



Forest Heath
District Council

DEV/FH/18/030

Development Control Committee 5 December 2018

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

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

Parish:	Newmarket	Ward:	All Saints
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Proposal: Outline Planning Application (All matters reserved) - Conversion of existing building (mixed use: Class D1 and Sui Generis) into 12no. apartments (Class C3) with associated external works, landscaping and parking

Site: Former Police Station, Lisburn Road, Newmarket

Applicant: Mr Chris Rush

Synopsis:

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

Recommendation:

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

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Background:

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

The application was originally referred to the Development Control Committee in November for transparency in light of the Asset of Community Value (ACV) application and Newmarket Neighbourhood Plan.

1.0 Proposal:

- 1.1 Outline planning permission is sought for the conversion of the former police station and Magistrates Court (Sui Generis) and Suffolk County Council Adult Services (Class D1) to 12no. apartments (Class C3).
- 1.2 As the application is in outline form with all matters reserved, access, appearance, layout, scale and landscaping is reserved for a future application.

2.0 Site Details:

- 2.1 The application site comprises a mixed use (Class D1 and Sui Generis) building on the corner of Lisburn Road and Vicarage Road. The site is situated within the Housing Settlement Boundary and located adjacent to Newmarket Conservation Area. A vehicular access and associated car park is located off Vicarage Road.
- 2.2 All Saints Primary School lies immediately to the south of the site. Newmarket High Street is situated approximately 320metres from the application site to the west.

3.0 Planning History:

Reference	Proposal	Status	Decision Date
F/2000/095	Construction of disabled ramps access	Approve with Conditions	31.03.2000
F/2011/0343/COU	Change of use of the Police Station (sui generis) to offices (B1)	Approve with Conditions	17.08.2011
F/99/104	County Matter: Change of use of ground floor to community resource centre for adults with severe learning difficulties.	Approve with Conditions	19.04.1999

4.0 Consultations:

- 4.1 Environment Team – No objection, subject to conditions.

- 4.2 Environment Agency – No formal comment to make, however advisory notes to applicant regarding controlled waters and foul drainage.
- 4.3 Suffolk County Council Highway Authority – The Highway Authority notes that the Suffolk Guidance for Parking (SGP) recommends 17no. residents parking spaces and 3no. visitor spaces should be provided for the proposed development of 6 x 1-bed dwellings, 2 x 2-bed dwellings and 4 x 3-bed dwellings. However as this development is in sustainable location, the reduction of the visitor spaces to 2no. would be acceptable. In addition, secure cycle storage should be provided with at least 2no. spaces per dwelling. It is further noted that the existing access should be widened to 5.0m to allow vehicles to enter and exit at the same time without having to reverse onto the highway, and a safe pedestrian & cycle access into the development should be provided. No objection to the proposed development, subject to conditions.
- 4.4 Strategic Housing - The Strategic Housing team supports the proposed development. The affordable housing requirement for this development will be 3.6 dwellings, we would require 3no. dwellings on site and a financial contribution for the 0.6.
- 4.5 Parks Infrastructure Manager – An offsite contribution for children’s play is requested for additional equipment to spend at one of the three play areas within 450m of the development.
- 4.6 Suffolk County Council Development Contributions Manager - Contributions towards primary schools in the catchment area are sought as there is forecast to be surplus capacity to accommodate pupils anticipated from this scheme. A contribution towards the development of library services is sought. Consideration will also need to be given to adequate play space provision, supported housing, transport issues, waste management, surface water drainage, fire safety and broadband. As local circumstances may change over time this information is time limited to 6 months.
- 4.7 Public Health and Housing – No objection, however comments have been made regarding size of rooms and fire escape.
- 4.8 Suffolk County Council Floods and Water – No comments to make.
- 4.9 Policy – *The Newmarket Neighbourhood Plan is still at pre-submission stage and has not been formally submitted to the LPA or been through the LPA publicity period. Therefore to the extent that the decision maker judges that the emerging neighbourhood plan is a material consideration for the purpose of determining the application only limited weight can be given to its proposals especially given the unresolved issues concerning the application site.*
- 4.10 All consultations can be viewed online in full.

