

# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 OCTOBER 2015**

**DEV/FH/15/038**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/14/2218/FUL- B2/B8 WAREHOUSING AND  
DISTRIBUTION CENTRE, UNIT 9 – 11, St LEGER DRIVE, NEWMARKET**

**Synopsis:**

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

**Recommendation:**

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

**CONTACT OFFICER**

Case Officer: Christine Flittner  
Telephone: 01638 719397

# Committee Report

<b>Date</b>	10 December	<b>Expiry Date:</b>	11 March 2015
<b>Registered:</b>	2014		EOT granted
<b>Case Officer:</b>	Christine Flittner	<b>Recommendation:</b>	Grant Planning Permission, subject to conditions
<b>Parish:</b>	Newmarket	<b>Ward:</b>	Severals
<b>Proposal:</b>	Planning Application DC/14/2218/FUL – Construction of a B2/B8 , warehouse and distribution centre		
<b>Site:</b>	Plots 9 – 11, St Leger Drive, Newmarket, CB8 7DT		
<b>Applicant:</b>	CI Industries Ltd.		

## Background:

**This application is referred to the Development Control Committee because it is for 'major development' and objections have been received from Newmarket Town Council and neighbours.**

**The application is recommended for APPROVAL.**

## Proposal:

1. Planning permission is sought for the erection of an industrial building to accommodate B2 – General Industry and B8 – Storage and Distribution uses on St Leger Drive in Newmarket. The proposal also includes associated office floor space, car parking, service yard and landscaping.
2. The application has been amended since submission. This is to reflect the fact that at the time the planning application was submitted the applicant did not have an end user in mind for the development. Officers have been informed that an end user has recently been found, although the full details cannot be provided at present. As a result the number of loading bays has been reduced; car parking amended; office floor space has been increased and the building has been slightly reduced in height by approx. 0.5m.
3. The site has an overall area of 1.33 ha; the building has a gross external area of 6,720 sq. m and a gross internal area of 6,475 sq. m. Office space accounts for 1,525 sq. m. and is provided over two floors at the eastern end of the building.

4. The footprint of the building measures approx. 123 x 46m and is comparable in size to the Taylor Woodrow building which occupies plots 2-4 St Leger Drive. The overall height of the building measures approx. 13.5m at the highest point with an eaves height of 11m and is marginally lower than the Taylor Woodrow building.
5. A total of 131 car parking spaces are to be provided which consist of 124 standard and 7 disabled spaces. There is a motorcycle bay and 12 bicycle spaces indicated on the submitted plans. These spaces are chiefly provided at the eastern end of the site, however some are located within the service yard to the western end of the site which also accommodates 2 docked spaces for HGV's.
6. The proposals would be served by two vehicular access points off St Leger Drive. One would serve the car parking area at the eastern end of the site and another at the western end of the site would serve the service yard and remaining car parking.
7. The palette of external building materials has been selected. These are as follows;
  - Walls – Horizontal Cladding in Mountain Blue and Vertical Cladding in Silver
  - Roof – Plastisol cladding in Goosewing Grey.
  - Fascia Detailing – Merlin Grey
  - Doors – Merlin Grey steel and powder coated aluminium
  - Sectional Doors - Silver
  - Windows – Aluminium top hung double glazed units - Merlin Grey

**Application Supporting Material:**

8. The following documents comprise the planning application (including amendments/additional information received after the application was registered):
  - Form and drawings including layout, elevations and landscaping
  - Design and Access Statement
  - Flood Risk Assessment
  - Waste Management Plan
  - Transport Statement
  - Transport Technical Note
  - Ground Investigation Report
  - Interim/Green Travel Plans
  - Noise Impact Assessment
  - Tree Survey, Arboricultural Impact Assessment and Method Statement

