



**Forest Heath**  
District Council

# DEV/FH/18/005

## Development Control Committee 2 May 2018

### Planning Application DC/17/2676/FUL – Kininvie, Fordham Road, Newmarket

**Date:** 11 Jan 2018      **Expiry Date:** 30 June 2018  
**Registered:** (with agreed extension)

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

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

**Proposal:** Planning Application - (i) 63no.bed Care Home for the Elderly including car park, bicycle, refuse and garden store (ii) Alterations to vehicular and pedestrian access from Fordham Road (Demolition of existing house including associated swimming pool, outbuildings and hard-standing)

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

**Applicant:** Churchgate Newmarket Ltd

#### **Synopsis:**

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

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Gareth Durrant  
gareth.durrant@westsuffolk.gov.uk  
Tel: 01284 757345

## **Background:**

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

## **Proposal:**

1. Planning permission is sought for the erection of a 63 bedroom care home in the grounds of an existing dwelling known as 'Kininvie', in Fordham Road. The existing dwelling and its outbuildings would be demolished to make way for the proposed re-development.
2. The proposed development would be provided in a single building, predominantly three storeys in scale. There is a small one-and-a-half storey element at the rearmost (eastern) part of the proposed building. The frontage elements of the proposed building are the tallest measuring up to 12 metres to ridge (excluding the finial detailing). The height of the proposed building reduces as it extends back into the site from the frontage, firstly to 10.9 metres (behind the frontage) and then down to 9.7 metres (all three-storeys). Finally, the one and a half-storey element (with a limited amount of accommodation within its roofspace) to the rearmost part of the site would be around 8 metres at its highest point. The building is of varying width given its 'T' shape footprint. The widest element, its frontage, is 33.6 metres. The maximum depth (front to back) is 59 metres.
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 brown/buff facing brick and render to walls, with some elements of hanging tile. A combination of grey slate, grey plain tiles and red pantiles are proposed to the roof spaces.

## **Application Supporting Material:**

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

### **Site Details:**

5. 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.
6. 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:**

7. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).
8. 2017 – Planning permission refused for the erection of retirement living housing for the elderly (29 units) etc. Planning permission was refused solely on the basis that an affordable housing contribution could not be agreed with the applicant and a S106 Agreement securing such a contribution could not be completed (register reference DC/15/2120/FUL).

### **Consultations:**

9. Natural England – has no comments to make.
10. Environment Agency – has no formal comment to make but notes the site is located above a Principal Aquifer and within a Source Protection Zone and advises the developer should address risks to controlled waters from site contamination. The Agency also asks to be re-consulted if the development proposes to use deep infiltration systems in the construction.
11. Suffolk Wildlife Trust – Note the ecological survey report recommends further surveys are undertaken for bats on the bungalow to be demolished as part of the development. The Trust consider these should be undertaken prior to the application being determined.
12. NHS England – Comments as follows:
  - The proposal is likely to have an impact on the services of 3 GP practices operating in the vicinity of the site. The practices do not have capacity for the additional growth resulting from this development and cumulative growth in the area. The proposed development is likely to impact on the NHS funding programme for the delivery of primary healthcare provision within this area. These impacts should be thoroughly assessed and mitigated.
  - The planning application does not include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising. The NHS(E) has therefore prepared an HIA to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.

- The development will generate approximately 63 residents that generally require an increased level of NHS support and subsequently increase demand upon existing constrained services.
- The development would give rise to a need for improvements to capacity in line with CGC estates strategy, likely by way of relocation at Oakfield surgery, a proportion of the cost of which would need to be met by the developer.
- The HIA demonstrates there is a capacity deficit in the area and a developer contribution of £9,936 would be required to mitigate the impact arising from the development. Payment should be made before development commences.

13. Anglian Water Services – **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).

14. Suffolk Constabulary – note that crime levels in the area have been relatively low and provide advice with respect to site security, crime reduction and residents safety and recommends further measures are secured by planning condition.