5.0 Representations:

- 5.1 Town Council - The Town Council do not object to the principle of the development to the upper floors, however all community uses should be considered for the ground floor.

- 5.2 Ward Member - No comments received.
- 5.3 Neighbours - 1no. letter of objection has been received from the owner/occupier of 11A Station Approach, which is summarised as follows:
- Strongly object;
 - Building could be a benefit to Newmarket and its residents;
 - Newmarket Neighbourhood Plan seeks to identify the need for adequate provision for special education needs in Newmarket;
 - All Saints School could expand into the site;
 - Community uses have not been fully explored
- 5.4 1no. letter of comments has been received from All Saints School, which is summarised as follows:
- All community uses should be explored first;
 - Regard should be given to Suffolk County Council SEND (Special Educational Needs and Disabilities) Sufficiency Plan consultation;
 - Limited parking in the area
- 5.5 Jockey Club - No objection, subject to noisy construction works outside the hours of 6am-12pm and that the Jockey Club are kept informed during construction.
- 5.6 All representations can be viewed online in full.

6.0 Policy:

- 6.1 The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
- Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM7 Sustainable Design and Construction
 - Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 - Policy DM20 Archaeology
 - Policy DM22 Residential Design
 - Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - Policy DM41 Community Facilities and Services
 - Policy DM46 Parking Standards

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

7.0 Other Planning Policy:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance
- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Supplementary Planning Document (2013)
- Forest Heath District Council Open Space, Sport and Recreation Supplementary Planning Document (2011)
- Emerging Forest Heath Single Issue Review (SIR)
- Emerging Newmarket Neighbourhood Plan

8.0 Officer Comment:

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

- Principle of Development
- Asset of Community Value (ACV)
- Newmarket Neighbourhood Plan
- Affordable Housing
- Visual Amenity and Character of the Area
- Residential Amenity
- Highway Safety
- Planning Obligations
- Other Matters

8.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

Principle of Development

- 8.3 The proposed development comprises the conversion of the former police station and Magistrates Court (Sui Generis) and Suffolk County Council Adult Services (Class D1) to 12no. apartments (Class C3).
- 8.4 Policy DM41 (Community Facilities and Services) states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities. Proposals that will result in the loss of valued facilities or services which support a local community (or premises last used for such purposes) will only be permitted where:
- a. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
 - b. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
 - c. alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking. Where necessary to the acceptability of the development the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and a financial contribution towards the cost of these developments proportional to the impact of the proposed development in that area, through the use of conditions and/or planning obligations.
- 8.5 The application site was originally all occupied in association with the police station, including the provision of Magistrates courts. Over a number of years parts of the building became unoccupied and underused and therefore a small proportion of the building was sold to Suffolk County Council to be used by Adult Services to provide a day centre. Therefore, 80% of the building is owned by Suffolk Constabulary and 20% of the building is owned by Suffolk County Council.
- 8.6 As the demand and need for the existing facilities as a police station reduced, planning permission was sought and approved for the conversion of the building to offices in 2011. The building was then marketed by Savills in 2012 for 12months, where little interest was shown and the building was never sold as detailed in their submitted marketing assessment. As a result, this permission lapsed.
- 8.7 In more recent years, implementation of the Suffolk Local Policing Model in April 2016 has also resulted in relocation of various departments and the closure of the public access function, reducing the occupancy even further at this station. As such, from the 1st April 2016 the only occupants of the building were the Newmarket SNT (Safer Neighbourhood Team) comprising a total of 6no. officers who occupied one office on the first floor and a small locker room. Due to the changes, in 2016 the Newmarket SNT relocated to Newmarket Fire Station, when an opportunity arose to integrate the two services following conversion and extensions to Newmarket Fire Station. Therefore, Suffolk County Council Adult Services were the only occupiers of a small proportion of the building.

