

Development Control Committee

5 June 2024

Planning Application DC/23/0864/FUL – Land at Former St Felix School, Fordham Road, Newmarket

Date registered: 15 June 2023 **Expiry date:** 14 September 2023
(EOT until 28.06.2024)

Case officer: Gary Hancox **Recommendation:** Approve application

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

Proposal: Planning application - a. 50 dwellings, garages, associated infrastructure including substation and foul water pumping station and public open space (following demolition of existing building and hard standing) b. new vehicular access onto Fordham Road following closure of existing southbound access c. re-location of tennis courts

Site: Land at Former St Felix School, Fordham Road, Newmarket

Applicant: Edmundham Developments LLP

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:

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Background:

This application is referred to the Development Control Committee (DCC) as it is a major development on an allocated site and the Officer recommendation of APPROVAL is contrary to the view of Newmarket Town Council.

A Committee site visit is planned for 3 June 2024.

Proposal:

1. The application proposes the demolition of the remaining small-scale buildings and hardstanding, and the re-development of a former school site with 50 dwellings, garaging and associated infrastructure. The scheme also includes the closure of the existing southern access to the site and the formation of an improved vehicular access onto Fordham Road, the provision of public open space incorporating re-location of existing tennis courts, the provision of cycle and foot paths, and the installation of a substation and foul water pumping station.

Amendments to the scheme

2. The application has been amended as follows:
 - Refuse collection layout plans amended following comments of the Waste Management team (bin location points located closer to the adopted highway)
 - An Electric Vehicle Charging Plan has been provided showing the location of EV charging points in accordance with comments of the Environment Team (Air Quality)
 - Landscaping plan amended to address the comments of Place Services (Trees) and Place Services (Landscape)
 - Proposed affordable housing mix amended following comments of Strategic Housing
 - Formal responses to the comments of Newmarket Town Council, Newmarket Community Network and Public Health Suffolk were also provided by the applicant.
 - Additional information provided to show additional playing field (pitch) being provided at George Lambton Playing Fields.

Application supporting material:

3. The application is accompanied by the following supporting documents:
 - Site location plan
 - application drawings, including layout plans and landscaping details, floor and roof plans, elevations and cross-sections
 - Design and access statement
 - Flood risk assessment and sustainable drainage strategy
 - Construction surface water management plan

- Tree survey and arboricultural impact assessment
- Ecological impact assessment
- Shadow Habitat Regulations Assessment
- Biodiversity net gain assessment
- Noise impact assessment
- Land contamination assessment
- Transport Statement
- Utility assessment
- Horse Racing Impact (HRI) assessment.

Site details:

4. The application site is located to the north of the town along Fordham Road, approximately 300m south of the Fordham Road roundabout adjacent to the Tesco supermarket. Fordham Road is one of the main arterial roads into the town from the A14 to the north.
5. The 'Former St. Felix Middle School' site occupies an area of approx. 4.5ha and is rectangular in shape. It is formed by two distinctive parts comprising:
 - the area that previously accommodated the original school buildings (destroyed by fire in 2008), now comprising tennis courts and a Multi Use Games Area (MUGA) pitch, isolated single storey structures, associated car parking provision and hardstanding; and
 - the land to the rear (west) of the site which comprises the former playing fields, which now is also interspersed with bands of mature vegetation and transecting walkways.
6. The site is fairly level with established trees and hedgerows to all boundaries, which generally contain and screen the site integrating it within its surroundings. Within the site there are a number of mature high-quality individual and groups of trees that add to the townscape character. Bands of trees also subdivide the site into two distinctive areas comprising of the previously developed parts of the site and the former playing fields, now open space. There are two existing vehicular entrances (currently gated) along the eastern boundary providing vehicular accesses onto Fordham Road. A footpath exists in the southern corner of the site providing access to the wider public right of way network.
7. Immediately north of the site is an extensive area of playing fields known locally as the George Lambton Playing Fields. Beyond that, extensive commercial and retail areas extend north towards further residential development beyond. To the east on the opposite side of Fordham Road is open countryside, and the area to the south and west of the site is predominantly characterised by modern estate-style residential development consisting of spacious dwellings at either single or two-storey in height. House typologies include detached, semi-detached and terraced housing.
8. The site is within the settlement boundary of Newmarket and is allocated for residential development under the former Forest Heath Site Allocations Local Plan (SALP) Policy SA6(d).

Planning history:

Reference	Proposal	Status	Decision date
F/2008/0785/CR3	Reinstatement of fire damaged Middle School on adjacent playing field. This is being achieved by modular building units, including a separate dining block and all associated pedestrian and vehicular accesses.	No Objections	17 December 2008
F/2006/0857/CCA	Erection of a 1.8 metre fence around the school playing field amended by plans received on the 23rd October 2006	No Objections	24 November 2006
F/2004/0741/CCA	County Application: Creation of a multi-use games area pitch including floodlighting and fencing.	No Objections	28 September 2004

Consultations:

SCC Highways

9. No objection, subject to standard conditions dealing with the estate road layout, estate road and junction construction, estate road and junction phasing plan, footway reconstruction, car parking delivery, cycle parking delivery, garage provision, surface water highway drainage and refuse collection.

SCC Lead Local Flood Authority

10. No objection, subject to conditions requiring detail strategy for the disposal of surface water and the submission of a drainage verification report.

SCC – Public Health Suffolk

11. Recommend 'happy to chat benches 'to support people with limited mobility and those with social isolation with their well-being; provision for allotment space; increased public open space. Homes should be built to accommodate hybrid working.

SCC Planning Obligations

12. Has requested financial contributions towards enhanced education and libraries provision as follows:

Primary school new build @ £25, 256 per place - £303, 072
Secondary school expansion @ £29, 095 per place - £232, 760
Sixth form expansion @ £29, 095 per place - £58, 190

Early years expansion @ £21, 153 per place - £105, 765
Libraries improvements @ £216 per dwelling - £10, 800
S106 monitoring fee - £476

13. The local catchment primary school is Laureate Primary School, which is forecast to exceed 95% capacity during the forecast period. The strategy for mitigating this growth is through the provision of a new primary school within the Hatchfield Farm development. A s106 contribution of $(12 \times £25, 256) = £303, 072$ (2023/2024 costs) will be required towards the improvement and enhancement (including increasing the pupil admission number) of primary school provision serving the Development.
14. The catchment secondary school is Newmarket Academy, which is forecast to exceed 95% capacity during the forecast period. The proposed strategy for mitigating this growth is via future expansion of existing provision. Therefore a s106 contribution of $(9 \times £29, 095) = £232, 760$ (2023/24 costs) will be required towards the improvement and enhancement (including increasing the pupil admission number) of secondary school provision serving the Development.
15. The catchment sixth form is Mildenhall College Academy, which is forecast to exceed 95% capacity during the forecast period. The proposed strategy for mitigating this growth is via future expansion of existing provision. A s106 contribution of $(2 \times £29, 095) = £58, 190$ (2023/24 costs) will be required towards the improvement and enhancement (including increasing the pupil admission number) of sixth form provision serving the Development.

SCC Archaeology

16. No objection – no further archaeological work is required.

Sport England

17. Objection. The applicant states that "Our interpretation of the evidence clearly shows that the proposal can justify the loss of playing field land under Paragraph 103 (criterion a), where an assessment has clearly shown that the playing field lane is surplus to requirements." However, the applicant's interpretation of the Playing Pitch Survey (PPS) is at variance with the Council's own published evidence base from February 2022 which states:
 - Is there enough accessible and secured community use to meet current demand? NO - there is a significant deficit for all pitch types in the peak period.
 - Is the accessible provision of suitable quality and appropriately maintained? NO – Almost one-third of pitches are either 'poor' quality or in danger of becoming so.
 - Is there enough accessible and secured provision to meet future demand? No - there is a current deficit for all pitch types.
18. The Council's own PPS is concluding that there is a deficit for all pitch types. The conclusions of the PPS are further confirmed by comments provided by the Football Federation (FF) and the Rugby Football Union (RFU). Since the production of the PPS, the FF have also cited information on the growth of

football teams therefore increasing the demand for football. The FF state that the PPS states that there are clubs operating waiting lists as they are unable to meet demand. This clearly shows that there is not enough playing field to meet current demand.

