning

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Forest Heath
District Council

DEV/FH/18/030

Development Control Committee
5 December 2018

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

Date Registered:	10.05.2018	Expiry Date:	09.08.2018 – EOT
Case Officer:	Kerri Cooper	Recommendation:	Approve Application

Parish:	Newmarket	Ward:	All Saints
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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:

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

Background:

This application is referred back to the Development Control Committee to ensure Members were aware that the application was being recommended for APPROVAL subject to conditions and a S106 Agreement. The reference to the Section 106 Obligation was omitted from the recommendation within the previous report (Report No: DEV/FH/18/026) although the Contributions were referred to in the report and the Officer's presentation.

The application was originally referred to the Development Control Committee in November 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 12months, 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 6no. 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, which have been agreed by the applicant:

- £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 recommended 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 and a S106 Agreement:
- 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)

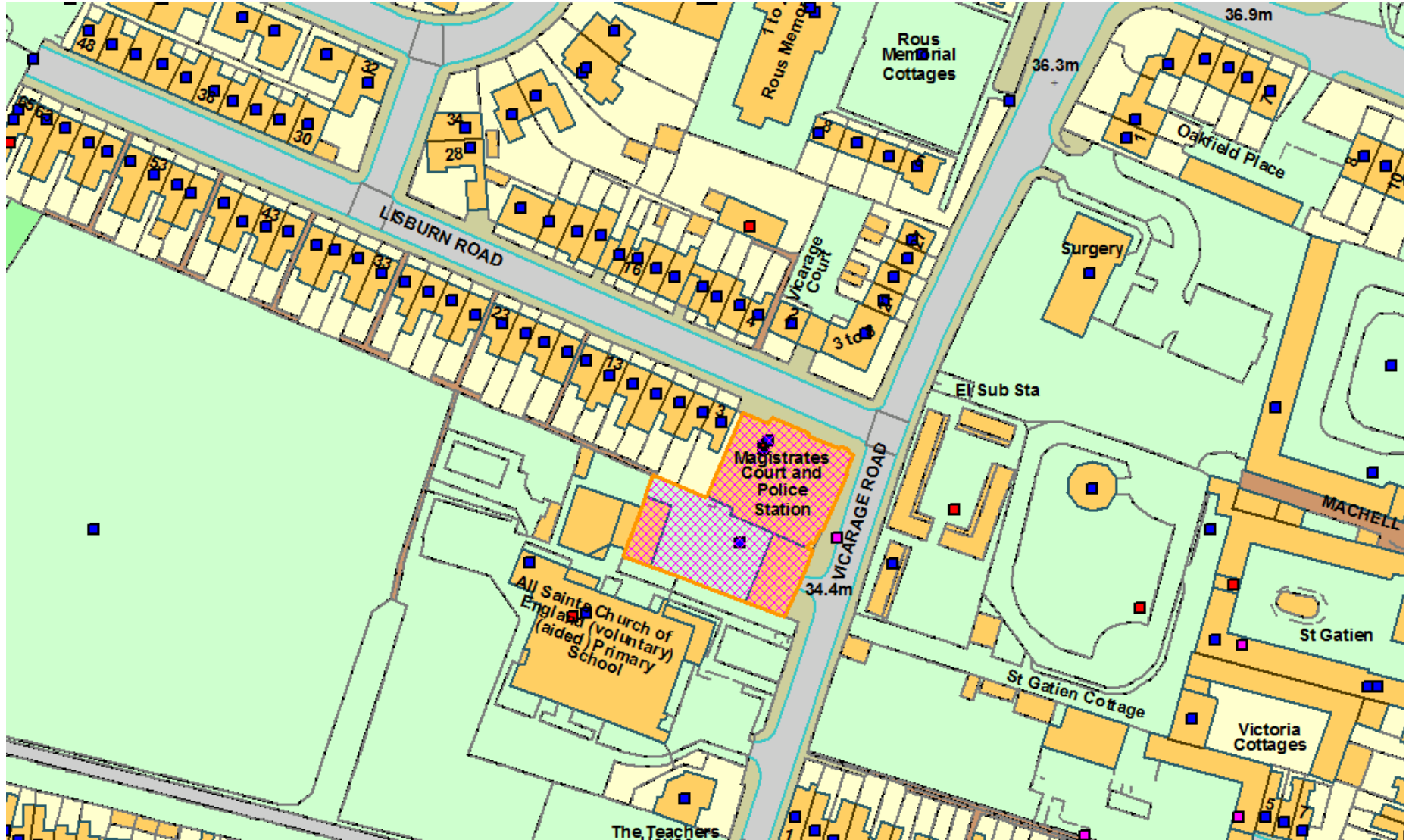
11.0 S106:

- £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

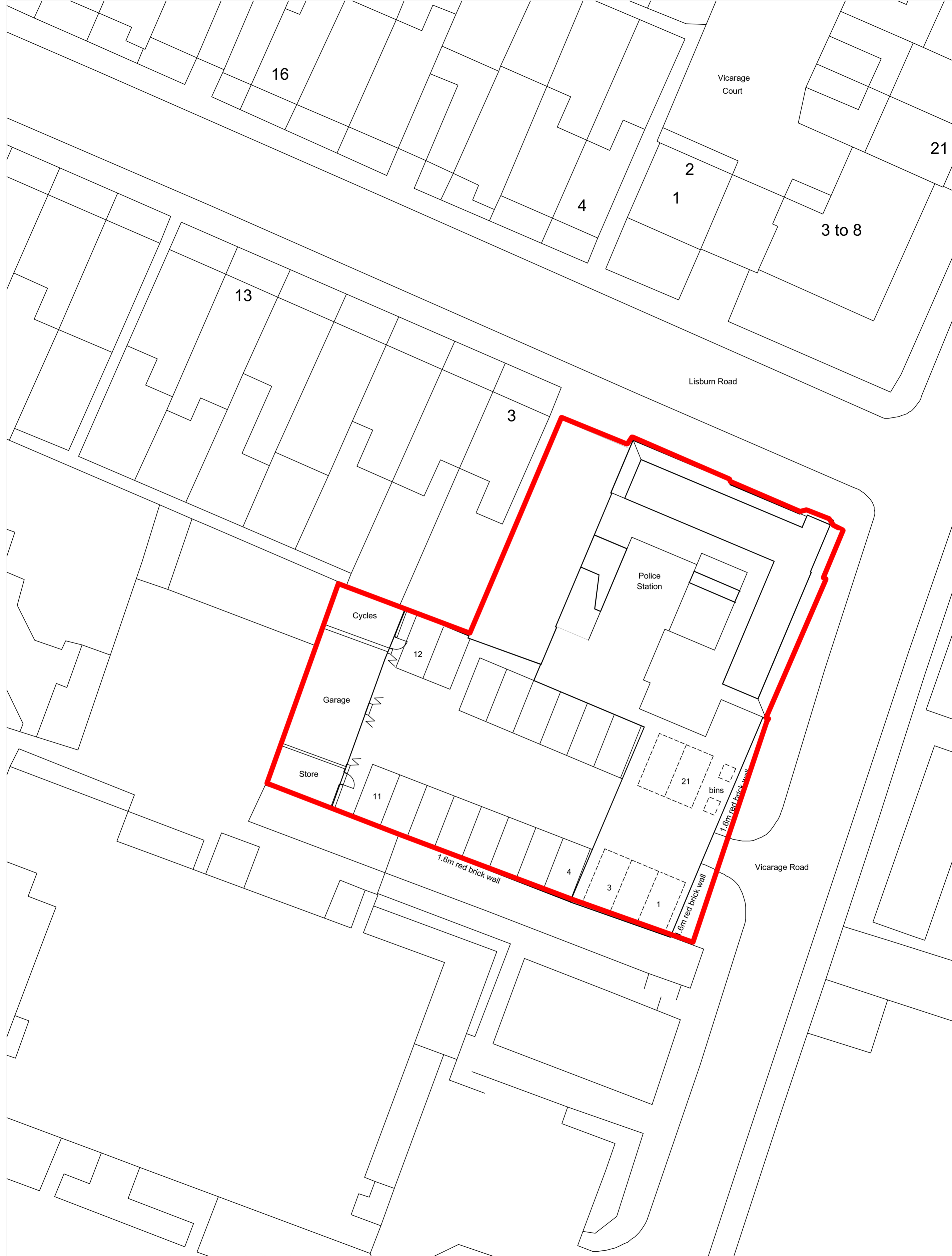
Documents:

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 63
CHECKED BY		RS

Title. Block Plan / Roof Plan

NPS Property Consultants LTD

- NORWICH LANCASTER HOUSE TEL: 01603 706000 FAX: 01603 706001
- NORWICH COUNTY HALL TEL: 01603 222413 FAX: 01603 222719
- LONG STRATTON TEL: 01508 536400 FAX: 01508 535110
- AYLSHAM TEL: 01263 738200 FAX: 01263 731732
- KING'S LYNN TEL: 01553 778240 FAX: 01553 778241

Address. Vicarage Road Police Station Newmarket Suffolk




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