

Development Control Committee

4th September 2019

Late Paper

Item 4 – DC/18/2477/FUL – Land at Brickfield Stud, Exning Road, Newmarket.

1. Fully worded conditions have now been prepared and are set out below.
2. Comments from SCC Highways are still awaited. Comments received before planning committee will be updated verbally at the meeting.
3. The primary school contribution set out in paragraphs 91 and 112 of the officer's report should actually be **£351,648** (18 x £19,536 per place). This has been confirmed by SCC.

Newmarket Neighbourhood Plan

4. Newmarket Neighbourhood Plan has now reached examination stage. Currently the examiner's report is awaited, which may require changes to the plan. Once the plan has passed Examination stage, it will proceed to a public Referendum stage, whereupon it will gain further weight in decision-making. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its 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)
5. In this case having taking the above requirements into account, it is considered that the Neighbourhood Plan can be given moderate weight as a material consideration. Although the plan makes no housing land allocations, relevant emerging policies are NKT14 (Trees), NKT18 (Sustainable Design...), NKT19 (Meeting the Housing Needs of Newmarket),

NKT20 (Affordable Housing) and NKT22 (Impact of Traffic from Development Proposals). Officers are satisfied that the application plans and supporting documents have demonstrated that the development accords with these emerging policies where relevant.

CONDITIONS

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. 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
183890-002 A	Pavement Construction Details	11.12.2018
869.001.00	Location Plan	11.12.2018
869.200.14	Layout	21.08.2019
869.201.12	Parking Layout	21.08.2019
869.202.11	PLAN	21.08.2019
869.203.11	Materials	21.08.2019
869.204.10	Amenity Garden	21.08.2019
869.205.11	Tenure plan	21.08.2019
869.206.11	Refuse Plan	21.08.2019
869.207.07	Street Scene	19.06.2019
869.208.06	Street Scene	19.06.2019
869.209.00	Proposed Elevations & Sections	11.12.2018
869.210.02	Proposed Elevations & Floor Plans	19.06.2019
869.212.00	Proposed Elevations & Floor Plans	11.12.2018
869.213.03	Proposed Elevations & Floor Plans	19.06.2019
869.215.02	Proposed Elevations & Floor Plans	19.06.2019
869.216.01	Proposed Elevations & Floor Plans	19.06.2019
869.217.00	Proposed Elevations & Floor Plans	11.12.2018
869.218.00	Proposed Elevations & Floor Plans	11.12.2018
869.219.01	Proposed Elevations & Floor Plans	17.12.2018
869.220.02	Proposed Elevations & Floor Plans	19.06.2019
869.221.03	Proposed Elevations & Floor Plans	19.06.2019
869.222.00	Proposed Elevations & Floor Plans	11.12.2018

	Plans	
869.223.01	Proposed Elevations & Floor Plans	17.12.2018
869.224.01	Proposed Elevations & Floor Plans	19.06.2019
869.225.01	Proposed Elevations & Floor Plans	19.06.2019
869.227.03	Proposed Elevations & Floor Plans	19.06.2019
869.228.01	Proposed Elevations & Floor Plans	19.06.2019
869.229.01	Proposed Elevations & Floor Plans	19.06.2019
869.230.01	Proposed Elevations & Floor Plans	19.06.2019
869.231.04	Proposed Elevations & Floor Plans	21.08.2019
869.232.04	Proposed Elevations & Floor Plans	21.08.2019
869.234.00	Proposed Elevations & Floor Plans	17.12.2018
CALA21498-02	Tree Survey	11.12.2018
CALA21498-01	Tree Survey	11.12.2018
869.233.03	Refuse Plan	21.08.2019
PA00145-001-L-GA-P3	Landscape Plan	21.08.2019
PA00145-002-L-GA-P3	Boundaries	21.08.2019
PA00145-003-L-GA-P3	Planting Scheme	21.08.2019
PA00145-004-L-GA-P2	Open Space	21.08.2019
869.239.01	Proposed Elevations & Floor Plans	19.06.2019
869.214.00	Proposed Elevations & Floor Plans	11.12.2018
869.237.06	Proposed Elevations & Floor Plans	21.08.2019
869.238.01	Proposed Elevations & Floor Plans	19.06.2019
869.240.01	Sections	19.06.2019
869.241.01	Proposed Elevations & Floor Plans	19.06.2019
869.242.00	Proposed Elevations & Floor Plans	19.06.2019
869.243.02	Boundary Treatment	21.08.2019
869.244.02	Cycle plans	21.08.2019
869.245.00	Proposed Elevations & Floor Plans	19.06.2019
869.246.00	Refuse Plan	21.08.2019

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

3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the FRA by Amazi Ltd (ref:- AMA713 Rev B and 25 June 2019) and Drainage Strategy by Infrastructure Design Ltd (Drawing ref 00145-371-C-SW Rev T4 and dated 22.07.19) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event.