**Site Details:**

9. The site lies within the built up area of Newmarket towards the northern boundary of the town. The surrounding land is mainly mixed industrial and commercial to the south, east and west of the site with residential development to the north.
10. The site is currently vacant. It has previously been used to deposit excavation spoil from previous developments in the vicinity and has re-vegetated with native plant life.
11. The northern boundary of the site lies parallel to Studlands Park Avenue which is a residential road with no through access and no access to the site. The boundary of the site with the road is predominantly lined with established indigenous poplar trees, some of which are in decline, the occasional ash and hawthorn which forms an informal shrubby hedge. The boundary planting whilst established is sporadic in nature with gaps.
12. To the west of the site, is plot 8, St Leger Drive which is an industrial unit with planning permission for B1, B2 and B8 use. It has recently been completed and occupied. To the east lies Studlands Retail Park. The rear of these units and adjacent service yards face onto the proposed site. The boundary is designated by a concrete post and chain link fence.
13. The southern edge of the site forms the boundary with St Leger Drive. It currently has large bunds at the edge to prevent vehicular access onto the site. The Smiths News and Taylor Woodrow buildings occupy the plots on the opposite side of the road.
14. The topography of the site forms a slight slope rising up from the southern boundary to the northern boundary and also rising from the eastern boundary to the western boundary, however there are heaps of spoil and bunds over the site at present which the applicant/agent states will be removed/reused as part of the proposal. The proposal involves the lowering of the site levels in order to reduce the overall height of the building when viewed from Studlands Park Avenue.
15. The site is located approximately 3.0 miles north from Newmarket Railway Station and 2.0 miles from Newmarket town centre. There are bus stops for local bus routes within walking distance to the site (Fordham Road and Studlands Park Avenue) and it lies in close proximity to route 51 of the national cycle network and other minor local cycle routes.
16. The Fordham Road/A14 junction lies in close proximity to the site to the north beyond the Studlands Park residential area.
17. The site is annotated as 'Employment Land' on the Inset Map for Newmarket attached to the 1995 Local Plan.

**Planning History:**

18. F/97/050 – Construction of road serving site for industrial development – Approved
19. F/92/457 – Use as a general retail market on two days per week – Refused
20. F/83/523 – Outline application for 6000 sqm DIY centre, garden centre, parking for 800cars and conversion of existing industrial buildings to industrial nursery units - Refused

**Consultations:  
(summarised)**

***i) Scheme submitted with the planning application (December 2014).***

21. Anglian Water: **no objection** to the application providing conditions are attached regarding the submission of foul and surface water drainage schemes for approval .
22. Environment Agency: **objection** on the grounds of insufficient information in the submitted FRA and insufficient information submitted to demonstrate the risk of pollution to controlled waters has been dealt with.
23. Suffolk County Council Archaeology: **no objections** subject to a recording condition and comments as follows -

*This large proposal is located in an area which is topographically favourable for early settlement. Adjacent evaluations detected scatters of prehistoric, Roman and medieval material (NKT 027). As a result there is high potential for encountering evidence of early occupation at this location. The proposed works would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.*

In accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

24. Suffolk County Council - Highway Authority: **objection** on grounds of lack of parking and a Transport Assessment not submitted.
25. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests access to buildings for fire fighting and firefighters to meet the Building Regulation requirements. It is confirmed that no additional water supply for fire fighting purposes is required in respect of this planning application and advisory comments provided for

the benefit of the applicant/developer (access for fire engines and use of sprinkler systems in new development).

26. Suffolk County Council – Highways (Travel Planning): **objections** on the grounds that there is no concrete information on the end user and estimated staff numbers with appropriate measures and targets. As a result it does not demonstrate a full commitment to reducing the traffic impact of the development.
27. FHDC – Environmental Health: **no objections** relating to impact on air quality, as the development is unlikely to create enough vehicle activity to have an adverse impact.
28. FHDC – Public Health and Housing: **objections** and comments as follows - The close proximity of residential properties to the site is a significant cause for concern and it is my opinion the proposal if fully permitted as applied for i.e. 24/7 operation and unlimited traffic movements, would cause unreasonable disturbance to neighbouring residents and cause a detrimental impact on the amenity of the area.
29. FHDC – Ecology, Tree and Landscape Officer : comments as follows - most significant issues are the width of the screen; whether it is sufficient; the establishment of the tree screen in the short term and the lack of planting elsewhere on the site. The details of the planting to the northern boundary are acceptable, but the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for new planting, but also in the long term.

***ii) Amended drawings/details received between February and August 2015***

30. Anglian Water : no additional comments submitted.
31. Environment Agency: **no objections** and comments as follows –  

*We have reviewed the submitted report entitled 'Surface Water Drainage Design' dated May 2015 and are satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. As such, we consider that the proposed development will only be acceptable if a planning condition is imposed requiring detailed drainage details.*
32. Suffolk County Council (Highways): **no objections** subject to conditions requiring the provision of areas shown on the submitted plans for refuse and recycling bins and parking, loading and turning areas to be provided prior to the development being brought into use and thereafter retained.