- 8.8 It has been demonstrated in the submitted documentation and following a site visit undertaken by the Local Planning Authority (LPA) that the need and demand for this service has reduced significantly and it is no longer viable for the service to be run from the building. Changes to the service have taken place since 2016 to address the matter, with the support of Suffolk Constabulary and the Local Authority. The service which is provided has now been adapted to suit the needs and demand for this service in Newmarket, by providing one on one individual care and support and use of the services and facilities at Newmarket Community Hub for activities.
- 8.9 In conclusion, there is no loss of community facilities or services or employment as a result of the proposed development as both uses are being relocated and dispersed elsewhere, due to it being clearly demonstrated that the existing building is not viable for the uses that have undergone major changes. It is considered that the proposed development is not contrary to policy DM41 or DM30.
- 8.10 Policy CS1 states that within the Housing Settlement Boundary, planning permission for new residential development will be granted where it is not contrary to other planning policies.
- 8.11 The site is located within the Housing Settlement Boundary for Newmarket which is designated a market town and suitable location for future development. As such, the principle of residential development is acceptable, subject to the impacts of the proposal otherwise being satisfactory.
- 8.12 Access, scale, appearance, layout and landscaping is reserved for a future application. However, noting the context below, further consideration of matters of detail also go to the heart of the issue of principle.

Asset of Community Value (ACV)

- 8.13 During the course of the application, a nomination was received by the Local Authority on 27th June 2018 for the building (Former Police Station, Lisburn Road, Newmarket) the subject of this application, to be listed as an asset of community value (ACV). The nomination was refused by the Local Authority on 3rd August 2018 for the following reason:
- 8.14 *The nominated site comprises a large building, outbuildings and a parking area, the majority of which (approximately 80% of the area) was last used as a police station. The part of the site until recently used by Leading Lives, i.e., the former court area, is the only part of the site in which a use which furthers the social wellbeing or social interests of the local community has been identified. It is considered that the use of this part of the site is not - in its own right - a primary or principal use of the site. In the context of the site as a whole, the community use is subsidiary to the principal use as a police station. In order to meet the relevant statutory test for listing land or buildings as Assets of Community Value, the community use must not be ancillary. Accordingly this nomination cannot be accepted.*
- 8.15 Therefore, no weight is attributed in the planning balance in respect of the ACV nomination.

Newmarket Neighbourhood Plan

- 8.16 Newmarket Town Council are in the early stages of drafting a Newmarket Neighbourhood Plan (NNP). This is classified as the 'Pre-submission Newmarket Neighbourhood Plan (PSNNP)'. The document has been sent to the Local Planning Authority to comment on and the comments from our Planning Policy team which are relevant to this application are as follows:
- 8.17 PSNNP Policy NKT9, Community Action 9 and supporting paragraph 4.4.5 concern this site and read as follows:

"4.4.5 A town the size of Newmarket should be inclusive, with facilities for all its residents, but there is currently no school for children with complex special educational needs in Newmarket, and children have to travel to Bury St Edmunds and beyond or out of County. Leading Lives is a valued adult activity centre for differently abled adults, which was based in the old Court Buildings, but is closing imminently. This would provide a valuable continuity of care.

Policy NKT9: Special educational needs provision

The site of the former police station and the old Court buildings should be designated as a centre for special educational needs.

Community Action 9: Special Educational Needs Provision

To find adequate provision for children with complex special educational needs in Newmarket. A possible site would be the former Police Station and old Court buildings adjacent to All Saints' School;"

- 8.18 In the formal Forest Heath District Council (FHDC) Pre submission consultation response to Newmarket Town Council (NTC), FHDC provided comments both as Local Planning Authority (FHDC- LPA), and corporately, as the Local Authority (FHDC-Corporate). The relevant extracts from these responses for the application site are set out below:

8.19 *FHDC - LPA*

Policy NKT9: Special educational needs provision

Comment: The wording of this policy needs further consideration. Has the support of the landowner been secured? A planning application DC/18/0821/OUT has been submitted to the Local Planning Authority, which proposes: "Outline Planning Application (All matters reserved) - Convert existing building into 12 apartments with associated external works, landscaping and parking..." This was submitted by Suffolk Constabulary as a site owner. If the site is viable and deliverable the policy should be worded to make a designation rather than 'should be designated'. If the viability or deliverability of the site is uncertain, it is suggested the policy is worded more generically without reference to the police station and old court buildings giving support to appropriate proposals for a centre for special educational needs. The need for a policy and a community action addressing the same issue is questioned and it is suggested depending on the approach adopted only one is retained.