Reason: Required pre-commencement to ensure that the principles of sustainable drainage are incorporated into this proposal, and to ensure that the proposed development can be adequately drained both during the construction and occupation of the development.

4. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: Required pre-commencement to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage before the drainage network is implemented.

5. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface

water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: Required pre-commencement to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater during construction.

6. No construction of any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014)., and;

ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.

The development shall adopt the proposed sound insulation measures as stated prior to occupation of each dwelling.

Reason: To protect the amenity of occupiers of the property.

7. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

8. Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.

Reason: Required pre-commencement to ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance during construction.

9. No development approved by this planning permission shall commence until 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 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 line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. 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.

10. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy is submitted and approved, in writing, by the Local Planning Authority. 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 line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. 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.

11. 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 and the Suffolk Parking Standards.

12. Prior to the connection of any dwelling to the existing foul sewerage network, and on-site foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the approved strategy prior to the occupation of any dwelling.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

13. No part of the development shall be commenced until details of the proposed access on Exning Road (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

Reason: Required pre-commencement to ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety for construction traffic as well as future occupiers.

14. Before the development is commenced above ground level, details of the estate roads, footpaths, and off-site footpath link to Brickfields Avenue (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

15. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: In the interest of the amenity of the occupiers of the dwelling.

16. Prior to the occupation of the 36th dwelling on site, all footpath/cycle links shall be completed and made available for use.

Reason: To ensure adequate provision of sustainable non-vehicular links to the town for the majority of the new occupiers of the development.

17. All HGV traffic movements to and from the site over the duration of the

construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic movements on local residents.

18. The approved parking, manoeuvring and cycle storage as set out on drawing (TBA) shall be completed and available for use prior to any occupation of any dwelling to which it serves.

Reason: In the interests of highway safety and the amenities of the occupiers of the dwellings.

19. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the road/drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

20. A signing strategy for the entry treatment to the private housing estate (as the estate does not meet SCC adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented before the occupation of the 36th dwelling on the site.

Reason: To advise road users that the road layout and maintenance is not the responsibility of SCC.

21. Prior to occupation of any dwelling, a new bus shelter on the southbound carriageway of the Exning Road (in accordance with details that have been submitted to and approved in writing by the LPA) shall have been installed and made ready for use.

Reason: As requested by SCC Highways to mitigate for the increased

impact of resident travel in the area.

22. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the Travel Plan dated November 2018. Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, policy CS12 of the Forest Heath Core Strategy, and policies DM4, DM45 and DM46 of the Forest Heath and St Edmundsbury Local Plan - Joint development management policies).

23. The ecological mitigation and biodiversity enhancements set out in the Ecological Assessment by Ethos Env. Planning (dated June 2019) shall be implemented in full prior to the occupation of any dwelling, unless the Local Planning Authority give consent in writing to any variation.

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.

24. Prior to the closure of the identified badger setts, a detailed badger mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall include details of the artificial replacement sett, its location, planting and timing. The existing sett(s) to be closed between the months of July and November (as permitted under license).

Reason: To secure appropriate mitigation for badgers, in accordance with policies DM11 of the West Suffolk Joint Development Management Policies Document 2015, and all relevant Core Strategy Policies.

25. Prior to the occupation of any dwelling details of the management and maintenance of all open space, landscaping, planting, estate roads and footpaths (including the off-site footpath link to Brickfields Avenue) shall have been submitted to and approved in writing by the LPA. The agreed management and maintenance shall be implemented in full for the lifetime of the development.

Reason: To ensure that appropriate levels of amenity and bio diversity space is provided for all future occupiers of the development.

26. Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

27. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.