33. Suffolk County Council (Suffolk Fire and Rescue Service): no further comments submitted.
34. Suffolk County Council (Highways – Travel Planning): **maintains objection** as above at para 26. The applicant/agent has responded and suggested that as the end user of the building has not been fully identified at this stage it is impossible to provide the details required and would be able to provide further details via a condition should approval be forthcoming.
35. FHDC – Environmental Health (Air Quality): no further comments submitted.
36. FHDC – Public Health and Housing: **no objections** as a result of reviewing the revised acoustic report, however the close proximity of residential properties does remain a concern and disturbance associated with the development of the site should be mitigated with suitable controls as suggested below;
- Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
  - Submission of details of the measures to control light intrusion from external lighting
37. FHDC – Ecology, Tree & Landscape Officer: comments remain as above at para. 29 with added concerns regarding the office windows which have been added to the north elevation at the eastern end of the building and how these may conflict and threaten the landscaping which will need to be pruned back.
38. FHDC – Economic Development and Growth: **support** - the overall views of the Economic Development and Growth team are that the changes made in the revised plan are welcome and we would support this

application for the following reasons – significant amount of parking so attractive to employers; it is an employment site and the other main option for the developer might have been to consider a cluster of smaller / starter units, however unlikely to gain as much employment from this site; a single B1/B2 user might offer not only higher levels of employment on this site but also more consistent levels of employment over a period of time; dependent on the specifics of the tenant/occupier, it is probable that the skill levels of such use and therefore the likely wage levels would also be higher, making a stronger contribution to the local economy; a number of small/starter units are being developed elsewhere in the town at Sam Alper Court so if this site had been developed in a similar way then they would possibly be competing with each other and might lead to an oversupply in this sector of the market, whereas, to the best of my knowledge, there are no other sites of a similar size immediately available in Newmarket where large units such as this are being proposed; If this plan were approved it would therefore offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

**Representations:  
(summarised)**

***i) Scheme submitted with the planning application.***

39. Newmarket Town Council : object to the proposal as the site is so close to residential properties, it is not suitable to have a development that would be in use for 24 hours a day and the scale of the development is disproportionate in the proximity of residential properties.
40. Neighbours:
- 10 letters/emails were received in response to the original plans from local residents at the following addresses raising objections to the proposed development;
- 56, 59, 60, 76, 77, 79, 80 and 81 Vincent Close
  - 394 Aureole Walk
  - 38 Studlands Park Avenue
41. The issues and objections raised are summarised as follows:
- Not enough screening – a 30ft verge must be retained
  - Noise and disturbance to residences from the 24 hour operation and fans and boilers especially during the night
  - Overshadowing of properties due to scale of building
  - Overshadowing of south facing gardens
  - Loss of light to properties due to height of building
  - More traffic congestion likely on roundabout as already congested
  - Unacceptable increase in HGVs
  - Working hours should be restricted
  - Roads are not large enough to deal with a distribution centre
  - Cars will be forced to park on Studlands Park Avenue and it is already a problem



- Noise from the loading and unloading activities will be unacceptable in the residential area
- Air pollution is likely as a result of the development
- Fire Hydrants should be installed – at least two should be required
- No safe crossing point at the roundabout for pedestrians
- The tree screen along the boundary has been removed by the developer
- The two doors facing Studlands Park Avenue should be removed
- Light pollution will result from the development
- The proposed planting will not grow due to the lack of natural light
- Homes will be devalued (officer note – this point is not a material consideration that can be taken into account in the determination of the application)

***iii) Amended drawings/details received between February and August 2015***

42. Newmarket Town Council: **Objects** to the amended proposals on the following grounds;

- The height and size of the proposed unit being an over-development and not suitable for the industrial estate which was designed for low level units for light industry at Studlands Park.
- The height of the unit would cause a deprivation of light on residential properties in close proximity to the development.
- The noise of traffic accessing the site 24/7 would have an adverse affect on residents.
- The increased traffic would cause access problems to the estate including access to residential homes via the roundabout at the entrance to the estate.
- Environmental concerns regarding the removal of mature trees used to screen the industrial estate from the view of residents.

43. Neighbours:

57 letters/emails were received in response to the amended proposals from local residents. Of the original 10 objectors listed above 5 reiterated their original concerns in relation to the amended proposals and there were a further 52 responses. In some cases two or more letters were received from the same property and whilst the issues raised individually have been summarised the objections have been attributed to the address and counted as one objection from the property as per normal practice. One letter received did not have a full address, but was from the Studlands Park Area. It did not raise any additional concerns to those set out below.

