



Forest Heath
District Council

DEV/FH/18/029

Development Control Committee 5 December 2018

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

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

Registered:

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

Parish: Newmarket **Ward:** Severals

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

Site: Kininvie, Fordham Road, Newmarket

Applicant: Churchgate Newmarket Ltd.

Synopsis:

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

Recommendation:

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

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Background:

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

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

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

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

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

Proposal:

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

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

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

Application Supporting Material:

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

Site Details:

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

Planning History:

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

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

Consultations:

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

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

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

Representations:

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

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

Design

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

Residential amenity

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

Highway safety

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

Other

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

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

Policy:

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

Saved Policies of the Forest Heath Local Plan 2005

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

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

Forest Heath Core Strategy 2010

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

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

Joint Development Management Policies Document (2015)

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

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

Other Planning Policy:

Emerging Planning Policy

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

National Policy and Guidance

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

How does the NPPF define sustainable development?

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

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

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

Officer Comment:

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

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

Principle of Development

34. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
35. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five-years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land (or a 10% buffer if demonstrated via an annual position statement, or a 20% buffer where there has been significant under-delivery of housing over the previous three years).
36. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to habitats sites and or designated SSSIs, designated heritage assets and areas at risk of flooding); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
37. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
38. Paragraph 61 confirms that (inter alia) the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies (including, inter alia, 'older people').
39. Core Strategy policy CS1 defines Newmarket as a market town and recognises the importance of the horse racing industry.
40. Policy DM1 of the Joint Development Management Policies applies a presumption in favour of sustainable development (where specific circumstances dictate). Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
41. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. There is no requirement, neither in national nor local policy, for the applicant to demonstrate a need for specialist housing of the type proposed. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation.
42. The applicant has claimed the Council is not able to demonstrate a five-year supply of housing and thus, the 'presumption in favour of sustainable development applies'. The applicant has not provided any analysis or evidence to support their claim, but has relied upon Inspectors decisions in respect of a couple of relatively recent appeal decisions. Officers consider that the presumption in favour of sustainable development applies in this case as the principle of development at this location accords with the provisions of the Development Plan. Accordingly, the matters of the Council's five year housing supply are not considered determinative to the outcome of this planning application and do not need to be explored further.
43. With the NPPF 'presumption' applied, the outcome of the planning application is dependent upon the localised impacts of the proposals and the weight to be attributed to the identified 'benefits' and 'harm' arising from the 'development proposals'. The remainder of this section of the report considers these.
Highway Safety

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

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

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

Natural Heritage

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

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

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

Built Heritage

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

use.

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

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

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

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

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

Environmental Conditions (Flood Risk, Drainage and Contamination)

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

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

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

Design and Layout

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

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

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

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

Residential Amenity

88. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. It also advises that, in doing so, planning decisions should (inter alia) avoid noise giving rise to significant adverse impacts on health and the quality of life. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.

89. Concerns have been expressed by local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings for various reasons including alleged increased overlooking from upper level windows, overshadowing/loss of light, general noise and disturbance from the intensification of the use at the site (and 24 hour operation), the impact of external lighting and the positioning of a bin storage area.

90. The application is, apart from its road frontage, surrounded by existing residential properties. Albion Lodge is situated to the north-west of the site. The boundary between the application site and Albion Lodge is marked by mature landscaping. The information submitted with the planning application confirms the majority of this planting is to be retained and managed going forward. Being situated to the north-west of the application site, Albion Lodge is the most vulnerable to impacts from loss of light/overshadowing as a consequence of development. However, given the presence and impact of existing mature and dense landscaping on the north boundary of the site (to be retained) and the fact that the sun is at its highest point in the sky when it passes south of the application site (thus avoiding long shadows to the north) light reaching the windows and gardens of 'Albion Lodge' are unlikely to be significantly affected by the proposed development. There may be some discrete impact as the sun begins to set during the latter part of the afternoon, but the existing landscaping on the site boundary would already be filtering sunlight to the dwelling. The proposed building is not considered to significantly exacerbate the existing situation. Albion Lodge is considered to be suitably separated from the proposed building such that, following development,

there would be no significant loss of daylighting to it.

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

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

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

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

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

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

Sustainable Construction and Operation

101. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
102. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
103. The document expands on this role with the following policy:

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

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

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

Impact upon the Horse Racing Industry

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

Other issues

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

Planning Obligations

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

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

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

Health

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

Conclusions and planning balance:

114. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits of development against its harm) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.

115. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as development generally has a positive effect (albeit limited in this case) on economic output particularly in terms of construction employment but also the consequential 'freeing up' of the dwellings of a proportion of those persons whom would occupy the completed care home facility which, in itself, would lead indirectly to higher local spend and general economic growth (again, only to a limited extent in this case).

116. Officers' consider the development proposals would result in moderate economic benefits.

117. In terms of the social role of sustainability the development would provide a specialist care facility in an area where the population is ageing. It would also serve to return a number of potentially 'under-occupied' existing dwellings back to the market which would contribute indirectly to meeting the needs of present and future generations. The development would result in a built environment of a good quality and would be viewed in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area

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

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

Recommendation:

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

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

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

And, B.

Subject to conditions, including:

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

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

Documents:

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

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