

# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 JUNE 2016**

**DEV/FH/16/011**

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

**PLANNING APPLICATION DC/15/2120/FUL - KININVIE, FORDHAM ROAD,  
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: Gareth Durrant  
Email: [gareth.durrant@westsuffolk.gov.uk](mailto:gareth.durrant@westsuffolk.gov.uk)  
Telephone: 01284 757345

# Committee Report

**Date:** 6 November **Expiry Date:** 5 February 2016

**Registered:** 2015

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

**Parish:** Newmarket **Ward:** Severals

**Proposal:** Planning Application DC/15/2120/FUL - Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

**Site:** Kininvie, Fordham Road, Newmarket

**Applicant:** McCarthy & Stone Retirement Lifestyles Ltd and Frontier Estates.

## **Background:**

**The planning application is reported to the Development Control Committee at the request of Councillor Andrew Appleby, one of the Local District Council Members for the Severals Ward.**

**The application is also reported given the recommendation to grant planning permission is contrary to views expressed by the Newmarket Town Council that planning permission should be refused.**

## **Proposal:**

1. Planning permission is sought for the erection of retirement housing of 29 dwelling units 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, ranging from 2-and-a-half storeys at the Fordham Road Frontage, down to one-and-a-half storeys behind. There is a small element of single-storey building at the very rear. The frontage elements of the proposed building are the tallest measuring up to 10.75 metres to ridge. These elements provide accommodation over three floors (two-and-a-half-storeys). The proposed building reduces in height as it extends back into the site. The two-storey elements of the building, behind the frontage blocks reduce in height to 8.9 and 8.4 metres respectively. Finally, the

single-storey element to the rearmost of the site would be 6.35 metres to ridge.

3. The existing vehicular access into the site would be improved to serve the proposed development. Information submitted with the planning application confirms that foul drainage would be discharged to the mains sewer and surface water to soakaways. The application forms indicate the use of facing brick and render to walls and slate/flat interlocking clay tiles to roofs of the proposed building.
4. The application has been amended since submission in order to address specific concerns raised during the consideration of the planning application. This has resulted in the number of flats proposed by the application falling from 31 to 29 units. Additional information has also been submitted to assist with the consideration of potential transportation and highways impacts. Further consultations have been carried out as a consequence.

**Application Supporting Material:**

5. Information submitted with the application as follows:
  - Signed application forms (including ownership certification).
  - Drawings (including location plan, block plan, roof plan, elevations, floor plans, tree protection plan and a detailed landscaping plan. The application is also accompanied by visual montage, contextual and perspective drawings. Further highway related drawings have been received to illustrate proposed vehicle movement tracking.
  - Planning Statement
  - Transport Statement
  - Statement of Community Involvement
  - Social Needs Report
  - Design, Access, Heritage and Sustainability Statement
  - Drainage Information
  - Archaeological Desk Based Assessment
  - Ecology Report
  - Contaminated Land Desk Study Report
  - Bat Inspection and Survey Report
  - Planning Obligations and Affordable Housing Statement

**Site Details:**

6. 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.
7. 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:**

8. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).

**Consultations:**

9. Natural England (November 2015) – has no comments to make.
10. Anglian Water Services (December 2015) – **no objections** and provide the following comments:
- The foul drainage from this development is in the catchment of the Newmarket Water Recycling Centre that will have available capacity for these flows.
  - The sewerage system at present has available capacity for these flows.
  - The preferred method of surface water disposal would be a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. The surface water strategy is unacceptable at present and the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (Suffolk County Council).
  - We request a condition requiring a drainage strategy covering the surface water drainage issues to be agreed.
11. Suffolk County Council - Local Highway Authority: In December 2015 the Authority **objected** to the planning application and **recommended refusal** for the following reasons:
- The applicant has provided insufficient parking within the site for the proposed development and, consequently, this is likely to lead to parking on the highway which is a busy “A” class road and unsuitable for on-street parking.
  - The TA refers to parking guidance from the 2010 SCC Local Transport Plan, however, these are superseded by The Suffolk Guidance for Parking (updated 2015) which recommends a minimum provision of 1 space per dwelling within retirement developments. In addition I would expect 1 space for the full-time employee and the Guidance also requires visitor parking at 0.25 spaces per dwelling. This gives a total requirement of 40 spaces.
  - The application includes 26 spaces none of which are marked out as larger disabled bays which should form a proportion of the parking and would further reduce the total provision. In addition, the Transport Statement provides some swept paths which show that cars can manoeuvre in the car park but there is inadequate space for emergency vehicles and delivery vehicles and this may result in reversing into the highway.