8.20 *FHDC – Corporate*

Para 4.4.5, Policy NKT9 – Special Educational Needs, and Community Action 9 – Special Educational Needs Provision

Comment: An initial application was made to FHDC to list the former Police Station, 2 Lisburn Road, Newmarket, as an Asset of Community Value (ACV).

The application to list this site as an ACV has subsequently been refused on 3 August 2018, and accordingly it is suggested NTC seek independent legal advice if they wish to pursue allocation / designation of this site for such a use within a policy. In order to be deliverable, draft Policy NKT9 should also have the support of the landowner/s. A planning application DC/18/0821/OUT has been submitted to the Local Planning Authority, which proposes: "Outline Planning Application (All matters reserved) - Convert existing building into 12 apartments with associated external works, landscaping and parking..." This was submitted by Suffolk Constabulary as a site owner. It is therefore suggested that the site is not available or deliverable for the suggested designated use. It is recommended that NTC should also liaise with Suffolk County Council as the lead education authority regarding the education requirements and future roll demands for Special Educational Needs and Disability children within Newmarket. The need for a designated centre for Special educational needs is not evidenced by NNP currently. Community Action 9 appears to duplicate Policy NKT9, and repetition should be avoided.

- 8.21 In summary, FHDC raised concerns that the NNP Pre-submission designation was not supported by sufficient evidence to demonstrate that a SEND Facility was required within the wider town of Newmarket, or that the Former Police Station (application site) was deliverable for that use.
- 8.22 As such, appropriate and relevant weight needs to be attributed to Policy NKT9. It is considered that Community Action 9 is considered a statement of intent by Newmarket Town Council and not a proposed planning policy/allocation. The PSNNP was published for public consultation before the publication in July 2018 of the revised National Planning Policy Framework (NPPF).
- 8.23 National Planning Practice Guidance (NPPG) Paragraph: 007 Reference ID: 41-007-20170728 states: '*An emerging neighbourhood plan may be a material consideration.*' Paragraph 48 and foot note 22 of the revised NPPF sets out the weight that may be given to relevant policies in emerging plans in decision making, and factors to consider include:
- (a) the stage of preparation of the plan (the more advanced the preparation, the greater the weight that may be given);
 - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - (c) *the degree of consistency of the relevant policies in the emerging plan to "this Framework" (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*
- 8.24 In relation to parts (a) and (b) above and the PSNNP proposed designation:
- (a) The draft Plan proposals are at pre-submission stage (see below).
 - (b) The LPA has concerns over the deliverability of the allocation given the existing land owners' current residential planning application aspirations. Further SCC have questioned the appropriateness of the NNP allocation in the context that they are still assessing the results of the SCC Special

Educational Needs and Disability (SEND) Sufficiency Plan (undertaken this summer), in the context of identifying whether there is a need for a SEND facility for this site, and Newmarket town as a whole.

(c) The evidence underpinning this allocation and its deliverability are questioned.

8.25 Paragraph 014 Reference ID: 21b-014-20140306 of the NPPG gives advice on prematurity which has been incorporated into paragraph 50 of NPPF, this states:

'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.' It should be noted in this context that the NNP is currently at the pre-submission stage and not the submission stage/ submission plan publicity to which this paragraph of the NPPG refers.

8.26 In conclusion the NNP is still at pre-submission stage and has not been formally submitted to the LPA or been through the LPA publicity period. Therefore, the emerging neighbourhood plan is a material consideration for the purpose of determining the application, however only limited weight can be given to it due to the reasons outlined above.