19. Sport England notes that reference in the attached email of the 5 February 2024 to the application site playing field not being in the PPS. However, this is simply an oversight and lack of inclusion in any evidence base cannot be taken as assuming a site is surplus. The additional information provided by the applicant does not alter Sport England's previous comments. The site is not surplus to sporting requirements and this is confirmed in the evidence base.
20. The applicant has not provided a robust study that provides clear evidence that the playing field is surplus to meet exception E1 of Sport England's Playing Fields Policy and paragraph 103 of the NPPF.

Environment Agency

21. No objection.

Anglian Water

22. No objection.

Place Services (Trees)

23. No objection, subject to conditions requiring the submission of an Arboricultural method statement and the implementation of landscaping.

Place Services (Ecology)

24. No objection, subject to conditions securing biodiversity mitigation and enhancement measures.

Ecology & Landscape Officer

25. HRA Screening - The development site is located within the town of Newmarket and is 4.95ha in total. It is located immediately adjacent to George Lambton playing field which is a significant area (7.7ha) of open space providing public access to informal sport and recreational facilities including amenity green space, a children's play area and skate park (to the north), and semi-natural green space along the Yellow Brick Road corridor (to the north and east where it is partly within the site area).
26. As required by the policy that allocates the development in the SALP, the homes are focused on the site of the former St Felix school buildings – approximately 2.4ha on the east of the site. The school playing fields, which were on the west of the site (approximately 1.8ha) are to be retained as public open space (POS). The western extent of the site which is part of the Yellow Brick Road corridor is also to be retained.
27. The new open space facilitated by the development is strategically located to connect with the existing George Lambton playing fields (to the north), and the Yellow Brick Road blue green corridor. The proposals include cycle

footways that link from Fordham Road through the development and the new greenspace to connect with the existing amenity routes within the adjacent green infrastructure. There would be informal routes through the new POS. These new facilities would be available to, and are likely to attract recreational users from, adjacent residential areas beyond the proposed development. Whilst the facilities that are being provided are an integral part of the development (and in this particular case are not delivered specifically as mitigation for recreational effects) will nevertheless act as suitable accessible natural greenspace in the context of this site.

28. The site is located approximately 4km from Devils Dyke SAC. It is unlikely that the new residents will walk to the SAC. They could travel by car; the journey is around 5km and passes through the town centre on High Street. Based on the relatively small size of the development, its proximity to the existing George Lambton amenity area, and the delivery of public open space that will be of benefit more widely in the context of the town resource, it is unlikely that the increase in visits to the SAC from the application site alone or in combination with other developments will lead to significant effects. No further assessment is required.

Place Services (Landscape)

29. No objection, subject to conditions requiring hard landscaping plans, submission of a landscape management plan and details of earthworks. (Suggested minor amendments to the scheme have been incorporated in the latest amended plans).

Natural England

30. No comments.

NHS (Suffolk and North East Essex ICB)

31. In its capacity as the healthcare provider, Suffolk and North Essex ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. The developer contribution towards improvements at Oakfield Surgery, The Rookery Medical Centre and Orchard House Surgery is £30, 030.00.

WSC Strategic Housing

32. No objection to the housing mix and disposition on site (as amended), subject to the need for level access to the ground floor flat units.

WSC Waste Management

33. No objection to the amended refuse collection plan.

WSC Environment Team (Sustainability)

34. We have reviewed the Energy Statement, undertaken by Eden SAP services, dated May 2023 and are satisfied that the proposal shows compliance with policy DM7 and Building Regulations Part L. No conditions are recommended.

WSC Private Sector Housing and Environmental Health

35. No objections, subject to conditions requiring the dwellings to achieve appropriate sound attenuation against noise, and for the rating noise level of the proposed air source heat pumps, electricity substation and pumping station to be lower than the existing background noise level by at least 5db.

WSC Facilities and Leisure

36. Playing Pitch Provision - The George Lambton Playing Field (adjacent to the St Felix site) currently has two Adult 11v11 pitches and one Youth 9v9 pitches assessed as standard quality. The site has capacity for one additional adult 11v11 pitch and an instruction has been given to West Suffolk Council's Open Spaces Team to make provision for this additional pitch, which will be marked out.
37. The Council's current Playing Pitch Assessment does state that across the district as a whole there is a deficit, however, that is not true in the Newmarket Area. Page 71 of the playing pitch assessment sets out a summary of the football pitches across the district which indicates that there was a surplus, equivalent to 1 x adult 11v11 pitch in the Newmarket Area. The youth 11v11, 9v9 and 5v5 were all balanced.
38. The additional pitch will mitigate the loss of the playing fields at the St Felix site, adhering to the Local Plan Policy and National Planning Policy Framework.
39. It is the aspiration of both West Suffolk Council and Suffolk County Council to invest in a new indoor sports facility providing a minimum of 3 badminton courts (in line with the SFA) on the St Felix site. Both Councils have made a commitment to make a financial contribution to a new sports facility, subject to planning approval, a funded business case and working with stakeholders in the town. A potential location for a new indoor sports facility was highlighted in the approved St Felix Development Brief, and West Suffolk Council approved a business case for the sports hall as part of its 24/25 budget.

WSC Environment Team (Contamination)

40. The Geosphere report contains a Phase 1 Desk Study and a Phase 2 intrusive investigation. The Phase 1 report includes a summary of the history and environmental setting of the site and surrounding area, together with a site walkover. A small number of potential sources of contamination are identified that the intrusive investigation goes on to target. The intrusive investigation includes trial pits and window sampler boreholes with associated soil sampling and standpipe installation. Chemical analysis is undertaken on a number of soil samples and six rounds of ground gas monitoring were undertaken. No elevated concentrations of potential contaminants were identified and no elevated levels of ground gases were recorded.

41. No remediation is recommended although the report does recommend a watching brief, particularly in the area of the electricity sub-station. We are in agreement with the scope and findings of the Geosphere report that no further investigation or remediation is required.
42. We therefore do not require a land contamination condition.

WSC Environment Team (Air Quality)

43. No objection, subject to the following condition: 'Prior to first occupation, all dwellings with off street parking (both on plot and remote parking spaces) 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.'

Representations:

Newmarket Town Council:

44. Original application - OBJECTS to this application for 50 houses on the former St Felix school site until such a time as Suffolk County Council and West Suffolk Council can come together to have a cohesive discussion and form a sensible strategy for sport provision in Newmarket that takes account of all sites, facilities required and funding before any development is decided.
Summary of concerns as follows:
 - availability/capacity of local infrastructure: Anglia Water made no comments, we believe mistakenly, as the pumping station feeds foul water into manhole 1701 and there will also be output from the nearby Hatchfield Development so has this all been properly assessed? Also is there potential for the Infiltration basin to become fouled or present a hazard? Who would be responsible for any drainage issue on or off site?
 - deficiencies in community/social facilities: NHS raised the issue that GP surgeries are already significantly over capacity but a S106 will not necessarily address this as recruitment is an issue. There appears to be no mention of current pressures on dentists, particularly no NHS dentist taking on new patients.
 - road access and traffic generation: this development is accessed from an already busy road which is gridlocked at regular times of the day and on race days. It is also debatable whether this is within convenient walking distance of the railway station so vehicles are likely to be used.
 - Desire to retain and promote certain uses: in this case as a community area / leisure facility - in addition to the designated open space the proposed development area was in recent times used by St Faith's school.
 - National Planning Policy Framework (NPPF) – WS has itself reported that there are insufficient pitches and a review is required. The previous indoor facility at Scaltback School has yet to be replaced and current sports club facilities are inadequate and some have to use out of town facilities.