- The Transport Statement refers to a lower than average car ownership rate at other sites operated by the developer. However, these sites may not be comparable in location and proximity to local facilities and we would have no guarantee that this site will remain under the control of the current applicant. Therefore, we consider the parking provision inadequate.
12. The Highway Authority went on (in the same correspondence) to provide the following general comments about the planning application:
- The access will be subject to a significant intensification of use and should be improved to the appropriate standard. The Transport Statement refers to visibility standards from Manual For Streets which we would not normally accept for an "A" class road which is predominantly vehicle dominated. We have taken into account speed count data and the proposal to move the access and to remove a tree to improve visibility and consider that acceptable visibility can be provided. However, we would emphasise that the proposed tree removal shown on the Visibility Splay drawing no. 050.0016.004 will be essential to achieve an acceptable access and the LPA should take this into account.
  - With regard to the traffic generated by the new development we do not consider the effect on the local road network is significant and will not justify any mitigation.
13. In April 2016, following consultation with respect to the amended (reduced) scheme, the Highway Authority maintained its **objections** to the planning application on the grounds that the proposed parking provision still falls short of the requirements of the adopted Parking Standards.
14. In May 2016, following receipt of further information from the applicants highway consultant, the Suffolk County Council confirmed it had **no objections** to the planning application, subject to conditions requiring further details of i) the proposed vehicular access (including gates and visibility) and, ii) bin storage areas. A further condition is recommended to ensure the parking and manoeuvring areas within the site are provided and maintained.
15. The Authority provided the following comments to explain its changed stance on the planning application:
- We have considered further information provided by the applicant on the level of vehicle use likely to be expected at this retirement facility in comparison to the requirements of the Suffolk Guidance for Parking. The Guidance makes allowance for a reduction in the standard if evidence supports a lower parking provision. Although we would still maintain that the location is not highly sustainable, as are some of the sites provided for comparison in the applicant's evidence, we accept that the level of car ownership of residents is likely to be lower than the equivalent of one car per unit.
  - Given that the proposal is now for a reduced number of units, and evidence supports the conclusion that it is unlikely that parking will occur on the highway we wish to remove our recommendation of refusal.

16. Suffolk County Council – Flood and Water Management (December 2015) **objects** to the planning application and requests further detailed information regarding the design and approach to a surface water system.
17. In February 2016, following receipt of details of a surface water drainage scheme, the Flood and Water Management Team at Suffolk County Council confirmed the overall design of the proposed surface water system was acceptable but could not fully recommend approval until details of infiltration rates had been provided.
18. Suffolk County Council – Strategic Development (Development Contributions) – **no objections** and does not wish to comment.
19. West Suffolk – Environmental Health (December 2015) - no objections – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction.
20. West Suffolk – Public Health and Housing – (November 2015) no objections, subject to conditions relating to, i) control over construction hours, construction noise and dust and, ii) control over external lighting of the site following occupation.
21. In February 2016, following submission of further information and clarification regarding the siting and specification of an electricity sub-station, the Public Health and Housing Team again raised **no objections** to the planning application, subject to conditions requiring >5 metre separation between the sub station and any dwelling and further (and more precise) details of the sub-station.
22. West Suffolk – Strategic Housing – (November 2015) support the planning application in principle, but question the applicants assumptions about development viability. The team supports the approach to secure financial contributions to be used off-site, but questions some of the assumptions made in the viability report which seeks to justify a specified level of contribution.
23. In April 2016, following re-consultation with respect to the amended (reduced) scheme, the Strategic Housing Team did not wish to make any further comment, but noted the submitted viability assessment was in the process of independent assessment.
24. West Suffolk – Planning Strategy (Ecology, Trees and Landscape) – no objections and provides the following comments with respect to trees and ecology matters:

Impact on trees

- The proposals include the removal of a number of garden trees to allow for the development however in general the trees that mark the boundary and are most significant in terms of the wider visual amenity are to be retained. Tree T56 is a pollarded lime tree located on Fordham Road. This tree forms part of a linear landscape feature and the loss of this tree to provide a safe

entrance is regrettable. However the tree is described as having decay pockets within the historic pollard points and more seriously a fungal fruiting body at the base. The arborist has estimated that the tree's remaining contribution is less than 10 years and under these circumstances the removal of the tree to allow the development is acceptable so long as a replacement tree is planted. This would preferably be to the front of the site. I note that the landscape proposals allow for the planting of 16 new trees including three pine trees to be planted on the boundary with Fordham Road. The implementation of the soft landscaping should be conditioned.