Affordable Housing

8.27 Policy CS9 of the Council's Core Strategy requires developers to integrate and provide affordable housing within sites where housing is proposed. Where a site is 0.3 hectares and above 10no. or more dwellings, 30% affordable housing shall be provided.

8.28 The affordable housing requirement for this proposal for 12no. dwellings equates to 3.6 dwellings, so 3no. dwellings would be required on site and a 0.6 commuted sum. Forest Heath District Council's tenure requirement is 70% Affordable Rent and 30% Shared Ownership Housing, however, as the proposed development is for 12 units only, Strategic Housing would recommend all the affordable housing requirement be for affordable rent.

8.29 *Affordable Rent (3no. dwellings)*
2 x 1 bed apartment (min 2 person)
1 x 2 bed apartment (min 4 person)

8.30 Therefore, the proposed development is compliant with Policy CS9.

Visual Amenity and Character of the Area

8.31 Policy DM2 states that proposals for all development should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. In addition, it also requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense

of place and/or local character.

- 8.32 Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
- 8.33 Appearance, scale and layout are reserved matters and as such the final design and external appearance of the building would be the subject of a further reserved matters application. It has been demonstrated internally how the existing building could be converted into 12no. apartments.
- 8.34 The existing building sits prominently in the street scene of both Lisburn Road and Vicarage Road. The majority of the building is of three storey nature, with the Suffolk County Council element of the building along Lisburn Road being of a two storey nature and a later two storey extension located to the rear/side of the former police station. Minus the later addition to the rear/side of the building, the original building commands the street scene, in particular the frontage along Lisburn Road. The surrounding buildings vary in design, scale and form, resulting in a mixed character. Whilst there are differences in building styles and design, there is a strong pattern of development along Lisburn Road and the connecting roads including Vicarage Road and Rous Road where there is fine grain arrangement; buildings positioned close together and immediately adjacent to the highway.
- 8.35 It is considered that subject to the detail of any reserved matters application, the proposed development provides an opportunity to enhance the character of the building and that of the wider area.

Residential Amenity

- 8.36 The proposed developed seeks the conversion of the existing building and the footprint of the building is to remain unchanged. Other than the present use of the application site, Lisburn Road consists of residential properties. To the rear of the site is All Saints Primary School.
- 8.37 The layout and floor plans are indicative, but the plans show how the development could be laid out internally and externally, and how it could relate to adjoining development. As this is only an outline application, the proposed appearance of the building has not been provided. However, it is considered a development can be achieved without having a detrimental impact on the residential amenity of adjoining properties or the Primary School.

Highway Safety

- 8.38 Access is a matter to be reserved, however it is important at outline stage to establish the requirements from the Highway Authority in order for an assessment to be made of the proposed development on highway safety. As a result of the proposed development, the existing access would be required to be widened to accord with current visibility standards. Suffolk County Highway Authority considers that the proposed development, comprising 12no. residential units, will not lead to an adverse impact on highway safety subject to improvements to the existing access.

8.39 As set out above, layout is also a matter to be reserved and therefore parking and cycle storage would be dealt with during the further application. However, it has been demonstrated that the site with the development that is being proposed, enables sufficient space for adequate space for both.

Planning Obligations

8.40 Suffolk County Council as the education authority has identified a shortfall in the number of available primary school places and requests a financial contribution of £12,181. A contribution of £192 towards the library provision within the area is requested. A contribution of £20,000 is sought by the District Council for the maintenance and improvement of three areas of Public Open Space within 450metres is also considered reasonable and compliant with CIL Regulations.

8.41 Policy CS9 of the Council's Core Strategy and the National Planning Policy Framework requires schemes of more than 10 units to provide 30% affordable housing. As set out in the affordable housing section, the proposed development is policy compliant.