- WSC Local Plan policies: moving the tennis courts from designated public space into already designated space reduces that available, contravening WS policy DM42 and their new location pre-empts any decision on a "sports hub". We seek clarification on whether the infiltration basin and pump/sub-station are also in the area designated as open space.
 - Newmarket Neighbourhood Plan: development of the site ignores policy NKT11 which intends that the entire St Felix site is retained in conjunction with George Lambton Field. As sports / open space then this would then have protection under NPPF para 88 & 89 regarding criteria needing to be met for building on.
 - Uncertainty regarding multiple ownership and maintenance of the green space (as the site owners will be Suffolk County, Developers, residents, Housing association)
 - Proposed "resident management company" which seems an abdication by Suffolk who should surely take responsibility and adopt the site that they are proposing to build.
 - That this development will reduce options in providing an adequate sports hub rather than Newmarket once again having to "make do". That it is unclear regarding plans for Scaltback as if a school is earmarked then that site would not be able to be optimally developed for sport either.
 - That there appears to be no plan or vision for example would WSC be able to buy the GLPF from the trustees in future?
 - This application could raise a significant capital receipt for Suffolk County as yet unclear how much and what element of that would be invested in Newmarket? The largest S106 is for Education which goes back to County with nothing for sport.
 - Convenient access to any "hub" on the rear of the site is unclear for users or maintenance vehicles which would have to pass through the proposed development.
45. Newmarket Town Council Comments on amended application - It is incredibly disappointing that the revised proposals have only marginally changed and that legitimate significant concerns have been merely dismissed or not fully addressed. We also reiterate our concerns (and those of others) that the Planning Authority is compromised in its ability to appropriately consider this application in the context of reduction in land potentially for local sporting needs and in the absence of a sports strategy. The applicant's responses rely heavily on a) Site Allocation Local Plan (SALP) 2019 and b) the Development Brief to which the majority of (very limited) respondents objected and which contained a number of inconsistencies. Both of these conflicted with policies in Newmarket Neighbourhood Plan NKT11, West Suffolk DM42 and National Planning Policy Framework (NPPF) regarding sports pitches which was actually referred to in the Development Brief and we are unsure how any of these criteria have been substantiated.
46. Newmarket Town Council (NTC) recognises housing need but insists that developments should not be to the detriment of the town and moreover should contribute to improving facilities which are already under stress. So in

this case NTC calls for West Suffolk District and Suffolk County Council (in partnership with their developers) to properly consider this application including a more specific plan as to how the site will provide appropriately for sports facilities. Until then NTC maintains its objection and the previous comments regarding material planning considerations and other comments still apply.

47. The full comments of Newmarket Town Council run to some six pages and can be viewed online [here](#).

Newmarket District Councillors - Sue Perry, Kevin Yarrow, Janne Jarvis, Michael Anderson and Charlie Lynch

48. Original application - This is a sizeable development that impacts on the whole town and needs to be considered in the context of the wider health and well-being of all local residents. One of the main concerns is the negative impact that the housing development has on the land available for sport and leisure. We fully endorse the submission by Newmarket Town Council (NTC) and support their request for all Suffolk County Council, West Suffolk Council and other stakeholders to come together to have a cohesive discussion and form a strategy for sport provision in Newmarket that takes account of all sites, facilities required and funding before the St Felix development is decided. The St Felix site, in combination with the adjacent George Lambton Playing Field (GLPF), will be integral to any strategy. This call echoed by the Newmarket Community Network (NCN) which has written a detailed needs analysis of sport in the town.

49. Amended application - A decision on this application should not be made until SCC, WSC and the community have fully explored the potential for the site as part of a sports and recreation strategy. In order for the housing development to go ahead, there is a requirement for informal recreational space, formal sports facilities and a net gain in biodiversity. However, what the current proposal demonstrates that none of these can be achieved without compromising at least one of the others. We reject the argument that the filtration basin can be classed as a leisure amenity. If Suffolk County Council is unwilling to withdraw the housing development in its entirety, the number of houses should be reduced to allow for the re-location of the infiltration basin and the pumping station within the piece of land designated for housing. This would at least allow the requirements outlined above to be met in full. We also ask that our other concerns be addressed. We re-iterate our objection to this scheme.

50. The full comments of the Newmarket Councillors runs to some five pages and can be viewed online [here](#). Comments on the amended plans can be found [here](#).

Newmarket Community Network (NCN)

51. NCN has submitted a 34-page needs assessment report for sports and recreation in Newmarket. The key findings from this report are:
- An absolute need in Newmarket for open spaces for sports and recreation and additional sports facilities.

- Newmarket has a severe deficit of Public Open Space, particularly in terms of Parks and Gardens and of Natural Green Space Furthermore, a high proportion of the Amenity Green Space is provided by the George Lambton Playing Fields, making this site of particular value to the town. This land is not publicly owned, but leased to West Suffolk Council with 49 years of the term now remaining.
- Newmarket's existing Sports and Recreation Areas are therefore of great value to the community; their development must always take the wider picture and the underlying lack of Public Open space into consideration.
- The development of sports provision must be a priority for the town, and those sites which are available should be developed for sport in such a way as to incorporate the best practice and experience of our neighbouring towns, where the availability of Public Open Space has enabled the development of innovative and flourishing sports provision. In Newmarket we must maximise the potential of every piece of land available for Sport and Recreation - we cannot afford to let opportunities slip away, and we would be wise to learn from our neighbours in West Suffolk.
- West Suffolk Council's Sports Facilities Assessment (2022) highlights the impact of the loss of the Sports Hall at the Scaltback site in 2017, and proposes that this could be rectified if a Sports Hall were to be built on the St Felix Site. This would be beneficial, not just for Newmarket, but also for the surrounding villages and beyond, because it would increase capacity across the District. It would also be a positive development for the whole district if such a facility were built to meet needs which are not catered for elsewhere (e.g. indoor athletics).
- Analysis of provision in our neighbour towns shows how valuable a club house can be for the sporting club it serves, as well as the surrounding community. We would be well advised to replicate this in any sporting facilities we develop in Newmarket.
- Sports provision is of key importance for building community cohesion, because it allows positive relationships to develop between different groups of people, who might not otherwise believe they share common ground. This is particularly important in a 'gateway town' such as Newmarket, where there is a long tradition of people moving to work in the town. It is also especially valuable in creating a sense of belonging in young people and breaking down barriers between generations.
- It is very important that any open spaces for sports and recreation or sports facilities that we develop permit access to anyone who is disadvantaged, either through disability or lack of finance, because this will allow us to maximise the powerful positive impact of sport in the community. The disadvantage faced by those who are unable to travel to neighbouring towns underlines the importance of having appropriate provision in Newmarket.

- Strong community partnerships are being built in Newmarket; this paper drew not just on the knowledge of the Newmarket Community Network, but also that of the Youth Action Group, the Locality Group and our Sports Clubs, as well as Newmarket Town Council and West Suffolk Council. The experience of living through the pandemic has forged strong links and underscored the importance of working collaboratively. We look forward to developing further links with other towns and communities in West Suffolk.

52. The full NCN report is available to view online [here](#).

Local residents

53. Seventeen (17) separate objections have been received from the following local residents:

7 St Albans
42 Centre Drive
55 Weston Way
79 King Edward VII Road
94 Weston Way
15 Whitegates
15 Newmarket Road
16 Adastral Close
Northbrook, North End Road, Exning
14 St Albans
3 Weston Way
159 Tulyar Walk
19 Aspen Way, Red Lodge
20 George Lampton Avenue
5 Englehard Road
Falmouth Lodge, Snailwell Road
12 Woodditton Road.