- A tree protection plan has been submitted and implementation of the tree protection should be conditioned

*Impact on biodiversity*

- An ecology report (March 2015) and a bat inspection and survey report (October 2015) have been submitted to support the application. These reports make recommendations in section 7 and section 6 respectively. These recommendations will need to be implemented in full by condition. This may require some amendments to the detailed landscaping scheme in respect of incorporation of the particular plant species mentioned; the bat and bird boxes could also be included in this plan (can be resubmitted by condition). A lighting mitigation strategy should also be conditioned.

**Representations:**

25. In relation to the first round of public consultation (November 2015, following receipt of the planning application) the following representations were received.
26. Newmarket Town Council – **objected** to the application on the grounds of overdevelopment of the site and the impact of additional traffic on Fordham Road.
27. Newmarket Horseman's Group – raises **no objections** and comments that horseracing industry assets are unlikely to be affected by the proposals (noting there are stables on the opposite side of Fordham Road). The main concerns of the group are in relation to increased traffic movements on Fordham Road (in combination with development at the Maltings and the enlarged Tesco store).
28. The Group notes the application is for retirement dwellings, notes the trip generation data accompanying the planning application as realistic and suggests a contribution towards safety improvements at the Rayes Lane/Fordham Road crossing would be appropriate. Furthermore the Group requests the developer liaises with the two training yards during construction in order to minimise risks during noisy demolition/construction activities.
29. Letters/e-mails/web forms were received from 10 local residents raising **objections** to the proposed development. The issues and objections raised are summarised as follows:
  - Some of the trees would have too much work undertaken to them, leaving

them unsightly.

- Overlooking of existing property, leading to loss of privacy.
- Refuse collection should be from within the site, not the road side in order to avoid traffic congestion, but there appears to be little room for this.
- There is no access to the rear of the site for emergency vehicles.
- The development would exacerbate the traffic problems on Fordham Road.
- If the site is to be redeveloped, it should be with a small number of private houses in keeping with the locality and prevailing traffic conditions.
- The bulk and massing of the building is large and over bearing and does not respond to the local context and would overshadow neighbouring properties.
- The tree within the highway should not be felled to make way for this development.
- No method has been proposed to deal with surface water drainage. The roof area of the buildings is to be massively increased and surface water may require some kind of attenuation system. Where is this to be sited?
- Gross overdevelopment of the site showing over-grabbing of a majority of the existing garden space of the property.
- Light pollution at night from internal and external sources.
- Where would the electricity sub station be provided?
- Trees on site requires greater consideration than the developers are suggesting.
- The construction process will generate noise, dust and vibration for a period of a year. This should be strictly controlled by planning condition.
- Detrimental impact upon the Conservation Area, owing to inappropriate amount, and scale of development, urbanisation of the area and loss of trees.
- Inadequate levels of parking for residents, staff, visitors and services.
- There is not a cycleway on Fordham Road, irrespective of their mention in the developers' proposals.
- Properties in the area are mostly two-storeys.
- The building would be visually imposing in public and private views.
- Adverse impact upon highway safety.
- Adverse impact upon ecology.
- The proposed building is too close to the road.
- There are no bus stops serving the site.
- Odour from bin storage.
- Increased demands upon sewerage infrastructure.
- Subsequent felling of mature trees would further expose existing properties to overlooking from the development.
- Devaluation of surrounding properties.
- The sub-station is too close to our property and is a potential health hazard.

30. One letter was received in **support** of the planning application. The following comments (summarised) were received:

- The applicants' developments are high quality and well thought out, sympathetic to the environment and an asset to the community.
- Newmarket is woefully short of such good standard homes for the elderly.

31. In relation to the second and third rounds of public consultation (January and March 2016 - details of the proposed electricity sub-station and reduction in the scheme by x2 units) one further representation was received **objecting** to the



proposals.