The additional representations were sent from the following addresses raising further objections to the proposed development as amended;

Letters from the Studlands Park area

- 5,40,43,46,51,55,57,64,65,66,68,70,71,72,74,75,78,83,84,85,86  
Vincent Close

- 4,5,8,10,15,22,24,26,28 Persimmon Walk
- 30,32,34,36,40 Studlands Park Avenue
- 503,525,541 Aureole Walk
- 112, 122 Parkers Walk
- 271 Hethersett Close
- 131, 189 Tulyar Walk
- 11 Hanover Close
- 11 Brickfields Avenue

Letters from other parts of Newmarket

- 41 St Johns Avenue
- 88 Weston Way
- 57 Beaverbrook Road
- 53 Stanley Road
- 1 Durham Way
- 16 Cardigan Street (Basement Flat)

The issues and objections raised are summarised as follows:

- The amendments do not go far enough to overcome concerns already raised
- Not opposed to a unit on the site, but this one is too big
- Height and size of the building is excessive
- Will lead to loss of tree lined boundary between the housing and the industrial estate
- Residents will live in the shadow of a big ugly building and views will be blocked
- 24/7 operation should not be allowed
- Deliveries and collections should be banned between 7pm and 7am
- Levels of noise and disturbance will be detrimental to residential amenity of neighbouring properties
- There should be daytime operation only and no Sunday working
- Few other premises on the estate work at night and at weekends when noise levels are low and although noise is heard it is of a low level
- Will lead to a decline in the residential estate if allowed
- The residential estate is likely to become isolated from the rest of the residential areas of Newmarket
- The Burger King roundabout will not cope with the traffic
- Traffic will be forced through the town centre to avoid the junction of A14 and Fordham Road
- 150 car parking spaces will lead to 900 car movements per day
- Increase in traffic will impact on whole estate as noise from the A14 is considerable at night
- Pollution levels are likely to increase from queues at the roundabout
- Light pollution will result from the development
- Flooding is likely to increase on Studlands Park Avenue and Burger King Roundabout as a result of the development
- What measures are in place to ensure Studlands Park Avenue does not become an overflow carpark as a result of the development

- Double yellow lines do not extend far enough along Studlands Park Avenue
- Problems have existed with lorries parking on Studlands Park Avenue in the past
- There are no late buses for workers
- Site should be used for light industrial purposes as per the original planning application
- The sound proof fence is not adequate and noise will be funnelled through the space between plots 9 and 8 creating more noise for the residents of Plot 8
- Noise from the A14 has increased since the erection of plot 8 as it is reflected off the building
- Developer has scant regard for the occupiers and has not complied with landscaping conditions for plot 8
- The refuse bins are too close to homes and could result in vermin and noise
- Windows will overlook homes
- Plans do not show water tank for sprinkler system, cooler unit, generator and smoking shelter

**Policy:**

44. 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:

**Joint Development Management Policies Document (2015):**

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM20 – Archaeology.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

**Forest Heath Core Strategy December (2010).**

45. 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 where necessary.

## **Spatial Objectives**

- Spatial Objective ECO 1 – Attract high quality economic development
- Spatial Objective ECO 2 – Diversify Forest Heath’s economy to create a strong competitive area
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

## **Policies**

- Policy CS1 – Spatial Strategy.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS6 – Sustainable Economic and Tourism Development.
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport.

## **Other Planning Policy:**

46. **The National Planning Policy Framework** (the Framework) sets out government's planning policies for England and how these are expected to be applied.

47. Paragraph 14 of the Framework identifies the principle objective:

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

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

48. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather

than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

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

**Emerging Development Plan Policy:**

51. **Single Issue Review and Site Allocations Development Plan Document:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the issues and options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further environmental appraisal work.
52. Members subsequently resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. A joint consultation commenced on 11<sup>th</sup> August 2015 and will run for 8 weeks. Adoption is anticipated by the end of 2017.
53. For the site allocations document this is the first stage in the plan process – Issues and Options – and includes all potential sites; many of which will not be taken forward to the next stage.
54. At the present time, the Single Issue Review and the Site Specific Allocations Document carry little weight in the decision making process.

**Officer Comment:**

**Principle of the Development**

55. Core Strategy Spatial Objectives ECO 1 and ECO 2 seek to attract high quality economic development to the district and diversify Forest Heath's economy to create a strong competitive area.
56. These objectives accord with the Government's commitment to ensure that the planning system does what it can to support sustainable economic growth as set out in the Framework. Section 1 of the Framework (Building a strong, competitive economy) states that "*planning should operate to encourage and not act as an impediment to sustainable growth, therefore significant weight should be placed on the need to support economic growth through the planning system*"
57. Policy CS1 confirms Newmarket is identified as a market town serving the retail and leisure needs of the local catchment area and recognising that housing and employment growth will occur.