54. The concerns raised are summarised as follows:

- Site is unsuitable for housing
- Should be a community use on the site, such as a sports hub
- Loss of trees
- Additional traffic
- Designation as a local green space needs to be acknowledged
- Pumping station and infiltration basin should not be located within the existing open space
- Only two tennis courts provided, a reduction in the existing 3 on site
- Loss of existing playing field
- Loss of view of existing fields to some properties
- Increase in traffic queuing on Fordham Road
- Loss of a valuable sporting amenity
- General lack of sporting facilities in Newmarket
- Lack of infrastructure for more housing
- Land should be made available for public use.

55. The above comments represent of summary of the objections received. The full neighbour comments are available to view online [here](#) .

Policy:

56. 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 Forest Heath District Council.
57. 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:

Forest Heath Core Strategy

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural 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

Site Allocations Local Plan 2019 (former Forest Heath area)

Policy SA6(d) - Housing and mixed use allocations in Newmarket - allocates land at the former St Felix school 4.5 hectare site for residential development with an indicative capacity of approximately 50 dwellings.

Joint Development Management Policies Document (2015)

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 DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM42 Open Space, Sport and Recreation Facilities

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Policy DM48 Development Affecting the Horse Racing Industry

Newmarket Neighbourhood Plan

NKT11 - Community Sports and Recreation Areas

NKT13 - New Green Spaces

NKT14 - Trees

NKT16 - Biodiversity

NKT18 - Sustainable Design Features to Counter Newmarket-Specific Flood Risk

NKT19 - Meeting the Housing Needs of Newmarket

NKT20 - Affordable Housing

NKT22 - Impact of Traffic from Development Proposals

NKT23 - Public Right of Way and Cycle Networks

Other planning policy:

National Planning Policy Framework (NPPF)

58. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

Legal context and primary legislation

The Conservation of Habitats and Species Regulations 2010

59. The LPA, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 61 requires a Competent Authority, before deciding to give any consent to a project which

is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

60. The impact on European sites is considered later in the biodiversity and ecology section of this report.

Natural Environment and Rural Communities Act 2006

61. This Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impacts of the application proposals upon biodiversity interests are discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

62. 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 Development Plan for this part of West Suffolk Council is comprised of the adopted Core Strategy, as amended by the Single Issue Review of policy CS7, the Joint Development Management Policies Document and the Site Allocations Local Plan. National planning policies set out in the NPPF are a key material consideration.

63. Having regard to the development plan, the NPPF and other material considerations, the main issues to be considered in the determination of the application are:

- Principle of Development (Accordance with the requirements of allocation policy SA6(d))
- Accordance with the Newmarket Neighbourhood Plan Policy NKT11 (Sports and Recreation)
- Highway impact
- Design, layout and impact on neighbouring amenity
- Impact on the horse racing industry
- Biodiversity and ecology
- Drainage
- Planning obligations

Principle of development

64. 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 2023 are also a key material consideration.

65. 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. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.

66. The application site is allocated in the Forest Heath Site Allocations Local Plan (SALP) as Policy SA6(d). This allocation provides for a residential development with an indicative capacity of 50 dwellings with the following requirements:
- (a) Strategic landscaping and open space must be provided on all sites 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) Development must make provision for the retention of the existing tennis courts and open space for public use and provide access and connectivity to this facility and open space from George Lambton playing fields. Development must also protect and enhance the amenity and biodiversity of the Yellow Brick Road blue/green corridor and access route.

67. With the exception of the scheme no longer proposing mews/courtyard arrangements for some dwellings, the proposed development meets these requirements and importantly provides replacement tennis courts and open space for public use providing access and connectivity to them from George Lambton playing fields. The proposed landscaping, the assessment of transport impacts, and the impact on horse movements in the town have also been addressed and are discussed later in this report.

Development brief for the site

68. In July 2022, Cabinet members adopted a Development Brief (DB) for the site. Having the status of informal planning guidance, the DB establishes the principle for the redevelopment of the site for 50 dwellings, including 30% affordable dwellings. The DB was prepared by the landowner, Suffolk County Council, and provided a design framework aligned with the adopted Local Plan and the Newmarket Neighbourhood Plan intended to guide the preparation and determination of a future planning application. The submitted planning application has broadly followed this established framework.

69. The Development Brief comprises the following key elements:

- Delivery of 50 dwellings (including 30% affordable housing)
- Mixture of housing types including detached, semi-detached, apartments, mews and terraced properties
- Open space across 50% of the site
- Relocation and upgrading of existing tennis courts to a location that is more aligned with the competing policy objectives for this site, and to better accommodate land required for access, parking, amenity buffers and run off areas to serve the courts.
- Pedestrian links to George Lambton Playing Fields
- Retention of the majority of trees on the site
- Creation of attractive spaces between existing tree belts
- Pedestrian connections to Fordham Road and improved connection to the Yellow Brick Road
- Sustainable Urban Drainage (SUDs) in accordance with the NPPF
- Electric Vehicle Charging Points to all dwellings.

70. The Development Brief constitutes a material consideration in the determination of this planning application and will be discussed further later in this report. With a Development Brief adopted for the site, this full application for 50 dwellings seeks to realise the policy objectives of SA6(d) following the design framework set out in the DB.

71. The principle of the proposed development is acceptable and in accordance with allocation Policy SA6(d) and the adopted DB for the site.

Newmarket Neighbourhood Plan – Policy NKT11

72. Policy NKT11 of the Newmarket Neighbourhood Plan designates the playing fields and tennis courts of the St Felix School site as sports and recreation areas. The policy states that

“Proposals for either the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities on the designated areas or proposals which would result in the loss of the existing amenity, sport or recreation open space or facilities will be determined on the basis of the policy approach set out in Policy DM42 (Open Space, Sport and Recreation Facilities) of the West Suffolk Joint Development Management Policies Document (2015).”

73. The DB and the application propose the retention of the tennis courts, albeit they are relocated to just inside the existing open space (former playing fields) closer to George Lambton Playing Fields and provide for two upgraded courts. The DB explains that there is merit in locating the tennis courts closer to the George Lambton Playing Fields as there would be benefits accruing from increased natural surveillance and its integration with the adjacent open space, resulting in a significant improvement over their current location.

74. It is acknowledged that there are two tennis courts being provided, whereas there are currently three disused courts within the site. However, the quality of what is being replaced is significantly better. Benefits include: courts being accessible via a public road with a public footway; courts will utilise a smart gate access system with on-line booking; the courts would be capable of being illuminated if required; the courts will be securely fenced and gated

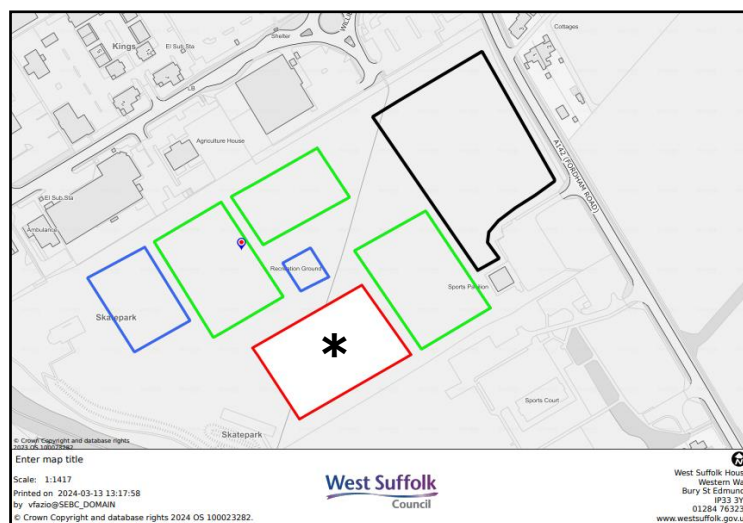
allowing security when not in use, and; the courts would be surfaced with new drainage to Sports and Play Contractors Association (SAPCA) tennis code of practice standards.