8.42 This leaves the following Planning Obligations to be secured, which have been agreed by the applicant:

- £12,181 towards the costs of primary school places
- £192 towards the cost of library provision
- £20,000 towards the maintenance of on-site public open space
- Affordable Housing to be 30% in line with the SPD

Other Matters

8.43 Public Health and Housing and Strategic Housing have made comments that consideration should be given to National Space Standards when assessing the size of the rooms and apartments. As stated in the sections above, this is an outline application with all matters reserved and therefore the internal layout at this stage is purely indicative and relevant legislation and guidance will be given full weight and consideration accordingly within any subsequent applications.

8.44 Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

8.45 The site lies within Flood Zone 1, being land at the lowest risk of flooding. No objections have been received from the Environment Agency or Suffolk County Council as lead local flood Authority. Therefore, the effects of the proposal upon matters of flood risk and drainage can be considered acceptable.

- 8.46 The application is supported by a Phase 1 Desk Study Report, reference TEB/18.090/Phase1, dated 16th March 2018 undertaken by AF Howland Associates. This report provides a summary of the history and environmental setting of the site and surrounding area and includes an acceptable preliminary risk assessment. The report concludes that "If future development introduces any garden or soft landscape areas to the site then limited further assessment is recommended to ensure that the site is suitable for the proposed end-use." The proposed block plan includes a small area of proposed open amenity space soft landscaping. It is therefore recommended by the Environment Team that the standard land contamination condition is attached to the outline planning permission, should planning be granted.
- 8.47 The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
- 8.48 Policy DM2(k) of the Joint Development Management Policies Document requires proposals for all developments to produce designs that encourage the use of sustainable transport. The National Planning Policy Framework (NPPF) states that: '*Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission vehicles*'. In order to encourage the uptake of sustainable transport in the form of electric vehicles and to enhance air quality, it is recommended that a condition is imposed to require all dwellings with off street parking shall be provided with an operational electric vehicle charge point. This is a requirement also within Suffolk Parking Standards.

9.0 Conclusion:

- 9.1 The development proposed is within the settlement boundary for Newmarket. Robust and sufficient evidence has been provided to demonstrate that there will be no adverse impact to community facilities and services or employment, as to accord with Policy DM41 and DM30.
- 9.2 Noting the conclusion set out above regarding the Newmarket Neighbourhood Plan, limited weight can be given to this in the planning balance and the Local Planning Authority are satisfied that the proposal provides many and notable benefits. It would therefore be very difficult to justify refusal on the basis that the proposal conflicts with the emerging Neighbourhood Plan.
- 9.3 Accordingly, it is considered that the proposal complies with the relevant national and local policies and approval is recommended as set out below.

10.0 Recommendation:

- 10.1 It is recommended that planning permission be **APPROVED** subject to the following conditions and a S106 Agreement:

- 1 Application for the approval of the matters reserved by conditions of this

permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 3 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works is set out in the remediation strategy.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any

contaminated material is satisfactorily dealt with.

- 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 Prior to commencement of development details of the access, appearance, landscaping, layout, and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

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

Reference No:	Plan Type	Date Received
P994/26198/2	Block Plan	10.05.2018
P994/26196/4	Existing Floor Plans	01.05.2018
P994/26196/3	Existing Floor Plans	01.05.2018
10	Location Plan	30.04.2018
(-)	Design and Access Statement	30.04.2018
(-)	Ecological Survey	30.04.2018
(-)	Planning Statement	30.04.2018
(-)	Flood Risk Assessment	30.04.2018
(-)	Land Contamination Assessment	30.04.2018
(-)	Notice served	10.09.2018
(-)	Application form	30.04.2018
(-)	Marketing Assessment	30.04.2018

Reason: To define the scope and extent of this permission.

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

- 9 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015)

11.0 S106:

- £12,181 towards the costs of primary school places
- £192 towards the cost of library provision
- £20,000 towards the maintenance of on-site public open space
- Affordable Housing to be 30% in line with the SPD

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0821/OUT](https://www.westsuffolk.gov.uk/DC/18/0821/OUT)