32. The author had already submitted objections in response to the first consultation and added the following comments (summarised):

- The amended proposal remains a gross overdevelopment of the site. The size and proportions of the proposed building is wholly out of character with other properties in the area, which are low density residential properties. The remaining garden size would be limited and out of keeping.
- The roof area increases by more than 1,000 square metres. The potential for flooding or surrounding properties remains an issue.
- The amendments have not resolved visitor parking spaces. It is likely that visitor parking will make Fordham Road impassable, particularly at weekends.
- The proposals will result in the loss of privacy and amenity from overlooking (first floor windows), increased noise and light pollution.
- If planning permission is granted, there should be controls over working times (construction; 9-5 and no working weekends or public holidays), no on-site burning of waste and controls over noise, given the build will last around 1 year.

**Policy:**

33. 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 December 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

## **WORKING PAPER 1**

- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- Policy CS9 – Affordable Housing Provision
- 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
- DM22 – Residential Design.
- DM23 – Special Needs Housing.
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM46 – Parking Standards
- DM48 – Development Affecting the Horse Racing Industry.

### **Other Planning Policy:**

#### National Policy and Guidance

34. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
35. 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.”

36. 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".
37. The relevant policies of the Framework are discussed below as part of the Officer Comment section of this report.
38. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

#### Supplementary Planning Documents

39. The following Supplementary Planning Documents are relevant to this planning application:
  - Open Space, Sport and Recreation Facilities.
  - Affordable Housing.

#### **Officer Comment:**

40. 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

41. 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.
42. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government’s view of what sustainable development means in

practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

i) economic (contributing to building a strong, responsive and competitive economy),

ii) social (supporting strong, vibrant and healthy communities) and,

iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

43. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
44. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
  - replacing poor design with better design;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.
45. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy).
46. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
47. Paragraph 49 of the Framework states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites".
48. The latest 5-year housing supply assessment for Forest Heath (considered by Members of the Local Plan Working Group on 1st March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites.

49. Core Strategy policy CS1 defines Newmarket as a market town, recognises the importance of the horse racing industry and confirms land will be allocated for a minimum of 240 dwellings on brownfield land within the development boundary. Provisions relating to the allocation of greenfield land for housing development were quashed (removed) from the Plan following the ruling of the High Court.
50. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.
51. Policy DM1 of the Joint Development Management Policies repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
52. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation. The outcome of the planning application will therefore be dependent upon the localised impacts of the proposals. The remainder of this section of the report considers these.

#### Highway Safety

53. The Framework states it is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. It also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
54. 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.
55. Policy DM46 of the Joint Development Management Policies Document sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
56. 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. The proposed improvements to the access and requirements for provision of protected visibility splays could be secured by means of appropriately worded conditions.

57. Given its relatively small scale and the nature of its use and intended occupation, the development would not lead to congestion of the highway network, particularly during am and pm peak hours.
58. A total of 26 car parking spaces are provided for the 29 retirement flats proposed by the planning application, which is three spaces short of the minimum levels 'required' by the 2015 Parking Standards. Suffolk County Council, as Local Highway Authority initially objected to the planning application and expressed concerns that demand for car parking at the development is likely to out-strip its supply, thus leading to pressure for street parking on the Fordham Road, which itself could cause highway safety and congestion issues.
59. In response to the objections, the applicants provided additional information to assist consideration of the levels of parking provision proposed, including analysis of the way in which the Parking Standards approach 'care' facilities and drawing upon experiences of other schemes provided and operated by the applicants and the age profiles and parking needs of their developments. Upon further consideration of the additional evidence and, notwithstanding the 'minimum' parking requirements expressed in the Parking Standards, the Highway Authority has resolved to withdraw its objections to the proposals and is now recommending imposition of conditions (paragraphs 11-15 above).
60. The level of off-street car parking proposed for the development is thus considered acceptable, despite being contrary to (slightly below) the Parking Standards.

#### Natural Heritage

61. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.
62. 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.
63. The planning application is accompanied by a preliminary ecological appraisal and bat surveys. The Ecology report (March 2015) concluded there is unlikely to be any significant ecological impacts arising from the development and made the following recommendations for ecological mitigation and enhancement:
  - Protection of trees to be retained.
  - Site clearance to be carried out outside the bird nesting season (March to August inclusive) unless supervised by a suitably qualified ecologist.
  - Areas of habitat to be created as part of the development should be designed to offer nesting opportunities for birds, especially spotted flycatcher.
  - Species of cotoneaster should be destroyed on site to prevent their spread.