75. The majority (88%) of the remainder of the open space is retained, and this approach is as set out in the development brief adopted by the Council. Whilst some of the open space area is utilised for the tennis courts, pumping station and drainage basin, (the drainage basin is in this location due to this area being a natural low point of the site, as well as allowing for a more efficient use of the developable area and to ensure the full delivery of 50 dwellings and additional open space, footpaths and the retention of the majority of significant trees on site. The application proposal does not result in the substantive loss of the existing open space, or the loss of an existing sports facility. The requirement for an assessment against the criteria of Policy DM42 is therefore not triggered.
76. As set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, Sport England is a statutory consultee where development would:
- (i) likely prejudice the use, or lead to the loss of use, of land being used as a playing field; or
 - (ii) is on land which has been (a) used as a playing field at anytime in the 5 years before the making of the relevant application and which remains undeveloped; or (b) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or
 - (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.
77. As the open space to the rear of the site is not currently in use as a playing field, and also has not been used as such within the previous 5 years before the submission of the application (as confirmed by Suffolk County Council), Sport England is not considered to be a 'statutory consultee'. Sport England has therefore commented on the application as a 'non-statutory' consultee. It considers the open space at St Felix to be a playing field as evidence indicates that they were last used more than 5 years ago for athletics and other sports for local schools following the demise of the school on site. Consequently, at the time of writing this report, Sport England have raised an objection (albeit in a non-statutory function) to the loss of this playing field facility. It comments that:

"The proposed landscaping, footpaths and infiltration basin, as well as the relocated tennis courts, will result in the loss of playing field. Any reference to access and proposals to change how the playing field is used is a management decision. From the information available, Sport England is unable to find any reference to the applicant demonstrating that the playing field lost to the development is surplus and has evidenced this by reference to a robust and up to date Playing Pitch Strategy or similar evidence base. There are also no details of the mitigation being provided for the loss of the playing field."

78. The applicants have submitted evidence to demonstrate that there is currently no need for additional football pitches in Newmarket. In doing this they refer to two recent needs assessments commissioned by the Council, these are:
- Playing Pitch and Outdoor Sports Facilities Assessment (PPOSFA) – February 2022
 - Sports Facilities Assessment (SFA) – February 2022
79. The PPOSFA does state that across the district as a whole there is a deficit, however, that is not the case in the Newmarket Area. Page 71 of the playing pitch assessment sets out a summary of the football pitches across the district which indicates that there was a surplus, equivalent to 1 x adult 11v11 pitch in the Newmarket Area. The youth 11v11, 9v9 and 5v5 were all balanced.
80. The SFA indicates that there is a need for a new sports hall facility, as the 'Newmarket Leisure Centre and Skyliner halls are close to peak capacity and there is limited daytime and casual access and Badminton England has identified a need for additional capacity.' Although the provision of a new sports facility (hall) is not a requirement of Policy SA6(d) or the Newmarket Neighbourhood Plan (it is an aspiration), the proposed development does not prejudice or preclude the delivery of this facility in the future. Future access to any such facility could be achieved through the new development.
81. The comments of Sport England also include those of the English Cricket Board, the Football Foundation and the Rugby Football Union. In summary, it states
- Assessments indicate that there is not a surplus of playing fields in Newmarket which could be used for cricket.
 - There is an identified need for the auxiliary facilities to be improved at Scaltback and Newmarket Rugby Football Club. In that respect we would seek off site contributions to improve the facilities at Newmarket RFC.
 - A Playing Pitch Strategy which states there is little spare capacity across an authority, does not support the loss of playing field.
 - The applicant has not provided a robust study that provides clear evidence that the playing field is surplus to meet exception E1 of Sport England's Playing Fields Policy and paragraph 103 of the NPPF.
82. Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

83. Notwithstanding the above, West Suffolk Council (WSC) has recently increased the provision of playing fields at the neighbouring George Lambton Playing Fields site, which now has an additional fully marked out adult football pitch (shown outlined in red and marked * in the diagram below). This additional pitch mitigates for the loss of the former playing fields at the St Felix site, adhering to the requirements of the NPPF.



84. At the time of writing this report, a further consultation response is awaited from Sport England. However, as WSC have now mitigated for the loss of the former playing field, and the majority of the open space is retained, officers consider that the development would not result in the loss of an existing amenity, sport or recreation open space or facility, and is considered to accord with Policy NKT11, Joint Development Management Policy DM42 and paragraph 103 of the NPPF. Furthermore, the proposal does not prejudice the future delivery of a 'sports hub' as referenced in the adopted Development Brief for the site.

Highway Impact

85. Access to the site will take the form of a new priority T-junction with Fordham Road (A142) in the vicinity of the former school access. The road runs broadly north – south along the eastern boundary of the site, and in this location is subject to a 30mph speed limit. Further to the south of Fordham Road, there are a number of residential access roads with priority T-junctions. The nearest access to the south of the site is Noel Murless Drive, which serves Weston Way where some properties back/side onto the site.

86. A single private drive access onto Fordham Road to the north of the main access is also proposed. Sufficient space has been provided within this plot to ensure that vehicles can turn around within the plot, in order to access/egress to/from Fordham Road in forward gear.

87. As Fordham Road is subject to a 30mph speed limit, visibility splays of 2.4m x 43m should be provided from the main access and the private drive access onto Fordham Road. The development proposes visibility splays of 2.4m x 59m for each of the accesses onto Fordham Road, which is in line with vehicles travelling at 37mph. This is in excess of the minimums required.

Improvements will be made to the access to provide footways to both sides of the access, tying in with existing footway provision on Fordham Road.

88. Within the site, dwellings take direct frontage access from the vehicular route through the site and via private drives with priority T-junctions with the main route. The primary vehicular access through the site is proposed to be adopted by SCC Highways.
89. Additional points of access into the site for pedestrians/cycles are also proposed. These will be via an adopted footway/cycleway at the southeast corner of the site onto Fordham Road and via two shared footway/cycleways to the north and west of the site, respectively. These provide good sustainable transport links through existing footpaths and the Yellow Brick Road to the west of the site.
90. There is an existing southern access into the St Felix School site. The application proposes the removal of this access and the footway reinstated along the site frontage linking up to the existing footpath.
91. Parking - Suffolk Guidance for Parking Technical Guidance (Oct 2023) sets out the parking standards for new developments. The applicant's supporting information indicates that the proposed parking spaces will be in accordance with this guidance. Parking spaces will be provided at 5.0m x 2.5m and where within a garage, the internal dimensions of the garage shall be a minimum of 3m x 6m. Where cycle parking is to be provided within a garage, the garage length shall be extended to 7m.
92. Parking for dwellings is also in accordance with the required standards, 2 and 3-bedroom dwellings will be provided with 2 spaces per dwelling and 4+ bedroom dwellings will be provided with space to accommodate at least three cars, either on a drive or via a combination of drive/garage. Five of the 4-bed properties have 4 spaces each allowing potential for on-plot visitor parking. A total of 13 visitor parking spaces are also proposed throughout the development. Cycle parking is also provided in accordance with the required standards.
93. In terms of likely trip generation from the development, the applicant's Transport Statement indicates that the level would be low and not materially impacting on the local highway network. SCC Highways have considered the conclusions of the submitted Transport Statement in terms of traffic generation and impact and do not disagree with the findings. Following the submission of amended plans to address issues in respect of road and footpath widths in certain areas of the site, the highway design and layout is considered acceptable. Subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Core Strategy CS7, Joint Development Management Policies DM2 and DM46, and NKT22 in this regard.

Design, layout and impact on neighbouring amenity

94. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraph 126 of the NPPF 2023 requires good design to be considered as a key aspect of sustainable development with a sense of place and character being created. NPPF Paragraph 126 also states that the creation

of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

95. NPPF paragraph 130 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.

96. The proposed design and layout of the scheme has evolved through pre-application engagement with Officers, where the goal has always been to deliver a proposal that adheres to the required elements of the design framework of the DB. These elements are set out at paragraph 70 of this report. Key to being able to successfully achieve this was the retention of as much on-site existing mature and semi-mature vegetation as possible; creation of new on-site public open space (POS); the integration of the POS with the adjoining open space/playing field, to ensure connectivity for pedestrians and cyclists, and; the relocation and enhancement of the disused tennis courts on site.