15. Suffolk County Council - Local Highway Authority: Provided the following comments:

- I have considered the issues covered by the Transport Statement and the traffic generation likely to be generated by the development is not considered to cause a severe impact on the highway and, therefore, the development is acceptable provided the following issues are covered by appropriate conditions.
- The access is acceptable for the proposed use if revised in general accordance with the layout shown on drawing no. CS1703 01 P9 and the tree immediately to the north of the access is removed. Removal of mature trees may be an issue for the Local Planning Authority, although I note that there appears to be evidence that the tree in question is in poor health.
- Sustainable travel to the site can be encouraged by provision of cycle storage, electric charging facilities and travel information provided in travel packs for staff. The parking provision is within the maximum level within the Suffolk Guidance for Parking and is acceptable.

And recommended the following conditions:

- Details of proposed access (including visibility splays)
- Provision of the refuse/recycling areas as shown on the drawings
- Means to prevent discharge of surface water from the development onto the highway.
- Provision of the parking/manoeuvring areas as shown on the drawings
- Details of a Travel Information Pack to be submitted and approved.

16. Suffolk County Council – Flood and Water Management – comments that the drainage strategy demonstrates that a viable scheme which complies with national standards is achievable. A condition is recommended requiring full details of the drainage scheme.
17. Suffolk County Council – Suffolk Fire and Rescue Service - Advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.
18. West Suffolk – Environmental Health - **no objections** – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction.
19. West Suffolk – Public Health and Housing – (November 2015) **no objections**, subject to conditions relating to construction management including control over construction hours, holding of waste materials, site set up, construction noise, dust management and lighting.

### **Representations:**

20. Newmarket Town Council – **objected** to the application on the following grounds:
  - Loss of daylight/sunlight or overshadowing
  - Scale and dominance of the development
  - Layout and density of the building
  - Highway safety
  - Traffic and parking issues
  - Impact on the community and other services.
21. Jockey Club Estates – Notes the site is not directly adjacent to any horseracing industry assets, but two training yards are located on the opposite side of the Fordham Road. It is recommended that any planning permission granted includes a condition to minimise risk and disturbance to the two training yards and for delivery routes (to avoid the town centre).
22. Letters/e-mails/web forms were received from 12 local residents (including a potential purchaser of an adjacent dwelling) raising **objections** to the proposed development. The issues and objections raised are summarised as follows:

### Design

- The building is too large.
- At three-storeys, the building would be overbearing and overpowering.
- The building does not respond to the local context of detached single dwellings with garden spaces; the functional design and high density is out-of-keeping and out of character with the area.
- The building would be totally out of keeping with buildings to either side (bungalow and chalet bungalow).
- The proposed building would impact negatively upon the beauty of the area (architecture and nature).

### Residential amenity

- Overlooking from the first and second floor windows to the side.
- Overshadowing of neighbouring properties and loss of light.
- Adverse impact upon the peaceful enjoyment of homes and gardens.
- The operation, including 24 hours, emergency vehicle accessing, lighting, noise and smell would cause inconvenience and disruption to residents.
- Loss of outlook owing to dominance of the building.
- Loss of views from properties.
- Adverse impacts from light pollution (residents and wildlife).
- The basement is likely to adversely affect boundary tree roots.
- The use would change to commercial in a residential area.
- The proposed bin store would generate intrusive smells.
- Removal of trees would add to the degree of residential amenity impact.
- Reduction in height of some of the trees at the frontage is unacceptable. These should be replaced, not reduced.
- Residential development would be welcome, but a commercial building of this size is inappropriate.

### Highway safety

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

### Other

- There is no need for this type of development; there is a planning application for an alternative care facility in the town (Exning Road). Also, Ease Cambs DC has recently approved a 75-bed care home in Fordham (approx. 4.5 miles away).
- Increased demand upon drainage and sewerage.
- There are no public transport links within 0.6 miles of the location.
- Negative impact upon wildlife and nature due to light and noise pollution.