- Installation of bat and bird boxes, bird feeders and bird baths.
- Native species to be incorporated into the landscaping scheme.
- Incorporation of a meadow area to encourage small heath butterflies.
- Incorporation of log piles in landscaping areas to provide shelter, foraging and hibernation sites for invertebrates, amphibians, reptiles and mammals.

64. The ecology report also recommended bat surveys are carried out of the buildings proposed for demolition and a tree stump, all of which were initially deemed potentially suitable for bats. As a consequence of this recommendation a bat survey was carried out and the findings were submitted in a separate report (dated October 2015). Bats were found to be using the site, but no roosting sites were identified. The report repeated a number of the recommendations of the more general Ecology Report (summarised above) with the following additional measure:

- Operational lighting should be controlled during construction and post occupation of the development; bats are highly sensitive to light disturbance.

65. Officers are satisfied that 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 Ecological Report and Bat Survey could be secured by means of an appropriately worded planning condition.

#### Built Heritage

66. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

67. The approach in the Framework to considering impacts upon a heritage asset requires the decision maker to begin by assessing the degree of 'harm' a development would cause. Paragraph 133 of the Framework states; "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Paragraph 134 states; "Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

68. 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).
69. 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.
70. 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.*

71. The proposed development would be viewed from certain areas of the Conservation Area, particularly on the opposite side of Fordham Road, to the application site (west side) and Fordham Road itself, both of which are within the Conservation Area. The relevant starting point is to consider the impact of the development upon the Conservation Area, as a whole before deciding whether any adverse impact identified is 'substantial', or 'less than substantial', as discussed at paragraphs 133 and 134 of the Framework.
72. 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 over 10 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained mature 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 no visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped garden areas currently in that position on the site.
73. The proposed building and parking area would be situated behind mature boundary planting on the front and side boundaries of the application site such that the visual influence of the proposed development would be significantly reduced from and protected against public vantage points from within the Conservation Area. Public views would be limited to glimpses in-between dense vegetation or through access points.
74. 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 site would be re-developed and has been purposefully designed with a building of domestic scale



and appearance and which would be set back into the site from its frontage towards the Conservation Area. Accordingly, glimpses of the proposed development (which would not be experienced by the receptor in the context of the character and appearance of the conservation area as a whole) would not be significant and, in the opinion of your officers, would not lead to even the 'less than substantial harm' benchmark set out in the Framework. Accordingly, the impact of the proposed development upon the character of the Newmarket Conservation Area (as a whole) would, in your officers view, be neutral.

75. The application site does not contain any known archaeological deposits and is 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 and recommends, purely as a precautionary approach, a condition requiring further archaeological investigations to be carried out prior to development. This seems to be a sensible approach to resolving archaeological interests in the light of the context of the low potential for archaeological deposits to be found.

Environmental Conditions (Flood Risk, Drainage and Contamination)

76. 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.
77. 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.
78. 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.
79. 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.

80. 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.
81. The application is accompanied by a surface water drainage scheme which is largely agreed by the Flooding Team at Suffolk County Council (paragraphs 16 and 17 above). SCC has requested further information relating to infiltration rates which underpin the scheme. The applicants have provided the requested information which, at the time of writing, was resting with Suffolk County Council for further/final comment. The Committee will be updated at the meeting of any further comments received from Suffolk County Council. In the meantime, the recommendation below has been crafted to ensure the matter is satisfactorily resolved in advance of any decision notice being issued.
82. 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, or potential contamination, are required.

#### Design and Layout

83. 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.
84. 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.
85. 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.
86. The site is situated in a residential suburb to the north of Newmarket. Westley 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 much smaller than the application site.