97. Although there are several proposed dwellings that face onto Fordham Road, the development has limited visible frontage to this road due to the layout having been designed to be set back from the boundary in order to retain the existing mature trees and vegetation. The design of the central area of the site also allows for the retention of a significant amount of existing trees and vegetation. This adds value to the central public open space and proposed north south footpath connection which runs through this well landscaped area.

98. 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 surrounding context 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 through the site to the Yellow Brick Road to the east. 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 reflective of its location allowing for sufficient separation distances between dwellings, garden areas, open space and parking to serve the needs of the development.

99. This type of development generates a requirement for on-site open space in accordance with Core Strategy Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. Whilst within the built-up part of the site the central area of open space is below the required amount of public open space (POS), (960 sq m is provided versus 2000 sq m anticipated by policy), the scheme opens up the former playing field for public use as accessible open space. This access to 2.2 hectares of managed open space is a significant benefit to the community. The amended scheme now includes an appropriate amount of usable on-site open space in accordance with this policy.
100. The relocation of the tennis courts allows for a more efficient use of the site and also avoids the potential amenity conflict between sports use and residential dwellings. It also allows the potential option of lighting the courts as and when required, without issues of light spill within a residential area.
101. The location of the foul water pumping station and electrical sub-station outside the residential area, improves the general amenity for future occupiers of the dwellings, although at the loss of a small amount of green space. It is felt that the benefits of locating these pieces of infrastructure outweigh the harm caused by this small loss of green space.
102. Adequate separation distances to neighbouring dwellings to the south of the site have been achieved. Although the rear/side outlook of some the dwellings in Weston Way will change, the direct impact on neighbouring amenity is not considered to be significant. Notwithstanding this, boundary treatments at this point will be 2-metre high fencing to help to minimise any direct overlooking from first floor windows of plots 43 to 29. The proposal is considered to accord with Joint Development Management Policies DM2 and DM22.
103. Fifteen (30%) of the dwellings will be designated affordable dwellings and will be secured by way of a section 106 legal agreement. The disposition and design of the dwellings is considered acceptable and in accordance with Joint Development Management Policy DM22 and Newmarket Neighbourhood Plan NKT20.
104. Overall, it is considered that the design and layout of the scheme accords with the requirements of Joint Development Management Policies DM2 and DM22, Newmarket Neighbourhood Plan Policies NKT13, NKT14, NKT19 and NKT23, and paragraphs 126 and 130 of the NPPF 2023 in this regard.

Impact on the horse racing industry (HRI)

105. Joint Development Management Policy DM48 states that 'any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the Horse Racing

Industry (such as noise, volume of traffic, loss of paddocks or other open space, access and/or servicing requirements), or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.'

106. The application is accompanied by a HRI impact assessment, which considers the potential impacts set out in Policy DM48. As there are no HRI assets within 0.5km of the site, any noise impact from the development is likely to be negligible. In terms of traffic impact, given the location of the site away from HRI assets, there will be no direct impact in this regard. Furthermore, the development has good cycling and pedestrian links to and from the site, along with local connections to public transport, therefore the opportunities for reducing general traffic impact are maximised. The resulting impact on the HRI from traffic generation is considered to be negligible.
107. There would be no loss of paddocks as a result of the proposal, and the vast majority of existing open space is retained. There are no horse walks close to the site or its access, therefore there would be no direct risk to horses from traffic entering or leaving the site.
108. The Jockey Club made comments during the consultation stage of the DB, mostly highlighting their opinion that site could be better used for improved sports facilities, not that the development itself would have an adverse impact on the HRI. No further comments from the Jockey Club have been received to this application. Overall, it is concluded that there will be no material adverse impact on the HRI as a result of the proposed development, which accords with Joint Development Management Policy DM48 in this regard.

Biodiversity and ecology

109. In accordance with Joint Development Management Policy DM12, and in order to discharge the duties of the LPA under the s40 of the NERC Act 2006 (Priority habitats & species), there should be an overall biodiversity net gain, and proposed landscaping as well as tree protection should also form part of any proposal. The NPPF sets out how the planning system should conserve and enhance the natural and local environment and protect and enhance biodiversity (paragraphs 180 to 188). Importantly, it states at par. 180 that planning decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Development would only be acceptable where significant harm to biodiversity can be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
110. The application is accompanied by an Ecological Assessment (Hopkins Ecology, April 2023), 'Shadow' Habitats Regulations Assessment (Hopkins Ecology, April 2023), landscape and arboricultural plans and proposals relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.
111. The ecological assessment explains that the site comprises a roughly rectangular plot with extensive areas of hardstanding and grassland, plus smaller areas of other vegetation and remnants of vegetation associated with

the school buildings. The most extensive area of habitat is semi-improved sward (species-poor) derived from former lawns and the playing field. Other vegetation includes ornamental planting, some scrub, scattered trees, and buildings and hardstanding. There are also three lengths of boundary hedgerow plus an internal hedgerow.

112. The scheme will result in the loss of the existing hardstanding, semi-improved grass areas derived from lawns (species-poor), some ephemeral/perennial vegetation, some areas of ornamental planting, scrub, trees and also semi-improved grass (species-poor) from the western part of the Site. Some widening of existing breaches within the internal hedgerow will be required. The assessment notes that the trees with bat roost potential will not be impacted. In conclusion the site is considered to be of low ecological value with the overall development impact on the site being classed as negligible.
113. In terms of specific species on the site, the ecology survey of the site indicates that there is some potential for bat roosts on the western boundary of the site. An existing sub-station building on the site lacks access and has a flat roof and parapet, and therefore lacks potential roost features.
114. There are no ponds recorded within 250m of the site, so the impact on Great Crested Newts was scoped out of the survey. For reptiles the site has generally unsuitable habitat, however there are some rubble heaps scattered around the site that would need to be monitored for the presence of reptiles during their clearance.
115. There are 12 badger records from within 2km but none within 500m. There was no evidence on-Site or nearby and they are concluded to be absent. The site is also likely to be used a range of common and widespread species of nesting birds.
116. To protect and mitigate for the impact on bats during construction, the Council's ecological consultant recommends that a Construction Environmental Management Plan (CEMP): Biodiversity is secured by a condition of any permission. Furthermore, an increase in artificial light would negatively impact bats, therefore lighting details outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals should be secured by condition of any permission.
117. In terms of mitigation and bio-diversity enhancements, the main elements proposed are:
 - enhancements within the buildings via bird and bat boxes
 - native planting and species of recognised wildlife value
 - connection to wider ecological networks.

This approach accords with the development plan, including the requirements set out in Newmarket Neighbourhood Plan Policy NKT16 (Biodiversity).

118. A significant amount of native tree and shrub planting and new hedgerows is proposed. In terms of biodiversity net gain (BNG), the applicant's assessment identifies that there is a net gain in habitat units equivalent to 12.62%, for which the main drivers are the improvement of grassland in the

western part of the Site and also planting of trees within the urban and open space areas (Table 11). Based on an assumed removal of some hedgerow for access between the west and east of the Site, gain in hedgerow units can be achieved via infill of 120m of the western hedgerows to deliver a gain of 10.05%.

