

**Working Paper 1**

**Development Control Committee  
4 September 2019**

**Planning Application DC/18/2477/FUL –  
Land at Brickfield Stud, Exning Road, Newmarket**

**Date Registered:** 17.12.2018      **Expiry Date:** 18.03.2019 EOT till 30.09.2019

**Case Officer:** Gary Hancox      **Recommendation:** Approve Application

**Parish:** Newmarket Town Council      **Ward:** Newmarket North

**Proposal:** Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

**Site:** Land at Brickfield Stud, Exning Road, Newmarket

**Applicant:** CALA Homes (North Home Counties) 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 Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

## **Background:**

**This application is referred to the Development Control Committee as the views of the Town Council are contrary to the Officer recommendation and because the application is recommended for APPROVAL contrary to the development plan.**

## **Proposal**

1. The application proposes a residential development of 79 dwellings containing a mixture of 1, 2, 3, 4 and 5 bed properties, estate roads, parking, open space, landscaping and associated infrastructure. Twenty-four affordable dwellings are being proposed on-site. Vehicle and pedestrian access to the site would be from Exning Road, and a further pedestrian link is proposed to Brickfields Avenue.

## **Application Supporting Material:**

2. The application contains the following plans and supporting documents:
  - Layout plans, elevations and street scenes
  - Refuse plan
  - Parking allocation plan
  - Open space plan
  - Landscape masterplan
  - Design & Access Statement (DAS)
  - Affordable Housing Statement
  - Transport Assessment
  - Travel Plan
  - Energy Statement
  - Flood Risk Assessment
  - Landscape VIA
  - Biodiversity Survey
  - Ecological appraisal
  - Tree Survey
  - Statement of Community Involvement

## **Site Details:**

3. The application site extends to some 2.88 hectares and is located to the North of the town alongside the B1103 Exning Road. Directly to the north of the site are the buildings associated with Brickfield Stud, including a stable yard and Etheldera House, a large house dating back to 1878 and refurbished in 1980. The house has 14 bedrooms split over 3 floors. Directly to the south of the site there is a single residential dwelling and field, and beyond that a business and industrial estate. To the west of the site beyond Exning Road lies fields and horse paddocks. To the east of the site is residential development fronting onto Brickfields Avenue, and development at Petingo Close that both fronts and backs onto the site.
4. The boundary of the site has an almost continuous line of trees and hedges which screens the central area of the site from views from the roads and the immediate surrounding area. The majority of the site was paddocks associated with Brickfields Stud and is divided into four roughly equal quadrants by clearly defined hedgerows and trees.

5. The site is approximately 2.3 km from the centre of Newmarket, is outside the settlement boundary, and is not within a Conservation Area.
6. The site is proposed allocation SA6(a)' Land at Brickfield Stud' within the emerging Site Allocations Local Plan (SALP).

### **Planning History:**

7. None relevant

### **Consultations:**

8. Newmarket Town Council – OBJECT on the grounds that the application contravened the FHDC horse racing policy, highway safety and planning creep, which would merge Newmarket with Exning.
9. Newmarket Horsemen's Group - the proposed development site is horseracing land and should be treated as such until the Local Plan is adopted, and hence the application could be considered to be premature. In addition, a development of this scale is likely to have an impact on the horseracing industry, and any impacts should be properly considered and mitigated. At both the initial and Main Modification EiPs for the Local Plan, both FHDC (as was) and SCC Highways stated that the cumulative impacts of developments, especially with regard to highways matters, would be dealt with fully at Development Management level when applications are considered, and yet that does not appear to be happening. Both the Traffic Assessment and the follow up Technical Note on Impact on Horse Crossings appear to be written with the single aim of avoiding any commitment by the applicant to any infrastructure improvements, and this approach does not seem to be being robustly challenged by either Highways England or the Highways Authority. Given the significant capacity and safety issues in Newmarket, this is disappointing.
10. The Technical Note, at para 2.0 challenges NHG's suggestion that vehicles from the development travelling to or from Cambridge, or anywhere west, will use the A1303. It states "In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre". Either the writer has no understanding of what happens in practice or has chosen to ignore reality. This route does not necessitate travelling through the town centre for travelling west, and, as has been well evidenced, junction 37 suffers from capacity and safety issues at both am and pm peaks, and hence people wishing to travel west will use the A1303, via the busy horse crossing at Rowley Drive/Hamilton Road junction. A scheme design to improve safety at that junction exists, and I suggest that a contribution should be made towards that scheme.
11. Any traffic accessing the town centre will cross the horse crossing at St Mary's Square, and an appropriate contribution to mitigation measures should be made in that regard also. More generally;
  - the Applicant has not analysed the impact of the development on junction 37 of the A14 (para. 7.10 of TA) to which around 50% of its traffic is assigned in each peak hour (i.e. around 20 vehicles).