58. Core Strategy policy CS6 states that employment development should predominantly be focused within existing settlements on allocated sites. It goes on to state that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
59. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the Framework. Policy DM30 builds upon the strategic requirements of Core Strategy Policy CS6 to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
60. The site is currently vacant, however lies within an area identified for employment use and is formally allocated as such by the 1995 Local Plan. In these circumstances, Core Strategy Policy CS6 and DM30 of the Joint Development Management Policies Document, which seek to protect and safeguard employment land for employment use are relevant in the consideration of the application.
61. Evidence has been provided by objectors to the application that outline planning permission was granted in June 1955 for light industrial expansion and allied residential development in the Brickfields area of Newmarket. The written particulars identify a site of 2.842 acres, but no address or map to identify the particular site is provided. The objector's argument is that the site should only be considered suitable for light industrial use (B1) on the basis of this information.
62. In terms of more up to date planning policy, however, the application site lies within an area which was identified as employment land in the Forest Heath Local Plan. Policy 5.1 of the document refers to general employment use and identifies that industrial and commercial activity which provides an acceptable level of employment being likely to obtain planning permission. The 1995 local plan specifically refers to the "more intensive use of the CI Caravan site" and goes on to state that it is zoned in Policy 5.1 for general employment use. As a result it would appear that the general industrial designation was firmly established by 1995, therefore the argument that the site should only be used for light industrial use cannot be given significant weight when considering this application. The Forest Heath Local Plan was adopted in 1995 after full public consultation and a Local Plan Inquiry. Whilst policy 5.1 of the Local Plan is no longer used, it is referenced to show the policy context which was applied and informed the permissions for development around the application site.
63. The comments of the Economic Development and Growth Team are summarised at para. 38 and these express support for the proposal on the basis that if approved it would offer the opportunity to bring another large or medium sized business into the town adding to the local business community and improving employment in the town.

64. The site lies within the settlement boundary of Newmarket, within an area which already contains a mix of industrial and commercial uses and there is considerable policy support for the proposal. As a result the development is acceptable in principle.

**Design Considerations**

65. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
66. Design aspirations are also included in Spatial Objective ENV4 (high standard of design) of the Core Strategy which is supported by policy CS5 which requires high quality designs which 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.
67. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate.
68. The planning application is a full application with all details included for consideration this this stage.
69. The application site lies towards the northern edge of Newmarket where the town is bordered by the A14. There is a mix of uses, including residential, commercial and industrial in the vicinity of the site. The site has a visual relationship to both the residential development which lies beyond the northern boundary of the site and the commercial and industrial development which surround the remaining site boundaries. The building proposed reflects the scale and detailing of the surrounding industrial development and as a result is a very large building within reasonably close proximity to small scale residential development.
70. The size of the application site is 1.33ha and the building has a gross floor area of 6,720 square metres. The building measures approx. 123m long and 45m wide with a ridge height of 13.5m and an eaves height of 11m. This is of similar scale to the Taylor Woodrow building which lies opposite the site on St Leger Drive, but is considerably larger than the existing Smiths News building (also opposite), and Plot 8 to the west of the site. The residential development which lies approx. 30m to the north of the building on the opposite side of Studlands Park Avenue is of a much smaller scale and consists of modest bungalows and two storey properties where the maximum overall height is likely to be approx. 7/8metres with the bungalows being considerably lower.