119. The incorporation of swift boxes, house sparrow boxes, bat boxes and hedgehog friendly fencing is proposed, and given the sites proximity to existing green spaces trees and vegetation, this is likely to yield positive results in terms of biodiversity enhancements.
120. European Sites and The Conservation of Habitats and Species Regulations 2010 - The applicant's ecological impact assessment (shadow HRA) correctly identifies the closest site as being the Devil's Dyke Special Area of Conservation (SAC), 3.85km west on the opposite side of Newmarket. Within 10km of the site there are five sites, with the Fenland SAC covering two sites. The nearest component site of the Breckland Special Protection Area (SPA) is the Breckland Farmland Site of Special Scientific Interest (SSSI).
121. The assessment explains that the only pathway of potential impact is recreational disturbance in isolation and in combination. Given the distances of >3.8km and locations, other pathways of potential impact are not relevant or are otherwise considered at plan level. Key considerations are:
 - The size of the scheme, with 50 dwellings and an estimated 115 residents, which is very small relative to the existing population of Newmarket and other urban areas.
 - Distances to sites, and indeed only Chippenham Fen Ramsar site / Fenland SAC and The Devil's Dyke SAC are within the scoping distance for impacts used by the HRA for the Forest Heath Site Allocations Local Plan (which is 7.5km).
 - Limits on access at Chippenham Fen and Wicken Fen Ramsar sites (both Fenland SAC). The Breckland SPA would be no more attractive to walkers than other farmland parcels.
 - The inclusion of green infrastructure within the scheme, with nearly twice as much open space per resident than recommended by standard guidance. A key point is that this open space is integral to the scheme rather than mitigation per se, as acknowledged by the Site Allocations Local Plan. The Site is also well-connected to local footpaths within urban greenspace.
122. The assessment concludes that the scheme will not result in impacts on the site integrity of any Ramsar / Nature Directives sites. This conclusion is reached without the need for mitigation or further assessment at the Appropriate Assessment stage. The Council's Ecology & Landscape Officer has also undertaken a HRA screening exercise and has also concluded that it is unlikely that the increase in visits to the SAC from the application site alone or in combination with other developments will lead to significant effects and that no further assessment is required.
123. The requirements of the Conservation of Habitats and Species Regulations 2017 in respect of this application are considered to have been met, and the

Council as Competent Authority responsible for undertaking a HRA is satisfied that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (either alone or in combination with other plans or projects). It is not therefore necessary in this case to undertake an appropriate assessment.

124. Subject to the provision of mitigation in accordance with the ecological appraisal recommendations, the submission of an Construction Ecological Management Plan for Biodiversity (CEMP) and a revised Landscape and Ecological Management Plan (LEMP) (as set out in the comments of the consultant ecologist), the proposal accords with the requirements of Joint Development Management Policy DM12, s40 of the NERC Act 2006 (Priority habitats & species), Newmarket Neighbourhood Plan Policy NKT16, the Conservation of Habitats and Species Regulations 2017 (as amended) and paragraphs 180 to 188 of the NPPF.

Drainage and flood risk

125. The applicant has submitted a flood risk assessment (FRA) and drainage strategy, which seeks to address the requirements of National and Local Planning Policy with respect to flood risk. The FRA includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF.
126. The applicant's FRA correctly identifies that the site is principally situated in Flood Zone 1. Flood Zone 1 is a low probability flood zone and comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (< 0.1%) A very small section of the site (the western most part of the former playing fields) falls within Flood Zones 2 and 3 where ground levels are approximately 2.0m lower than the area of the site to east that is to be developed. None of the proposed development area is within flood zones 2 and 3.
127. In respect of groundwater flooding, the FRA explains that hydrogeological mapping indicates that the estimated groundwater level is at least 5.0m below site ground levels, and the groundwater strike at WS106 is likely to be from localised perched groundwater. The risk of groundwater flooding occurring is therefore considered to be 'very low'.
128. Surface water flood mapping shows that the site is generally at 'very low' risk of flooding from surface water, apart from two very isolated areas in the east of the site and the area adjacent to the Soham Lode. The FRA explains that the flooding close to Soham Lode (adj. Yellow Brick Road) is associated with the river flow overtopping its banks and does not affect the development area of the site. The two isolated areas at 'low' risk of flooding will be eliminated by the introduction of a SuDS drainage scheme for the site, designed for the 1% AEP +CC rainfall event. The developed site will be at 'very low' risk of flooding from surface water.
129. As the ground conditions are a mixture of sand and chalk with good drainage characteristics, a sustainable drainage strategy is proposed. A sustainable approach to surface water run-off is therefore proposed using soakaways for roof run-off, permeable surfaces for the private roads, driveways and parking

spaces, and under-drained swales for the highway. The swales and associated pipework will be offered to Suffolk County Council for adoption. A SUDS management and maintenance plan has also been submitted with the application.

130. The FRA concludes that the proposed development is appropriate in terms of flood risk and in line with the requirements of the NPPF and local planning policy, and is not expected to increase the risk of flooding elsewhere.
131. The FRA and drainage strategy has been assessed by SCC as Lead Local Flood Authority (LLFA), and they are satisfied that the proposed development can be satisfactorily drained without increasing the risk of flooding elsewhere in accordance with the requirements of Joint Development Management Policy DM6, Newmarket Neighbourhood Plan NKT18, and the NPPF.

Planning Obligations

132. A development of 50 dwellings triggers the policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9) and on-site open space (Policies DM42 and CS13). Policy CS9 sets a target of 30% of the new dwellings being affordable. A development of this size also requires an assessment to be made of the impact on local schools and library facilities. The County Council have requested contributions towards enhanced education and library provision. Identified projects would be a contribution towards a new primary school within the Hatchfield Farm development or expansion of existing provision at Laureate Primary School, and expansion of sixth form provision at Mildenhall Collage Academy. The requested financial contributions are set out below.
133. In its capacity as the healthcare provider, Suffolk and North Essex ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The required developer contribution towards improvements at Oakfield Surgery, The Rookery Medical Centre and Orchard House Surgery in Newmarket is £30,030.00.
134. 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:

Affordable Housing in perpetuity - 30%
Primary Healthcare - £30, 030
Primary school new build @ £25, 256 per place - £303, 072
Secondary school expansion @ £29, 095 per place - £232, 760
Sixth form expansion @ £29, 095 per place - £58, 190
Early years expansion @ £21, 153 per place - £105, 765
Libraries improvements @ £216 per dwelling - £10, 800
135. The above planning obligations meet the test of the Regulation 122 of the Community Infrastructure regulations in that the obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The obligations will be secured by way of a S106 Legal Agreement.

Other matters

136. Energy Efficiency - Joint Development Management 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."

137. The applicant has submitted an energy statement to support the application, and this has been reviewed by the Council's Environment Team. They are satisfied that the energy efficiency of the proposed development shows compliance with Policy DM7 and Part L of the building regulations.

138. Air quality - Paragraph 111 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 ultra-low emission vehicles.' Paragraph 116 of the NPPF states that 'applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

139. The Council's Environment Team advises that Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)." Policy DM14 of the Joint Development Management Policies Document also states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.

140. SCC Highways parking standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge in all new dwellings. This is in line with Part S of the Building Regulations that requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space.

141. The applicant has submitted a plan showing where the Electric Vehicle Charging Points (EVCP's) will be located in accordance with the above. All dwellings will have a EVCP either within the curtilage of the property, or alongside the associated parking space.

142. The application is considered to accord with Policy DM14 of the Joint Development Management Policies Document, paragraphs 111 and 116 of the National Planning Policy Framework and the Suffolk Parking Standards.

143. Comments of Newmarket Town Council, local members and local residents –

The objections to the proposed development are noted and have been considered by Officers. It is clear that the Town Council, Newmarket Town Councillors and many local residents would wish for the site, in whole or in part, to be given over to the provision of sports facilities. It is also clear that there is a desire for the tennis courts and the location of the drainage basin to be within the built area of the site leaving the former playing fields clear for future sports use.

144. However, allocation policy SA6(d) allocates the whole St Felix site (including the open space) with the intention that the open space area is retained. It is also clear that any development must 'make provision for the retention of the existing tennis courts and open space for public use and provide access and connectivity to this facility and open space from George Lambton playing fields.'

145. The adopted development brief for the site allowed for new higher quality tennis courts to be located just inside the area of open space. A draft drainage strategy was also included within the development brief, indicating that a drainage basin could need to be located inside the existing area of open space. Importantly, the whole area would still be retained as public open space as required by the policy.

146. The reasons for locating the drainage basin at the southern edge of the open space area are two-fold. Firstly, it is due to this area being a natural low point of the site, and secondly it allows for a more efficient use of the developable area and to ensure the full delivery of 50 dwellings and additional open space, footpaths and the retention of the majority of significant trees on site. The benefits and disbenefits of this are carried forward to the planning balance, however both the allocation policy and the recently adopted development brief for the site are material considerations that carry significant weight in favour of the scheme.

Conclusion:

147. With a Development Brief (DB) adopted for the site, this full application for 50 dwellings seeks to realise the policy objectives of SA6(d) following the design framework set out in the DB. The principle of the proposed development is acceptable and in accordance with allocation Policy SA6(d) and the adopted DB for the site. Whilst the comments of Sport England and the community relating to playing fields have been considered, with the additional playing pitch provision on George Lambton Playing Fields, there will be not net loss of playing field and the NPPF requirements in this respect have been met.

148. As mitigation has been provided for the loss of the former playing field, and the majority of the open space is retained, officers consider that the development would not result in the loss of an existing amenity, sport or recreation open space or facility, and is considered to accord with Policy NKT11, Joint Development Management Policy DM42 and paragraph 103 of the NPPF. Furthermore, the proposal does not prejudice the future delivery of a 'sports hub' as referenced in the adopted Development Brief for the site.

149. The design, layout and impact on amenity of the scheme is acceptable and accords with the requirements of Joint Development Management Policies DM2 and DM22, Newmarket Neighbourhood Plan Policies NKT13, NKT14, NKT19 and NKT23, and paragraphs 126 and 130 of the NPPF 2023 in this regard. The scheme will deliver 50 dwellings (15 affordable dwellings) in line with the allocated site requirements.
150. There will be no material adverse impact on the HRI as a result of the proposed development, which accords with Joint Development Management Policy DM48 in this regard.
151. Subject to the provision of mitigation in accordance with the ecological appraisal recommendations (as set out above) the proposal accords with the requirements of Joint Development Management Policy DM12, s40 of the NERC Act 2006 (Priority habitats & species), Newmarket Neighbourhood Plan Policy NKT16, the Conservation of Habitats and Species Regulations 2017 (as amended) and paragraphs 180 to 188 of the NPPF.
152. The site is within flood zone 1 (low risk), and the SCC as Lead Local Flood Authority (LLFA) are satisfied that the proposed development can be satisfactorily drained without increasing the risk of flooding elsewhere in accordance with the requirements of Joint Development Management Policy DM6, Newmarket Neighbourhood Plan NKT18, and the NPPF.
153. Subject to the securing of the required contributions towards health, education and 30% affordable housing in perpetuity by way of a S106 legal agreement (as set out above), the application accords with Core Strategy Policy CS13.
154. Following the submission of amended plans to address issues in respect of road and footpath widths in certain areas of the site, the highway design and layout is considered acceptable and in accordance with Core Strategy CS7, Joint Development Management Policies DM2 and DM46, and NKT22 in this regard.
155. The energy efficiency of the proposed development shows compliance with Policy DM7 and Part L of the building regulations, and in terms of air quality the application provides for the required electric vehicle charging points and is considered to accord with Policy DM14 of the Joint Development Management Policies Document, paragraphs 111 and 116 of the National Planning Policy Framework and the Suffolk Parking Standards.
156. The benefits of the scheme include the significant contribution to the supply of market and affordable housing in the district, the establishing of strong east – west pedestrian and cycle links to the Yellow Brick Road, and an increase in local spend following occupation, as well as increased local employment during construction.
157. It is acknowledged that with built development on a part greenfield site, there will be the loss of some vegetation and trees, as well as change to the character of the area through new houses being built, and a small increase in traffic and associated highway impact. However, the benefits of the development clearly outweigh any disbenefits.

Recommendation:

158. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to secure 30% affordable housing in perpetuity, contributions towards health and education/libraries as set out in paragraph 135 above, and the following conditions:

1. 3-year time limit for permission
2. In accordance with approved plans
3. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained, b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies 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.

4. 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.

5. The strategy for the disposal of surface water (dated October 2023, ref: 221488 C-001 Rev P04) and the Flood Risk Assessment (FRA) (dated October 2023, ref: 221488 Rev 01) shall be implemented as approved in

writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

6. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

7. 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 LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: 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: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

8. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 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.

9. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with policy 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.

10. No development above ground level shall take place until details of any earthworks to be carried out on the site together with a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure a satisfactory landform on the interests of visual amenity within the locality, in accordance with policies DM2 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.

11. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure that roads/footways are constructed to an acceptable standard.

12. 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.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

13. No development shall be commenced until an estate road and junction phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road and junction phasing and completion plan shall set out the development phases and the

standards of construction that the estate roads and junction serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road and junction phasing and completion plan.

Reason: In the interests of highway safety, to ensure that the estate roads and junction serving the development are completed and thereafter maintained during the construction phase to an acceptable standard.

14. Before the development is occupied the redundant vehicular access on Fordham Road shall be stopped up and the footway fronting the site shall be reconstructed in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in its approved form.

Reason: For pedestrian amenity and to provide a safe, and attractive public realm capable of being used by all at an appropriate time.

15. The use shall not commence until the area(s) within the site shown on Drawing No. 1965 -XX-XX-DR-A -506 for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2023) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

16. Before the development occupied secure, covered and lit cycle storage shall be provided as shown on Drawing No. 1965 -XX-XX-DR-A -506. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose. (or for dwellings) The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2023).

17. The garage/parking and cycle space for each dwelling shall be made available for use prior to the occupation of the dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.

Reason: To ensure that sufficient areas for vehicles and cycles to be parked are provided in accordance with the adopted parking standards (Suffolk Guidance for Parking (2023)).

18. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

19. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 1965 -XX -XX-DR-A -512 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

20. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) surface water discharge during the construction phases
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) Layout of facilities above to be included on a plan
- m) monitoring and review mechanisms
- n) Details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

21. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units

within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.

Reason: To protect the amenities of future occupiers of the dwellings, in accordance with policies DM2 and DM14 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.

22. Prior to the occupation of any dwelling: i. All of the noise protection and mitigation works associated with that unit/dwelling as detailed in the Adrian James Acoustics (AJA) Limited 'Environmental Noise Assessment Report', Filename: 13606 Report 1.docx, Rev A dated 27 February 2023 shall be completed in their entirety in accordance with the approved details. II. The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works. Thereafter the approved works shall be retained.

Reason: To protect the amenities of current / future occupiers of properties in the locality / approved development, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

23. The rating level of noise emitted from the air source heat pumps (ASHPs) associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB as measured at the boundary of the proposed dwellings in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s) (current or hereby approved) and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Reason: To protect the amenities of current / future occupiers of properties in the locality / approved development, in accordance with policy DM2 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. The rating level of noise emitted from the electricity substation and water pumping station associated with the development hereby approved shall each be lower than the existing background noise level by at least 5 dB as measured at the boundary of the nearest noise sensitive receptor in order to prevent any adverse impact. The measurements / assessment shall be

made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s) (current or hereby approved) and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Reason: To protect the amenities of current / future occupiers of properties in the locality / approved development, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

25. Prior to commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- d. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- i. Noise method statements and noise levels for each construction activity including piling and excavation operations
- j. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 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 to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

26. The burning of any waste arising from the development hereby permitted shall be prohibited at any time within the application site.

Reason: To ensure that the development will not have a negative impact on ground and surface water and to protect the amenity of adjacent areas, in accordance with policies DM6 and DM32 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of

the National Planning Policy Framework and all relevant Core Strategy Policies.

27. Demolition and/or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

28. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals (ILP) Guidance Note GN01/21 'The Reduction of Obtrusive Light'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

29. No development above slab level shall take place until details of the facing bricks and roof tiles of the dwellings have been 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 safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

30. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

31. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences

to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0864/FUL](https://www.westsuffolk.gov.uk/DC/23/0864/FUL)