87. The redevelopment of the application site with a larger building on a larger site would not be out of keeping with the prevailing pattern of development in the area. The application site would not be subdivided into a number of smaller plots, which would necessarily occur with a more traditional open market housing development, in which case, its character would be more befitting to the sizes of other plots in the vicinity. The singular character of the large site would be retained via the development. The proposed building is large; it has to be in order to contain the 29 flats proposed in a single block. That in itself leads to concerns in principle given this approach would be at odds with the grain of development in the area which is characterised by single detached dwellings on generous plots.
88. That said, the proposed building has been designed to appear, certainly from the public façade at the frontage, as a pair of large 'detached' two-and-a-half-storey dwellings and has been detailed and articulated in this manner (albeit these buildings would clearly be linked together). To that extent the building retains a domestic feel and scale from the frontage. The depth of the building is much more difficult to disguise by design given its coverage of around 60 metres from front to rear walls. However, the roofspaces and walls of the rear elements have been articulated and broken down into a number of individual components (through changes in height, materials and architectural detailing) in order to create visual interest to the side facing elevations and break up into more legible parts what would otherwise have been long and monotonous elevations of 'institutional' character. To the extent that the rear elements of the proposed building have some architectural interest, and are visually progressive, the design of the scheme is successful and, in your officers' view, mitigates the potential design impacts of providing a building with a large footprint and bulk. 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, that would, because of the approach to the design, only be particularly apparent in views from above (i.e. aerial photographs) and would not be immediately apparent in views from the ground, particularly from public vantage points. Accordingly, it is your officers' view that only limited 'harm' to the character of the wider area would accrue from the proposed development, despite its large size and scale of the proposed building.
89. The design and detailing of the proposed building follows a pastiche approach which is acceptable at this location such that it would not draw the eye or overly compete with other buildings in the context of the wider streetscene or the adjacent Conservation Area.
90. In light of the above assessment, your officers conclude the form, scale, bulk and detailed design of the scheme (and the materials proposed in its construction) are acceptable and accord with relevant national and local design based policies.

#### Residential Amenity

91. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. Vision 1 of the Core Strategy seeks

to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

92. Concerns have been expressed by some local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings because of increased overlooking from first-floor windows, overshadowing/loss of light and general noise and disturbance from the intensification of the use.
93. The applicant has reacted positively to those concerns by removing two units from the rear of the development (dropping down from two-storeys to single storey accommodation in this area) and by re-arranging fenestration on a couple of other units (use of obscure glazing and 'dummy' windows at first floor level in affected areas). The amendments, combined with the distances between the proposed building (its first floor windows in particular) and potentially affected properties to each side in Fordham Road and abutting the site to the rear would not experience significant overlooking, with no direct/close overlooking into windows or garden spaces of existing properties.
94. The proposed development would not dominate over or lead to significant reductions in light reaching the adjacent dwellings or their gardens given the separation of the proposed building to the relevant boundaries (separation of a minimum of 4.8 metres, with much greater separation to the boundary in potentially sensitive areas).
95. In light of the above discussion and having carefully assessed the information submitted with the planning application (as amended) and having viewed the application site from most of the properties and gardens of properties abutting the site boundaries, it is your officers view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be justified.

#### Sustainable Construction and Operation

96. 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".
97. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
98. 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.
99. 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.
100. 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.
101. The planning application is accompanied by a sustainability statement (part of the Design and Access Statement) which sets out how Building Control requirements for energy efficiency will be achieved (or perhaps exceeded).
102. The planning application does not address water efficiency measures in detail and does not presently propose a strategy for ensuring water use does not exceed 110 litres per person, per day set out in Policy DM7. The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

#### Impact upon the Horse Racing Industry

103. 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.

104. 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 is confirmed via representations received on behalf of the horse racing industry (paragraphs 27 and 28 above). The Horseman's Group request for a S106 Agreement to be used towards enhanced horse crossing facilities at the Rayes Lane/Fordham Road junction cannot be justified in law given that the proposed development is not anticipated to impact upon it significantly. Accordingly, will not be appropriate to secure such a contribution from this particular development.

Other issues

105. 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.
106. Some concerns have been expressed that a grant of planning permission for this development would have a negative impact upon property values in the area. The perceived impact of new development upon third party property or land value is not a material planning consideration.

Planning Obligations

107. 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.
108. The development 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). However, given the planning application proposes a 'housing' scheme, it is appropriate, and in accordance with planning policy, to secure an element of affordable housing from it.

Affordable Housing

109. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should

be sufficiently flexible to take account of changing market conditions.

110. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
111. The planning application is for a 'housing' development and therefore the provision of policy CS5 relating to affordable housing contributions apply. In this case, given the nature of the internal design and layout of the buildings (with all flats accessed internally from shared spaces and with management levies applicable) and the intended specialist function of the new community with communal services provided to and paid for by future residents of the scheme, it is appropriate in this case for the affordable housing to be provided off-site. This could be secured by means of a financial contribution via a S106 Agreement such that it would allow (with the social providers contribution included) the equivalent level and specification of affordable housing to be provided off-site. Both the applicant and the Council's Strategic Housing Team have agreed, in principle, to that approach.
112. The developer has submitted a confidential viability report with the planning application, claiming the development would not be viable with the level of S106 contributions that would be required to provide an equivalent level of affordable housing away from the site. This is discussed in the next section.

#### Development Viability

113. The Framework states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
114. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
115. The National Planning Practice Guidance sets out the following advice on development viability:

*"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.*

*A site is viable if the value generated by its development exceeds the costs of*

*developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."*

116. The applicant has provided a financial appraisal of the proposed development to demonstrate that, with reasonable developer profit and land value, the development would not be viable with a full package of S106 contributions. In this case, the sole S106 contribution would be a financial contribution towards the off-site provision of affordable housing. Whilst the precise amount of that contribution (equivalent to 30% provision on site) is yet to be precisely calculated, initial calculations suggest such a contribution would be in the region of £800,000. The applicant's viability assessment has suggested a viable scheme could provide a total contribution of £285,620.
117. A revised viability assessment was received by the Council in late March 2015 and is presently the subject of discussion between officers (guided by an appointed independent expert) and the applicants. Whilst it must be acknowledged discussions and negotiations are on-going, the initial assessment of the Council's appointed expert consultant is suggesting the scheme could provide a greater level of financial contribution than that offered via the applicant's viability assessment.
118. The final amount of affordable housing to be secured remains subject to agreement and the recommendation at the end of this report reflects the fact it is not presently resolved. It is suggested that, for the purposes of assessing the planning balance (see next section) Members consider the proposals on the basis of the affordable housing contribution being offered now (at around 10% equivalent) based on an assumption it will not be increased, but in the knowledge it may be increased following conclusion of the separate and on-going viability discussions. That said, it should not be interpreted that circa 10% affordable housing provision is acceptable for this development per se, because if the reduction from policy compliant levels is not subsequently proven on viability grounds, the Council would still be entitled to secure policy compliant provision or else refuse planning permission. This would be true even if the Committee has assessed, with respect to its consideration of the planning balance, that development would be acceptable with the reduced level of affordable housing.

**Conclusions and planning balance:**

119. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits against negatives) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.
120. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect (albeit limited in this case) on economic output both in terms of construction employment and the longer term availability of housing for increased population which leads to higher local spend and general economic growth.



121. In terms of the social role of sustainability the development would provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development would result in a built environment of high quality. The development would be seen 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 to the extent that material harm would arise as a consequence. The proposal would rely on the viability and accessibility of existing local services to service its needs, both within Newmarket and further afield. The scheme would also provide an element of affordable housing provision (off-site in this case), the precise level of which is yet to be determined. Notwithstanding this, the current offer of circa 10% equivalent provision of affordable housing would add to the benefits of the scheme.
122. 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 these effects.
123. The proposals would result in a more efficient use of the site and achieve a high quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The development is 'sustainable development' as defined by the Framework and, subject to subsequent satisfactory resolution of affordable housing provision, would not be contrary to extant Development Plan policies.
124. The proposals are therefore recommended for approval.

**Recommendation:**

125. That, subject to the subsequent receipt of confirmation from Suffolk County Council Floods Team they do not object to the planning application, **FULL PLANNING PERMISSION BE GRANTED** subject to:
- (1) The prior satisfactory completion of a S106 agreement to secure:
    - Off-site affordable housing, precise amount to be agreed following conclusions of viability assessment (minimum contribution of £265,620).
  - (2) And subject to conditions, including:
    - Time limit
    - Archaeological investigations
    - Samples of materials
    - Details of finishes (colours to be applied to detailing)
    - As may subsequently be reasonably recommended by SCC Floods Team
    - As recommended by the Local Highway Authority
    - Implementation of recommendations of the ecology and bat reports
    - Landscaping

## **WORKING PAPER 1**

- Protection of retained trees and shrubs during construction
- Construction Management Plan
- Timing of the provision of obscure glazing (prior to first occupation and retention thereafter) as illustrated on the plans.
- Lighting strategy and scheme.
- Water use efficiency.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).
- Further details of the proposed electricity sub-station.

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

- i.) failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds), or
- ii.) failure to conclude a S106 Agreement to secure an agreed contribution for off-site provision of public open space, or
- iii.) Suffolk County Council Floods Team subsequently providing negative comments or objections to the planning application,

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

### **Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWBBP6PDKXN00>