71. At the present time planting exists on the northern boundary of the site which has declined over the years and does not provide an effective screen in itself; however it forms a partial screen to the residential land to the north and as such is of high public amenity value. The majority of the site has been subject to the dumping of soil from other developments in the vicinity and has revegetated to a limited extent. In order to mitigate the impact of the development on nearby residential properties a landscaping scheme has been submitted which consists of a mixed area of planting along the entire northern boundary. The landscaping strip measures approximately 12m in width at its widest point at the western boundary of the site and reduces to approx. 8m at the mid point of the site and 6m at the eastern boundary. There are other minimal areas of planting proposed along the boundary with St Leger Drive.
72. The Council's Tree, Landscape and Ecology Officer comments that the most significant issues identified are: the width of the screen and whether this is sufficient to mitigate the impact of the building on the properties to the north; and also establishing the tree screen in the short term.
73. The comments indicate that whilst the details of planting on the northern boundary are acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term, concern is expressed about the lack of appropriate planting elsewhere within the site which within the present scheme is not commensurate with this size of building. Further concern is expressed that the proposed building is likely to be overbearing on the properties to the north particularly in the short term when the existing trees are removed to make way for the new planting, but also in the long term if the planting fails to become established.
74. Due to the desire to provide sufficient landscaping on the northern boundary of the site this had resulted in the proposed building being sited on the boundary with St Leger Drive. Whilst this is not an ideal situation given the scale of the building, it is considered, on balance, an acceptable compromise to ensure the maximum amount of landscaping can be provided between the site and the properties to the north.
75. The proposed materials (ref para. 7 above) would be appropriate for the location as they match those on the adjacent plot (8) to the west. They are typical of what could be expected on a new industrial development, therefore the materials palette is considered acceptable.
76. The relatively large scale and massing of the building and the hard surfaced car park and service areas are not at odds with the existing industrial and commercial development around the site.
77. The relationship of the development to the nearby residential properties is a matter which requires very careful consideration as it is acknowledged that the scale of proposal is large and the site is clearly pressured in terms of the quantity of development the applicant seeks to accommodate. As a



consequence a significant amount of boundary planting has been included along the northern boundary to mitigate the impact of the building on the dwellings which lie on Studlands Park Avenue/Vincent Close. The successful implementation and maintenance of the planting scheme is a key factor in whether the application can be considered acceptable and this is discussed further in the report.

78. Having considered the elements which would contribute to the character of the development itself, it is concluded that the scheme pushes the boundaries in terms of its scale and relationship with the adjoining dwellings, however it has been demonstrated that regard has been paid to mitigating this impact through lowering the site level, the provision of a deep landscaping strip and an acoustic fence to the service and car parking area. The proposals have been improved from their inception and the design and layout of the amended scheme is, on balance, considered acceptable by officers.

### **Transport and Highway Safety**

79. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised.
80. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
81. Core Strategy Spatial Policy 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 Policy CS12 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, where necessary, and ensure that access and safety concerns are resolved in all developments.
82. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
83. An Interim Travel plan has been submitted as part of the application which is considered to be lacking in detail, however the applicant is willing to accept a condition to produce an updated Travel Plan once an end user has been identified. This is an approach which has been used on schemes elsewhere and as such is considered an acceptable.

84. The applicant submitted a Transport Statement at the request of the Highway Authority following their initial comments and it was followed up with further work relating to capacity at the Oaks Drive/Studlands Park Avenue/A412 roundabout. The key conclusions drawn by the documents are that the proposed development site is located within an area that is both accessible and sustainable in accordance with national and local planning policy and guidance. The roundabout is currently running well within its capacity, and will continue to do so with network growth to 2020 and the trip generation of the site and the Hatchfield Farm development accounted for.
85. Those making representations, as detailed in paras. 41-43, raised significant concerns regarding likely traffic congestion in the area as a result of the development and the problems that exist in the area already regarding parking along Studlands Park Avenue. As the applicant has done the necessary work requested by the Highway Authority, as detailed above, it is considered that the objections on grounds of likely increased congestion from the development due to no capacity existing within the road network cannot be substantiated. If problems exist at the present time regarding vehicles parking on Studlands Park Avenue this is matter than cannot be addressed through this planning application and should be taken up with the relevant section of the Highway Authority.
86. Access and parking arrangements for the proposed development are considered, by the Highway Authority, to be safe, suitable and in accordance with adopted standards. As a result it is concluded that the development would not lead to significant highway safety issues or hazards on approaches to the site, from the Fordham Road or within the locality. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during am and pm peak hours. It can therefore be concluded that there should be no highways or transport reasons why the development proposals should not be approved.

**Residential amenity:**

87. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
88. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
89. The proposal is for a speculative facility to be used for B2 (General Industrial) and B8 (Warehouse and Distribution) facilities. The applicant has indicated that since the submission of the application an end user has been identified, but at the moment is unwilling to reveal any specific

details apart from the fact that 150 jobs are likely to be created on the site and the facility is likely to consist of a greater element of B2 use and a lesser amount of B8 use. This has facilitated the proposed amendments to the scheme which were submitted in late July and throughout August.