### **Policy:**

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

#### *Saved Policies of the Forest Heath Local Plan 2005*

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

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

### Forest Heath Core Strategy 2010

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

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

### Joint Development Management Policies Document (2015)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design
- DM23 – Special Needs Housing.
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards
- DM48 – Development Affecting the Horse Racing Industry.

### **Other Planning Policy:**

#### Emerging Planning Policy

24. The emerging Single Issue Review and Site Allocations Development Plan Documents have reached an advanced stage given they are currently at examination and have been the subject of hearings during the Autumn of 2017. The emerging Policy documents do not alter the planning policy context of the application site insofar as it would remain an unallocated site situated within the Settlement Boundary of Newmarket. Accordingly, the emerging Development Plan Documents do not directly influence the outcome of this particular planning application.

#### National Policy and Guidance

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

26. 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.”

27. 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".

28. The relevant policies of the Framework are discussed below as part of the Officer Comment section of this report.

29. In March 2014 the Government 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.

**Officer Comment:**

30. 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

31. 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.

32. 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;)
33. 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.
34. 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.
35. Core Strategy policy CS1 defines Newmarket as a market town, recognises the importance of the horse racing industry.
36. Policy DM1 of the Joint Development Management Policies repeats national policy set out in the Framework insofar as there is (where specific circumstances dictate) 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.
37. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. There is no requirement, neither in national nor local policy, for the applicant to demonstrate a need for specialist housing of the type proposed. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation. The outcome of the planning application is therefore dependent upon the localised impacts of the proposals. The remainder of this section of the report considers these.

#### Highway Safety

38. 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.

39. 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.
40. 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)).
41. Vehicular access to the proposed development, which would be via the existing access (following improvements) is considered safe and suitable for vehicles and pedestrians and the development would not lead to significant highway safety issues or hazards. Access is gained onto the Fordham Road which, subject to the removal of 1 (no.) street tree, has good visibility. Fordham Road is busy, particularly at peak times, but the level of additional traffic generated by the development would not add significantly to existing baseline levels. Adequate turning space for large vehicles is provided at the site frontage such that reversion out onto (or within) Fordham Road is not necessary. The proposed improvements to the access and requirements for provision of protected visibility splays could be secured by means of appropriately worded conditions. A replacement street tree could also be secured by planning condition.
42. A total of 22 car parking spaces are provided for the care home which is below the 'maximum' permitted by the Parking Standards. The level of car parking proposed is sufficient for the care home proposed. Suffolk County Council, as Local Highway Authority has assessed the proposals, including car parking provision, and, subject to the imposition of planning conditions (including some sustainable travel measures for employees), are not objecting to the proposals.

#### Natural Heritage

43. 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.
44. 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.
45. The planning application is accompanied by two ecological appraisals and a bat survey. The Ecology reports concluded (subject to further bat survey work and sensitive construction management) 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.
  - External lighting scheme to be designed to avoid light spillage into boundary planting (to safeguard bat corridors).
46. The Suffolk Wildlife Trust has request that the results of the further bat surveys are submitted before the application is determined. Officers' consider this is a reasonable request having regard to relevant legislation and planning policy. The applicant has agreed to carry out further bat survey work (in advance) and the recommendation at the end of this report is worded to secure this (including a potential further report to this Committee).
47. Officers are satisfied that, subject to the outcome of the bat survey work and planning conditions, 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 reports can be secured by condition.

#### Built Heritage

48. 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 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.
49. 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".
50. 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).

51. 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.
52. 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.*
53. 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.
54. There is no doubt that re-development of the application site would increase its visual prominence and influence in the Conservation Area given the new frontage buildings, being around 12 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained frontage planting or in breaks in the landscaping for vehicular/pedestrian access. The rear elements of the proposed development, behind the frontage elements, would have only limited visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped garden areas currently in that position on the site.
55. 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 vegetation or through the access point.
56. Such views would be greater in winter when deciduous trees are not in leaf but not to the extent that development would be visually prominent or dominant in the streetscene (including the elements of the Conservation Area which include the east facing frontage onto Fordham Road). The application building is set back into the site from its frontage towards the Conservation Area. Accordingly, 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.
57. The application site does not contain any known archaeological deposits and is situated outside sites designated because of their known or potential archaeological interest. The application is accompanied by an Archaeological Desk Based Assessment which concludes the site has low potential for archaeological remains which (if present) may have been damaged by the construction of the existing development on the site. The

report, however, recognises there is a degree of potential for archaeological artefacts to remain at the site particularly at previously undisturbed locations. It is therefore considered prudent to pursue a precautionary approach to archaeology at this site and impose a condition requiring further archaeological investigations to be carried out prior to development.

#### Environmental Conditions (Flood Risk, Drainage and Contamination)

58. 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.
59. 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.
60. 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.
61. 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.
62. 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.
63. The planning application is accompanied by a surface water drainage scheme which is agreed by the Flooding Team at Suffolk County Council (paragraph 16 above). A condition is recommended and officers consider it is reasonable to impose this upon any planning permission granted.
64. The planning application is accompanied by a Desk Study Appraisal of ground conditions. This concludes that it is 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

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. 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.
67. 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.
68. The site is situated in a residential suburb to the north of Newmarket. Fordham Road is a primary entrance into the town from the A14 (T) and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions), albeit the individual plots are generally considerably smaller than that afforded to Kininvie at the application site.
69. 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 number of bedrooms included in a single accessible block. That in itself leads to concerns in principle given this approach would be at odds with the grain of development in the area.
70. That said, the positioning of the existing building on its plot and the large size of the existing plot are themselves at odds with the prevailing pattern of development in the vicinity. The recent and on-going redevelopment of the nearby plot 'Nowell' with a flatted development adds a degree of density and scale to the locality, albeit it would be more 'domestic' in its scale than the care home proposed by this planning application. Whilst the sheer size of the footprint of the building would be at odds with the prevailing character of the area by reason of that sheer size, officers consider this would, in-itself, give rise to only limited harm to the character of the area.
71. The architecture of the building is not innovative or ground breaking and this might be explained by the necessarily rigid internal space and layout requirements and the more limited viability of a care facility (compared to a conventional housing scheme for example); it might be perceived by the operator that there is limited spare capital to expend on unusual design, construction or architectural detailing. Furthermore the proposed designs are not particularly 'risky' and do not attempt to make a strong architectural statement. The design and architecture of the care home is not unattractive or offensive and the materials and colours employed would be of good quality, but the design approach to scheme does appear to be rather 'safe' and what you might expect of a modern day care home facility. The chosen design solution is perhaps a missed opportunity to provide something more innovative and interesting. Nonetheless officers consider, on balance, that the scale, architecture and outward

appearance of the development would be acceptable.

### Residential Amenity

72. 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.
73. 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.
74. The application is, apart from its road frontage, surrounded by existing residential properties. Albion Lodge is situated to the north of the site. The boundary between the application site and Albion Lodge is marked by mature landscaping. The information submitted with the planning application confirms the majority of this planting is to be retained and managed going forward. Being situated to the north of the application site, Albion Lodge is the most vulnerable to impacts from loss of light/overshadowing as a consequence of development. However, given the presence and impact of mature and dense landscaping on the north boundary of the site (to be retained) and the fact that the sun is at its highest point in the sky when it passes south of the application site (thus avoiding long shadows to the north) light reaching the windows and gardens of 'Albion Lodge' are unlikely to be affected by the proposed development.
75. The frontage part of the proposed building would be positioned 6.7metres in from the shared boundary to 'Albion Lodge' leaving a gap of around 12.7 metres between the existing and proposed buildings. There are some windows facing towards 'Albion Lodge' in north elevation of the frontage element of the proposed building, but these serve stairwells and en-suite bathrooms such that no outlook is necessary and these could be fitted with obscure glass to restrict views out.
76. The rear elements of the proposed building facing towards 'Albion Lodge' are mostly two-storeys, with an element of three storeys towards the front (west). It is positioned further from the boundary than the frontage, owing to the 'T' shape of the proposed building. The two second floor windows in the north elevation of the rear element of the building serve a day room. Further windows are positioned at ground and first floor levels, again serving day rooms and bedrooms. The windows are positioned some 11 to 15.5 metres in from the boundary with Albion Lodge. Given the distances involved, combined with the presence of mature landscaping in-between, this is considered an acceptable relationship.
77. 'Aldene' is situated to the south of the application site, the full length of its plot straddling the southern application site boundary. The frontage element of the proposed building sits adjacent (north) of 'Aldene', approximately 6.5 metres from the mutual boundary leaving a gap between the existing and proposed buildings of approximately 10.9 metres. The garage to 'Aldene' would be positioned in-between. In a similar way to the north elevation of the frontage element of the proposed building, there are also windows in the south elevation. These serve stair lobby and en-suite bathrooms and could be fitted with obscure glass to restrict views out.

78. The rear element of the proposed care home building is positioned further into the application site away from the south boundary with 'Aldene' because of its 'T' shape. Here, the building would be set back from the boundary by between 14 (minimum) and 17 (maximum) metres. There are bedrooms and ground, first and second floors with windows facing south from the rear element of the proposed care home building. Unlike the north elevation, the second floor windows in the south elevation extend along the entire flank. The windows serving bedrooms at second floor level in the south elevation are set back by a further 2.8 to 4.8 metres from the boundary in an attempt to reduce the potential for harmful overlooking. This set-back leaves an external terrace area in front of these bedroom units. Planters will be positioned within the terrace area in order to obscure views out. The terrace would not be accessible directly from the bedrooms with access restricted for maintenance purposes only. Accordingly, there would be no opportunities for residents to 'sit out' on the terrace area from positions where they may be able to overlook neighbouring property.
79. The southern elevation has been designed with 'serrated' windows serving the majority of the bedrooms at ground and first floor level. These turn to face east whereas the elevation as a whole faces southeast, thus deflecting the aspect of these bedrooms and potential overlooking away from the rear gardens of 'Aldene'.
80. 'Aldene' is situated to the south of the application site and thus sunlight and daylight reaching the dwelling and its garden would not be affected by the proposed development. Furthermore, and given the separation distances, it is considered that the relationship of the proposed building, in terms of its siting and scale, would be acceptable.
81. A number of properties in Meynell Gardens to the northeast abut the application site. The proposed building is considered a sufficient distance away from these buildings such that there would be no dominance, loss of light/sunlight or harmful overlooking. The separation distances are set out in the table below:

Property address	Distance of proposed building to boundary (approx.)	Distance between proposed and existing building (approx.)
Albion Lodge	6.7m	12.7m
Aldene	6.5m	10.9m
5 Meynell Gardens	9.9m	19.1m
6 Meynell Gardens	33m	43.6m
7 Meynell Gardens	15.2m	22.8m
8 Meynell Gardens	11.3m	31.6m
9 Meynell Gardens	25.8m	34.4m

82. In light of the above discussion and having carefully assessed the information submitted with the planning application it is your Officers view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be



justified.

### Sustainable Construction and Operation

83. 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".
84. 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.
85. 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.
86. 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.
87. 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.
88. The planning application is not accompanied by a sustainability statement setting out how Building Control requirements for energy efficiency will be achieved (or perhaps exceeded). This could reasonably be secured at a later date (prior to above ground construction) by planning condition.
89. The planning application does not address water efficiency measures and does not presently propose a strategy for ensuring water use would not exceed 110 litres per person, per day set out in Policy DM7. The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires 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 under 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. 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

90. 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.
91. Given the relatively small scale of the proposed development and the nature of its use (particularly the expected age profile of its residents) it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. Indeed, this planning judgement is corroborated via representations received on behalf of the horse racing industry (paragraph 21 above). There is some potential for the construction of development to affect nearby training yards, but this risk is capable of mitigation via construction management techniques reducing potential disturbance to the yards. These measures could be secured by planning condition.

#### Other issues

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

#### Planning Obligations

93. 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.
94. With the exception of mitigation towards the impact of the development upon local health infrastructure, the proposals are not required to provide any general infrastructure contributions to off-set impacts, given that none have been identified (eg education, libraries, policing, off-site public open space etc). Furthermore, given the planning application does not propose a conventional 'housing' scheme, it is not appropriate to secure an element of affordable housing from it (on site or off site).

## *Health*

95. NHS England has confirmed (paragraph 12 above) the development proposals would impact upon the delivery of health services at catchment GP surgeries. They have confirmed there is a capacity deficit in the area and a developer contribution of £9,936 would be required to mitigate the impact of development. The financial contribution could be secured by means of a S106 Agreement. The impact of the project and the mitigation measures requested by the NHS have been properly explained and justified. The planning obligation is therefore considered to meet the tests of lawfulness set out at paragraph 92 above.

### **Conclusions and planning balance:**

96. 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.
97. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as development generally has a positive effect (albeit limited in this case) on economic output particularly in terms of construction employment but also the consequential 'freeing up' of the existing dwellings of a proportion of those persons whom would occupy the completed care home facility which in itself would lead indirectly to higher local spend and general economic growth (again, to a limited extent in this case).
98. In terms of the social role of sustainability the development would provide a specialist care facility in an area where the population is ageing. It would also serve to return a number of existing dwellings back to the market which would contribute indirectly to meeting the needs of present and future generations. The development would result in a built environment of high quality and would be viewed in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area than the existing bungalow on the site, but not to the extent that significant 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, with the exception of health, where mitigation measures would be secured.
99. 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. The proposals would also preserve any bat species present at the site and, via planning condition, ecological enhancements could be secured.
100. The proposals would result in a more efficient use of the site and achieve a good quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The development is considered to represent 'sustainable development' as defined by the Framework and would not be

contrary to extant Development Plan policies.

101. The proposals are therefore recommended for approval.

**Recommendation:**

102. That, subject to the subsequent receipt of a report detailing the outcome of a further bat survey satisfactorily demonstrating that no specific mitigation measures for bats are required, FULL planning permission be **GRANTED** subject to:

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

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

2. And subject to conditions, including:

- Time limit (3 years)
- Precautionary archaeological investigations
- Samples of bricks and tiles to be used
- Details of finishes (colours to be applied to render, fenestration doors and other detailing)
- Scheme of windows to be fitted with obscure glass and fixed closed to be agreed subsequently.
- No use of the terrace at second floor (south facing) by staff, residents including their visitors.
- Surface Water Drainage scheme.
- Provision of a fire hydrant (or fire hydrants).
- As recommended by the Local Highway Authority
- Implementation of recommendations of the ecology and subsequent bat survey reports (including ecological enhancements)
- Landscaping to be provided in accordance with the approved plan (and maintained for a period of at least 5 years) and details of a replacement street tree.
- Management of the landscaping scheme (including the container planting provided on the second floor external roof terrace)
- Protection of retained trees and shrubs during construction
- Construction Management Plan (including safeguarding of nearby training yards)
- Lighting strategy and scheme (including sensitivity to bat corridors).
- Water use efficiency.
- Sustainable construction – how Building Control requirements will be met.
- Crime reduction strategy.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).

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

i) failure within a reasonable time period to conclude a S106 Agreement securing the health contribution, or

ii) the bat survey report detecting that bats are using the site and recommending mitigation or if the impact upon bats is not capable of mitigation;

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=P1B5ZCPDLAF00>