- Given the capacity and safety issues associated with junction 37 it is surprising that Highways England have not raised a holding direction requiring analysis. No mitigation is proposed by the applicant at junction 37; therefore the incremental addition of traffic to the overcapacity junction with a poor safety record should have been a concern;
- the cumulative impact point put to the recent Hatchfield Farm Inquiry applies here because there is no certainty the HF development will come forward nor is there any certainty the SCC/ HE longer term proposals for junction 37 will materialise;
- the Exning Road / Studlands Park Avenue junction is shown to be over capacity in the PM peak, but the applicant refers to HF having a significantly higher impact (para. 7.26 TA). That does not solve the problem;
- the applicant claims the site is sustainable but it is not well located for buses or the train station. The propensity will be for residents to use the car, notwithstanding the Travel Plan, which might suggest the trip rates and therefore traffic figures should be reviewed.

12. It could be argued that the Travel Assessment is unrealistic since it underplays the impact of the development on a congested network that experiences highway safety issues (without any mitigation) and therefore is contrary to the NPPF.

13. Natural England – NO OBJECTION

14. Suffolk Wildlife Trust – Satisfied with the findings and recommendations of the ecological survey report. Note that the consultant has requested that a Natural England Licence is required in order to close a main badger sett. In addition to this, a badger mitigation strategy, based on up-to-date surveys should be submitted and approved prior to sett closure.

15. Highways England – NO OBJECTION

16. SCC Flood & Water Management – NO OBJECTION, subject to appropriate conditions.

17. NHS (CCG) – NO OBJECTION subject to a developer contribution to mitigate the impacts of this proposal. NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development and calculates the level of that contribution to be £45,900. Payment should be made before the development commences.

18. Public Health and Housing – NO OBJECTION subject to appropriate conditions to deal with internal noise levels of dwellings, construction hours and management.

19. Environment Team – NO OBJECTION subject to appropriate conditions to provide for electric vehicle charging points (to reduce emissions), and the submission and approval of a contamination remediation strategy.

20. Anglian Water – Newmarket Water Recycling Centre has available capacity to receive the foul drainage from this development. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has

indicated that a gravity discharge will be promoted as per drawing IDL/897/07/100, however, in order to conduct an accurate impact assessment, confirmation of the connecting manhole will be required accordingly at this time. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

21. Environment Agency – No comments.

22. Strategic Housing – Support the amended scheme and request the following tenure split:

Affordable/Social Rent

8 x 1 bed flats

8 x 2 bed houses

1 x 3 bed house

1 x 4 bed house

Shared Ownership

2 x 2 bed FOG

1 x 3 bed house

1 x 4 bed house

23. SCC Planning Obligations – Request contributions towards education improvements in pre-school, primary and secondary education at the local catchment schools totalling £641, 626.

24. SCC Highways – Final comments on amended plans to be reported. However, will require the following;

- Relocated unmarked bus stops (can form part of a future section 278 highways agreement)
- South bound bus stop and shelter and real time info screen to accommodate additional commuters into Newmarket town (£17,000)
- Sustainable transport measures identified in the Travel Plan to be secured by condition

### **Representations:**

25. One letter of support received from a nearby resident commenting that

- the land the application is for is very poor grazing land, and if built on will not have any negative effect on the training establishments that are there now.

26. Five letters of objection received from one individual property

- Traffic impact will be severe
- Increased danger to cyclists and pedestrians
- Increased noise from people/traffic
- Loss of trees and wildlife

### **Policy:**

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The

development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

28. 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:

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- 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
- Core Strategy Policy CS13 - Infrastructure and developer contributions
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM45 Transport Assessments and Travel Plans

- Policy DM46 Parking Standards
- Policy DM48 Development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry
- Policy DM50 Horse Walks

**Other Planning Policy:**

Emerging Site Allocations Local Plan (SALP)

29. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The site is allocated for residential development under Policy SA6(a) and is not subject to any modification. The SALP is now due to be adopted by the Council on 19th September 2019. This emerging plan is therefore considered to have almost full weight.

National Planning Policy Framework (2019)

30. The NPPF was revised in February 2019 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 provision of the NPPF 2019 that full weight can be attached to them in the decision making process.

**Officer Comment:**

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

- Principle of Development
- Design & Layout
- Landscape & Ecology
- Amenity impact
- HRI impact
- Highway impact
- Planning obligations

Principle of development

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010). National planning

policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

33. The application site is allocated in the emerging Site Allocations Local Plan (SALP) as allocation SA6(a). This allocation provides for an indicative capacity of 87 dwellings, with the following requirements:

- (a) Strategic landscaping and open space must be provided... to address the individual site requirements and location.
- (b) Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to: (i) determine whether the proposal results in material adverse impacts; and (ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).
- (c) the site must include sustainable travel provision including facilities for pedestrians and cyclists and links to existing networks.

34. Paragraph 48 of the NPPF gives advice on the weight to be given to emerging plans and states: 'LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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)
- 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).'

35. Paragraph 49 of the NPPF gives advice as to when prematurity might be justifiable as a reason to refuse planning permission:

'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

36. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

37. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

38. Where there are no relevant development plan policies, or relevant policies are out-of-date (footnote 7 indicates that relevant policies are out of date where the LPA can not demonstrate a 5-year land supply of housing land), 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; 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.

39. Referring back to paragraph 30 above, the Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.3 year land supply of housing can be demonstrated. Footnote 7 of NPPF paragraph 11 is therefore not engaged and the development falls to be considered having regard to development plan policies and material considerations.

40. A significant relevant material consideration is the emerging SALP. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The SALP is now due to be adopted by the Council on 19<sup>th</sup> September 2019. This emerging plan is therefore considered to have almost full weight.

41. Linked to the above emerging policy allocation is Joint Development Management Policy DM49, which only allows the re-development of existing sites related to the Horse Racing Industry in exceptional circumstances:

*"The change of use of racehorse training yards, stud farms, racecourses, and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a proposal in an adopted local plan."*

42. Given the advanced stage of the SALP allocation SA6(a), and the almost full weight to be attached to it, the site is almost capable of being treated as adopted. Ahead of formal adoption however, development approval of the site would be contrary to the current development plan. Notwithstanding this, Officers are of the view that the re-development of the site is acceptable in principle. The proposed development is therefore capable of being approved,

subject to compliance with the criteria of emerging Policy SA6(a) and the all other relevant development plan policies and material considerations.

## Design and Layout

43. The application is accompanied by a design and access statement that includes an assessment of the existing character and appearance of the area. This identifies that there is a varied character, both in terms of built form and land uses. There are a large amount of industrial units to the south east of the site, which itself is located adjacent to residential development. The Studlands estate to the north east of the site contains dwellings that all have a similar appearance of buff or brown/red brick ground floors with the first floor clad in narrow boarded timber cladding in black or red. Large areas of green space in front of the dwellings improves the amenity whilst also reducing the overall development density.
44. The existing buildings of Brickfields Studs also have an influence on the site, and are visible in views into and out of the site. The scale and layout of the proposal has been designed to respect and where possible reflect the historic nature of the paddocks and their associated buildings. Throughout the course of the application Officers have sought to improve the design and layout of the scheme, and the applicants have made amendments accordingly. Generally, the scheme has been designed with good townscape principles, and more specifically, the 2/3 storey houses and apartments have been laid out to reflect the general arrangement of the adjacent paddock buildings surrounding a central courtyard. The proposed material palette including a combination of weathered and multi buff and red brick, along with traditional plain and pan-tiles to the roofs will further compliment the historic nature of the site.
45. The layout also includes an approach to landscaping that seeks to retain as much as possible of the existing hedging through the central band of the site, and to open this up for amenity value and for use by the residents. Almost all existing trees to the boundaries of the site will be retained and enhanced where appropriate. Open space is created to the centre of the site as well as to the north east of the site. This helps to provide maximum amenity space between the new development and the existing dwelling at Brickfield Avenue and Petingo Close.
46. Pedestrian links have been provided to Exning Road, and provision has been made for a pedestrian/cycle link through to Brickfields Avenue.
47. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraph 124 of the NPPF 2019 require good design to be considered as a key aspect of sustainable development with a sense of place and character being created. NPPF paragraph 127 adds that 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.

48. As amended, the overall scale and form of the proposed dwellings are appropriate for the locality and is in-keeping with existing development surrounding the site. The response to the historic context of Brickfields Stud has helped to create a sense of place and character. The layout also allows for the retention of significant vegetation and trees, as well as new landscaping and pedestrian links to the east and west. The design and appearance of the individual dwellings is simple in terms of detailing and follows a traditional form and scale appropriate for its locality. The density of the development is low and reflective of its rural location allowing for sufficient separation distances between dwellings, garden areas, open space and parking to serve the needs of the development.

49. This type of development generates a requirement for on site open space in accordance with Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. The amended scheme now includes an appropriate amount of usable on site open space in accordance with this policy.

50. Overall it is considered that the design and layout of the scheme accords with the requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 124 and 127 of the NPPF 2019 in this regard.

51. Energy efficiency – JDM Policy DM7 states that;

*"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."*

52. In response to the above, the applicant's Design and Access Statement states that;

*"The development has been designed with the hierarchy model of Be Lean, Be Clean, Be Green. Passive design measures will be incorporated into the design of the proposed development to reduce energy consumption whilst enhancing occupant comfort and well-being. This will aim to result in a Dwelling Fabric Efficiency (DFEE) that is less than the Target Fabric Efficiency (TFEE). Key sustainable design features include maximising exposure to solar energy and daylight through considered façade design, minimising overheating and glare via passive shading and providing facilities for effective, controlled natural ventilation, and specialist designed SuDs systems."*

53. In respect of water efficiency, the applicant's have indicated that the following strategies will be adopted;

- Specification of water efficient appliances, including washing machines and dishwashers.
- Dual and low flush toilets
- Reduced flow (low pressure) showers and aerated taps
- Flow restriction on piped water supplies to sinks and basins.
- Minimisation of leakage by installing isolation valves and leakage detection.

54. The above strategies have been calculated to reduce water consumption to 105 litres per person per day, which accords with the requirements of Joint Development Management Policy DM7 in this regard.

#### Landscape and ecology

55. Joint Development Management Policy DM13 states that *'development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.'* The policy requires that *'development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.'*

56. The policy further states that *'it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.'*

57. The amended proposals now retain the majority of hedgerows running east west across the site and this is incorporated in a central area of open space that connects with a larger area of open space in the north east corner of the site. Additional planting is also proposed in these areas to further mitigate for the overall landscape impact of the development.

58. The applicant has submitted a Preliminary Ecological Appraisal (Geosphere environmental Ltd, 02 March 2018). The report concludes that there are suitable features within the area to be affected by the proposed development

which may provide habitat for foraging and commuting bats, badgers, breeding birds, and reptiles.

59. The survey goes on to require that further Phase 2 protected species surveys are undertaken in respect to breeding birds (including skylarks) and reptiles. Breeding birds and reptiles are protected by law. The local planning authority has a duty under section 40 of The Natural Environment and Rural Communities (NERC) Act to have regard to biodiversity conservation when carrying out its functions. A full ecological survey report was duly submitted in November 2018. A further updated report (including the results of a tree survey for bats) was submitted in June 2019.

60. This survey recommended specific habitat enhancement in order to adequately mitigate for the loss of improved grassland and hedgerow:

- Amenity grassland planted with slow growing grasses with wild flowers that respond well to mowing
- Native tree planting
- Enhancement of retained hedgerows with native planting and a fringe grassland habitat.

61. Mitigation for birds, bats and mammals includes;

- Access gaps in fencing for hedgehogs
- Bat boxes to be installed and a lighting plan to be agreed
- Compensation for the loss of potential breeding habitat for birds to include the installation of six sparrow terraces general purpose bird boxes either integrally into new designs or onto the side of new dwellings.

These mitigation and enhancement measures can be secured by condition.

62. The proposed development will result in the destruction of a main and outlying badger sett, therefore the setts will need to be closed under license from Natural England. A detailed badger mitigation survey, based on up-to-date survey information, can be required to be submitted and approved by condition.

#### Habitat Regulations Assessment

63. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. In this case the site is located 9.4 km away from the Breckland Special Protection Area (SPA) and is outside of the 7.5 km recreational SPA buffer zone. The qualifying features of the SPA are three birds; Stone Curlew, European Nightjar and Woodlark. The project is not directly connected with or necessary to the management of the site for nature conservation.

64. No direct effects on the Breckland SPA have been identified, and given the distant location from the edge of the recreational buffer zone, there is minimal potential for increased indirect recreational disturbance to occur as a result of the increased housing in the area.

65. The application site is located sufficiently distant from the woodland and heathland elements of the SPA and the scale of development proposed is unlikely to lead to significant recreational effects on Breckland SPA noted for woodland and nightjar.
66. In-combination recreational effects: The site is located 9 km from the SPA and 5.2 km from the edge of the 7.5km recreational impact buffer zone. Officers consider that in-combination effects arising in relation to recreational pressure from this development are unlikely to be significant.
67. Overall, the proposed development (as amended) is considered to accord with the requirements of the Forest Heath Core Strategy Policy CS2, Joint Development Management Policies DM12 and DM13, and par. 170 of the NPPF 2019 in this regard.

#### Amenity impact

68. The impact on existing neighbouring dwellings to the east and south of the site has been considered, both in respect of separation distances, overlooking and existing and proposed landscaping. To the east, minimum separation distances of 45 metres to the existing dwellings at Petingo Close and Brickfields Avenue have been achieved. Within this area is a significant amount of open space and retained trees, which further helps to minimise impact in this respect. Plots 66 and 67 further to the south of the site maintain an approx. 18 metre gap to the gable end of the nearest neighbouring dwelling.
69. To the south of the site a separation distance of 25 metres to Stud Lodge has been achieved, minimising any overlooking impact. Existing tree screening is also retained and enhanced in this area.
70. To the north of the site are the range of buildings at Brickfields Stud. One of these buildings is a long 2 storey building, which appears historically to have contained accommodation at first floor level. However, presently this building is unoccupied. Notwithstanding this, proposed plots 31 to 34 achieve a minimum separation distance of approx. 20 metres to the gable end of this building, thereby avoiding any potential direct overlooking impact.
71. Overall, the direct impact on neighbouring amenity is not considered to be significant, and the proposal accords with Joint Development Management Policies DM2 and DM22 in this regard.

#### Horse Racing Industry (HRI) Impact

72. It is a requirement of the emerging SALP Policy SA6 (as set out in the SALP Main Modifications proposed by the Council and recently found sound by the Local Plan Inspectors) that an assessment of transport impact on horse movements in the town be assessed and mitigated where necessary. The comments of Newmarket Horsemen's Group are noted, particularly in respect of their concerns regarding horse crossings in St Mary's Square and Hamilton Road. In response to this, the applicants submitted a separate Horse Crossing Impact Statement, noting of course this impact had already been assessed by Suffolk County Council and Forest Heath District Council (West Suffolk Council) in consideration of allocating the site for residential development under the SALP process.

73.The impact statement comments that;

*"The policy listed in the Main Modifications calls for the transport impact for each proposal (including cumulative impacts where appropriate) on horse movements to be assessed together with the impact on other users of the highway. For "other road users", particularly with reference to traffic capacity, the analysis in the Transport Assessment takes specific account of the Hatchfield Farm proposed development and also the traffic growth in the area by the use of TEMPRO growth factors. However for the impact on Horse Crossings only the specific impact of this development is considered. This is because, as will be demonstrated, the impact is so slight as to be immaterial and so the cumulative impact from other sites is not relevant to this application."*

74.A total of 17 crossings were assessed, and 14 of them were found to be unaffected. The remaining 3 crossings were shown to be impacted as follows: Barbara Stradbroke Avenue (West) (0.9% traffic increase), Rowley Drive/Mill Hill (1.5% traffic increase), and Barbara Stradbroke Avenue (East) (0.9% traffic increase). It should be noted that in order to address the specific concerns raised in the Newmarket Horseman's Group response, traffic to Cambridge was modelled avoiding the A14 junction and travelling via the A1303. In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre and so the impacts assessed are very much a worst case.

75.It can therefore be concluded that the impact of the development on horse crossings and the HRI in general is neutral with no significant impact. Notwithstanding the almost full weight to be attached to emerging Policy SA6(a) and the site's allocation for residential development, officers consider that the neutral impact on the HRI, and in particular horse crossings, has been adequately demonstrated.

76.The proposed development therefore accords with emerging Policy SA6(a) and Joint Development Management Policy DM48 in this regard.

#### Highway Impact

77.Paragraph 108 of the NPPF 2019 requires development to ensure 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.*

78.Paragraph 109 goes on to require that developments;

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise*

*the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

79. The application proposes a single access off Exning Road to serve the development. In order to afford the best visibility with the least amount of existing vegetation affected, the access is located towards the south corner of the site. Standard estate type roads with a shared surface are then proposed to serve individual dwellings. Although the applicants do not propose to offer the estate roads for adoption by the Local Highway Authority, appropriate visibility splays at the junction with Exning Road have been incorporated and the access at this point will be to adoptable standards.

80. A full transport assessment and travel plan considering the wider impact on the local highway network has been submitted with the application, and this has been reviewed and found to be acceptable by the Local Highway Authority. The Travel Plan can be secured by condition.

81. Final details of the construction of the estate roads and shared surfaces are still to be agreed, and these can be required by condition. Following comments from the Local Highway Authority, the latest amended plans now include sufficient resident parking and visitor parking, the majority of which is 'in curtilage'. Parking serving the apartments and 'flat over garages' will be allocated.

82. Final details of the proposed pedestrian/cycle links to Exning Road and Brickfields Avenue are still to be agreed and can be required by condition. However, their location and general arrangement is acceptable in principle. The pedestrian link to Brickfields Avenue requires crossing land currently outside the applicant's control, in this case it is under the control of a management association. The applicants have got an agreement in principle to cross this land, however it is proposed that a Grampian style condition will be applied to any permission to ensure that agreement for this link is in place before development can go ahead.

83. It is noted that SCC Highways has requested improvements to the design of the estate roads. Although not being offered for adoption, final amended plans are awaited that address the majority of these concerns. An update on amended plans received will be given to members.

84. Subject to appropriate conditions requiring the submission of detailed designs for the access junction, off-site highway works and estate roads, the

application has demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety. Safe and suitable access can be achieved for all users. Overall, the proposal is considered to accord with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

85. Furthermore, paragraph 110 of the NPPF 2019 states 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."*

86. Taking both the direct impacts and the residual cumulative impacts on the highway network into account, it has been adequately demonstrated that the impacts on the road network would not be severe.

#### Planning Obligations

87. Affordable Housing - The application proposes 24 of the dwellings as 'affordable', which is 30.4% of the total number of units to be provided on the site. This achieves the 30% target set out in Policy CS9 of the Core Strategy and can be secured through a S106 legal agreement.

88. The Council's Housing Officer has confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the following requested mix has been agreed with the applicant:

##### Affordable/Social Rent

8 x 1 bed flats  
6 x 2 bed houses  
1 x 3 bed house  
2 x 4 bed house

##### Shared Ownership

2 x 2 bed FOG  
4 x 2 bed house  
1 x 3 bed house

89. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider will be secured through the S106 planning obligation.

90. Education - The local catchment schools are Laureate Primary School, Newmarket Academy and for sixth form either Mildenhall College, King Edward in Bury St Edmunds or One in Ipswich. There are currently forecast to be surplus places available at the sixth form providers serving the proposed development, so SCC is not seeking sixth form school contributions.

91. Suffolk County Council have confirmed that in this case the site acquisition of the new primary school site will cost £90,000 in total for a 2.2 ha site. The proportionate contributions from this scheme will therefore be based on a cost per pupil place of £19,322 per pupil contribution, plus a land contribution of  $\frac{£90,000}{420} = £214$  per place. Based on 18 primary age pupils anticipated to arise gives a total contribution sought of  $18 \times £19,322 + 18 \times £214$  ( $£19,536$  per pupil) = **£371,184** (2019/2020 costs).

92. At the secondary school level the latest forecasts show that there will be no places available. Therefore full contributions are requested to provide the additional places at the school and a project is in place to expand the school from 960 places to 1,200 places. This equates to a contribution of **£289,978**.
93. Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. The Childcare Act in Section 7 sets out a duty to secure free early years provision and all children in England receive 15 free hours free childcare. Through the Childcare Act 2016, from September 2017 families of 3 and 4 year olds may now be able to claim up to 30 hours a week of free childcare. This new challenge has increased the assumptions on the overall need for full-time equivalent (FTE) places.
94. Given the scale of development proposed in the area, the legislative changes and the intention to establish a new primary school, the most practical approach is to establish a new early education setting on the site of the new primary school which would be a 60 place setting. A contribution of **£154,576.00** towards pre-school provision is therefore required.
95. Healthcare Provision – the CCG (NHS England) have confirmed that existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 190 residents and subsequently increase demand upon existing constrained services. The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. Appropriate mitigation is therefore required.
96. To provide for additional floorspace growth at The Rookery Medical Centre and Orchard House Surgery a capital contribution of £45,900.00 is requested. Again this can be secured via a S106 legal agreement.
97. In order to meet the infrastructure requirements of the development in accordance with Core Strategy Policy CS13, the following planning obligations will be secured through the completion of a S106 legal agreement:
- Primary Education (requested and confirmed as necessary by SCC) - £371,184
  - Secondary Education (requested and confirmed as necessary by SCC) - £289,978
  - Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
  - Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
  - Library Provision (requested and confirmed as necessary by SCC) - £17,064
  - Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

#### Other Matters

98. Air Quality - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into

account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'

99. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Furthermore, Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
100. In order for the development to accord with the above, an appropriately worded condition will need to be attached to any permission requiring 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.
101. Archaeology - The proposed development site lies in an area of high archaeological potential as recorded by information held by the County Historic Environment Record (HER). Recent archaeological investigation on the opposite side of Exning Road discovered a previously unknown Roman road with traces of significant adjacent Prehistoric and Roman occupation (HER no NKT 050 and EXN 012). Historic maps show that much of this site was once covered by a gravel pit and therefore any surviving archaeology across much of this site is likely to have been destroyed. However, there is still high potential for archaeological remains to survive outside of the area covered by the gravel pit and the proposed works would damage or destroy any below ground remains which exist.
102. SCC Archaeology has confirmed that there are no grounds to consider refusal of permission to achieve preservation of heritage assets. However, in accordance with paragraph 199 of the NPPF 2019 and the requirements of Joint Development Management Policy DM20, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
103. Noise - A noise survey has been carried out to assess the existing noise levels in the area which are dominated by road traffic noise from the A14 and B1103. Full construction details for the development have not been finalised however, based on the assumption that the external walls of the development will be constructed using a standard masonry construction and internal noise levels, to meet the criteria within BS 8233:2014 will be dictated by external noise ingress through glazing and ventilators. Based on typical dimensions as detailed in the report, the glazing and ventilator requirements to meet the internal noise criteria are detailed in Tables 2 and 3. The report clearly states that the requirements are however approximate and will need to be confirmed at the detailed design stage.
104. With regard to noise levels within the external amenity spaces, levels of up to 63 dB LAeq,T have been recorded, which significantly exceeds the upper guideline value of 55 dB LAeq,T. Whilst the installation of 1.8-2m close boarded timber fencing would typically be expected to reduce garden noise levels by around 5-10 dB, no details have been provided as to which

properties would be affected; furthermore, external noise levels within the worst affected amenity areas are still likely to be above the upper level.

105. Whilst it is accepted that with suitable and sufficient noise mitigation measures the site is suitable for development, further information will be required so as to ensure that sufficient noise mitigation measures are implemented within each dwelling as may be necessary so as to meet the day and night-time guideline internal ambient noise levels as stated within BS 8233:2014. Noise mitigation measures will also be required in order to meet the recommended external noise levels within the private amenity spaces.

106. Suitable noise mitigation can be achieved using the following condition:

No construction for 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). The development shall adopt the proposed sound insulation measures as stated, 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.

107. Drainage – the site is located wholly in Flood Zone 1 and is at low risk of flooding from all sources. A Flood Risk Assessment has been submitted with the application that proposes a surface water drainage design that incorporates fully infiltrating sustainable drainage systems, including soakaways for private roofs, drives and access roads draining to permeable paving. Foul drainage will be to the existing network, and Anglian Water has confirmed that the local Waste Water Recycling Facility has adequate capacity to accommodate the flows from the development. A suitably worded condition requiring the final drainage scheme to be submitted and agreed will ensure that appropriate checks, and if required, improvement works to the existing network, are undertaken before any occupation of any dwelling.

108. Local residents and Town Council – the comments of local residents and the Town Council have been taken into account throughout the consideration of this application. It is noted that the Town Council do not agree that the site should be developed for housing. However, as referred to above, great weight has been attached to emerging policy SA6(a) that allocates the site for residential development.

### **Conclusion and planning balance:**

109. This report has identified that the proposed development due to its location outside the current settlement boundary is contrary to the development plan. Paragraph 12 of the NPPF does recognise that 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. That proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;

- The application proposes the development of an emerging allocation for residential development as part of a SALP, which has been found sound by local plan Inspectors and is due for adoption by the Council on 19<sup>th</sup> September 2019. This is a material consideration that carries almost full weight in favour of the proposed development.
- The development would contribute 79 dwellings towards the 5-year housing supply, as well as providing for 24 much needed affordable homes.
- The development of the site would lead to economic gains realised through the financial investment and employment created. Further benefits would accrue from the increased population that would spend money in the local economy. This can be afforded modest weight.

110. The information submitted with the application, along with the amendments to the proposed development, have demonstrated that a sustainable development of 79 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the emerging allocation Policy SA6(a), and the NPPF 2019 (as set out in this report). It has been demonstrated that the impact on the HRI is neutral and the impact on the local highway network would not be severe. Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, healthcare provision, off-site highway works, and provision of footpath links.

111. In conclusion, having considered the material considerations raised by the application proposal, Officers consider that the collective benefits arising from the development are substantial and are of sufficient weight to allow the development to be approved contrary to the Development Plan.

### **Recommendation:**

112. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for the following planning obligations,

- - Primary Education (requested and confirmed as necessary by SCC) - £371,184 (subject to confirmation from SCC as this as a June 2019 revised figure)
- Secondary Education (requested and confirmed as necessary by SCC) - £289,978
- Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
- Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
- Library Provision (requested and confirmed as necessary by SCC) - £17,064
- Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

and the following conditions (full wording to be agreed):

1. 3 year standard time limit for planning permission
2. Development to be carried out in accordance with approved plans
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.
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.
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.
6. No construction for 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). The development shall adopt the proposed sound insulation measures as stated, 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.
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.
8. A comprehensive Construction and Site Management Programme shall be submitted to and agreed by the LPA.

9. No development to commence until a contamination remediation strategy has been submitted to and agreed by the LPA.
10. No occupation of any dwelling until a verification report demonstrating that the approved remediation strategy has been completed has been submitted to and approved by LPA.
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.
12. Prior to connection of any dwelling to the existing foul sewerage network an on-site foul water drainage strategy shall be submitted to and approved in writing by the LPA.
13. Development shall not commence until details of the proposed access onto Exning Road have been submitted to and agreed in writing by the LPA. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.
14. Before the development is commenced, 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.
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.
16. Prior to the occupation of the 36<sup>th</sup> dwelling on site, all footpath/cycle links shall be completed and made available for use.
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.
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.
19. Before the access to Exning Road is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained.
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.

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.
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.
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.
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).
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.
26. Details of tree protection measures to be submitted to and agreed in writing by the Local Planning Authority.
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.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2477/FUL](https://www.barnet.gov.uk/DC/18/2477/FUL)