90. Given that much of the operating procedure and pattern of working is unknown, it is considered that there is potential for the nearby occupiers of homes in the Studlands Park area to be adversely affected by noise from the operation of the site. Whilst the properties are separated from the site by the proposed landscaping belt and Studlands Park Avenue, which is a distance of over 20 metres, some of the properties which front Vincent Close have very small rear gardens which back onto Studlands Park Avenue.
91. The residents have voiced strong objections regarding the impact this proposal could have on their residential amenity (as set out above). They consider that a facility of the size proposed coupled with the request for uncontrolled working hours and deliveries/loading/unloading to take place between the hours of 7am and 11pm to be excessive and detrimental to the quality of residential amenity they currently enjoy. Similar concerns have been raised concerning the impact of the lighting of the building and the positioning of the skips within the service yard close to the site boundary.
92. The Council's Public Health and Housing Officer originally raised concerns regarding the lack of detail within the submitted noise report, but as a result of receiving more detailed information has withdrawn the initial concerns with respect to noise disturbance and has requested conditions are imposed upon any planning permission granted to provide a number of protective measures as follows;
  - Control of site preparation and construction works
  - No generators in external areas outside certain hours
  - 3 days notice required for concrete pours outside specified working hours
  - Control of waste materials from site preparation
  - Submission of scheme for mitigation of dust nuisance
  - Submission of details of security and floodlights
  - Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
  - External doors to be kept closed at all times except for access and egress
  - Acoustic screen and other boundary treatments to be provided as per the submitted plan
  - No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
  - Submission of details of operational hours of deliveries and on site working
  - Submission of method statement for the operation of the service yard including the use of roll cages
  - Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday

- Submission of details of the measures to control light intrusion from external lighting
93. These measures are considered reasonable and could be translated into enforceable conditions which would serve to safeguard the potential residents of the scheme from significantly adverse noise and lighting impacts.
94. There is no doubt that occupants of some existing dwellings will be affected by the proposed development. In particular there are some existing dwellings which back onto the application site at the western end of the site and others which front the site towards the centre/eastern end where there is significant concern about potential dominance of the building and loss of outlook to the existing dwellings.
95. The degree of separation between the existing dwellings and the fenced site amounts to in excess of 20 metres to the property boundaries. The proposed landscaping belt (outside the site fencing) varies in width from approx. 7/8 metres where properties front the site (in front of the proposed building) to 11/12 metres where the single storey properties back on to the site where the service yard is located.
96. The details of the planting scheme in itself are considered acceptable with a mix of mostly native species including evergreen, which will be introduced at different sizes to make an instant impact and to provide a sustainable screen in the long term. The level of mitigation provided to negate the dominance of the building will not be significant in the early stages of the development according to the comments provided on the landscaping proposals by the Tree, Landscape and Ecology officer and if the planting is not established and maintained the dominance of the building will remain significant.
97. The landscaping details provided demonstrate that within a ten year period the planting scheme proposed will provide good mature screening. The building will not be completely obscured due to its height, however the type of planting that formerly existed on the site boundary will be re-established. A condition could be imposed on any consent to require implementation of the landscaping and it would also be appropriate to seek details of a long term maintenance plan to ensure the success of the planting can be secured.
98. Of concern to the residents is the issue that the approved landscaping scheme to the adjacent Plot 8 has not been appropriately carried out. They state that any confidence they had has been lost due to the poor management of the matter. Whilst this is also of concern to officers it is a matter which has been raised with the developer and is currently under review. Essentially the establishment and maintenance of the landscaping to Plot 8 is a potential enforcement issue and not part of the consideration of this application, however the details of the scheme are relevant and require consideration.

99. The landscaping scheme for Plot 8, which lies to the west of the site, was approved at appeal by a Planning Inspector in 2011 and the main issues identified were: whether the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings and second, whether they would safeguard the reasonable residential amenities of local residents in terms of outlook. The width of the tree screen to plot 8 is documented as being 4.5/5.5m in depth with potential for planting to reach heights of 11 metres.
100. On the first point the Inspector concluded that the proposals would safeguard the character of the area and assist in assimilating the approved development into the surroundings. On the second point, whilst the Inspector acknowledged that the industrial building would have a considerable impact on the outlook from the houses on Vincent Close it was concluded within the decision letter that the landscaping proposals would safeguard the residential amenities of local residents in terms of outlook. Overall the Inspector noted that the landscaping proposal represented a balanced and well considered response to the difficulties and limitations of the site.
101. It is noted that the dimensions of plot 8 are considerably less (approx. 3 metres lower in height at eaves height) than the proposal for plots 9 – 11, however this must be balanced with the fact that the proposal under consideration offers double the width of landscaping for the majority of the length of the site. The appeal decision should be borne in mind when balancing the issues of benefits of the scheme versus the harm.
102. Air pollution is an area of concern that has been cited by the objectors as potentially impacting on residential amenity. The comment of the Environmental Health officer on this matter is that it is unlikely that the development will create enough vehicle activity to have an adverse impact upon the local air quality.
103. The amended scheme introduces office windows to the northern elevation of the building at its eastern end. Whilst the outlook from these windows will be partially obscured by the proposed planting in the long term it is considered reasonable, due to allow time for the planting to become established, that any permission contains a condition to ensure the windows are obscure glazed and fixed shut.
104. Having assessed the material submitted as part of the application, the consultation responses received and the detailed representations made by local residents and the Town Council, the conclusion reached in terms of whether the harm caused to residents outweighs the benefits of the scheme is finely balanced.
105. The test to be applied is whether the harm caused by the development is of a level that it cannot be mitigated to a reasonable level through the measures supplied within the details of the application and via suggested conditions.

106. Given that it has been demonstrated that the impacts of the scheme can be mitigated by the imposition of conditions as requested by the consultees and the landscaping proposed is likely to be effective in visually breaking up the form of the structure and considerably reducing its visual impact; the proposals are considered, on balance, acceptable with respect to their potential impact upon existing residents.

**Other matters:**

***Archaeology***

107. The Archaeological Service at Suffolk County Council has been consulted on the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded. Officers are satisfied that, subject to the archaeological conditions, the development proposals would have no significant impacts upon heritage assets.

***Waste water treatment***

108. The foul drainage from this development is in the catchment of Newmarket Water Recycling Centre and it is confirmed by Anglian Water that there is available capacity to cater for the development. There is no objection to the development subject to conditions being imposed on any consent requiring details of a foul water strategy and a surface water management strategy.

***Flood Risk, Drainage and Pollution***

109. 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.
110. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
111. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
112. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3). A flood risk assessment has been

submitted with the planning application. After their initial objection, following the submission of further information, the Environment Agency is satisfied that an acceptable surface water drainage scheme can be provided on site. However, further details of the proposed drainage scheme should be provided at the detailed design stage to demonstrate that there will be no increase in flood risk on site or elsewhere and no risk of pollution to controlled waters. This can be required via a condition.

113. The planning application is accompanied by a Ground Investigation Report.
114. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. The imposition of reasonable informatives upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation are recommended.
115. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

**Conclusions:**

116. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
117. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, therefore having regard to the Framework and all other material planning considerations, the proposal is considered to comply with the NPPF and Development Plan policy and the recommendation is one of approval.

**Recommendation:**

118. It is recommended that the planning application be **APPROVED** subject to conditions including:
  1. Standard time limit
  2. Development in accordance with approved plans
  3. Archaeological investigations and recording.
  4. Surface Water Drainage details to be submitted prior to commencement

## **WORKING PAPER 1**

5. Foul Water Strategy to be submitted prior to commencement
6. Highways – refuse and recycling bins provided as per plan
7. Highways – parking, turning areas to be provided as per plan
8. Highways – updated travel plan to be provided
9. Materials as detailed on plan
10. Windows on north elevation to be obscure glazed and non opening
11. Removal of non-domestic permitted development rights
12. Landscaping implementation in the first planting season following the commencement of development
13. Tree Protection measures to be implemented during works
14. Landscaping management and maintenance plan to be submitted
15. Site clearance to take place outside the bird breeding season
16. Control of site preparation and construction works
17. No generators in external areas outside certain hours
18. 3 days notice required for concrete pours outside specified working hours
19. Control of waste materials from site preparation
20. Submission of scheme for mitigation of dust nuisance
21. Submission of details of security and floodlights
22. Maximum noise levels for residential boundaries and facades including details of plant and machinery; equipment and soundproofing to be complied with
23. External doors to be kept closed at all times except for access and egress
24. Acoustic screen and other boundary treatments to be provided as per the submitted plan
25. No lorry movements including loading and unloading outside 7.00 and 23.00 – Monday to Saturday
26. Submission of details of operational hours of deliveries and on site working
27. Submission of method statement for the operation of the service yard including the use of roll cages
28. Use of roll cages in service yard shall only take place between the hours of 8.00 – 20.00 Monday to Friday
29. Submission of details of the measures to control light intrusion from external lighting

### **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>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY.