

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

4 MARCH 2015

DEV/FH/15/009

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2209/FUL - BRICKFIELDS COTTAGES,
CEMETERY HILL, NEWMARKET**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Gemma Pannell
Tel No: 01284 757494

Committee Report

Date 9 December 2014 **Expiry Date:** 3 February 2015

Registered:

Case Gemma Pannell **Recommendation:** Approve

Officer:

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application DC/14/2209/FUL- Construction of horse walker and re-location of previously approved menage

Site: Brickfields Cottages, Cemetery Hill, Newmarket

Applicant: Mr Silvestre DeSousa

Background:

This application is referred to Planning Committee following consideration by the Delegation Panel.

Newmarket Town Council object to the application and raise concerns about the close proximity of the horse walker to residential properties.

The application is recommended for APPROVAL.

Proposal:

1. This planning application proposes the erection of a horse walker measuring approximately 11 metres in diameter with a maximum roof height of 4.5 metres and an eaves height of 3.5 metres. The structure will be constructed of a galvanised steel frame with mesh sides and rubber paving.
2. In addition, a 30 x 40 metre menage is proposed in a revised position to that granted last year due to flatter ground further east. This will be contained by a post and rail fence and will not include any lighting.
3. The application has been amended since its initial submission, relocating the proposed horse walker behind the existing stables.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Location plan
 - Drawings – block plan, floor plans and elevations – as amended
 - Information regarding the horse walker

Site Details:

5. The site lies to the rear of 1 Brickfields Cottage, on the border of Newmarket with Exning. The site is currently used as paddock land and contains horses belonging to the applicant. Access is via the applicant's rear garden or from Exning Road to the west. Studlands residential area is located to the east of the application site with a terrace of houses facing towards the paddock. The boundary consists of a post and beam fence, sporadic trees and a newly planted row of landscaping which is yet to become established.

Planning History:

6. DC/14/2065 - Relocation of stables from garden to adjoining paddock for horse breeding and stud purposes (part retention of) - Approved
7. DC/14/1661/FUL - Relocation of stables from garden to adjoining paddock - Withdrawn
8. DC/13/0121/FUL - Erection of stable block consisting of 8 boxes, 2 storage units, feed room & tack room and a menage - Approved, only muck heap constructed
9. F/2012/0093/FUL - Formation of menage within existing paddock - Approved not implemented

Consultations:

10. Highways Authority - The Highway Authority does not wish to restrict the granting of permission. The site is well set back from the highway and does not impact on highway safety.

Representations:

11. Town Council: Object to the position of the horse walker being too close to a residential area and recommend it is moved away.
12. Councillors Hirst and Anderson (ward members) have requested the application be discussed at Delegation Panel.
13. Four letters of representation have been received, their comments can be summarised as:
 - Horse walker will be an eyesore
 - Noise pollution from horse walker and horses kicking
 - No information about noise levels
 - Concern over lighting
 - Moving parts of horse walker would cause a distraction
 - Would lose outdoor amenity space due to noise and smell
 - Concerns over parking for employees and further congestion on Exning Road

- No mention of parking or access for waste removal, horse transportation, farriers, feed etc
- Concerns regarding width of access road and turning space for visiting vehicles
- Recommends hours of use are imposed
- A footpath is located adjacent to the boundary which provides views of the field

14. A letter of support has been received from a local resident stating I'm pleased that the Paddocks are to be used for what they were intended... Horses. I wish the owners well in their venture.

Policy: The following policies of the Forest Heath Local Plan, Forest Heath Core Strategy (May 2010) and the Forest Heath & St Edmundsbury Joint Development Management Policies Document have been taken into account in the consideration of this application:

15. Forest Heath Local Plan (1995)

- Saved Policies: 12.3 and 12.5: The Studs

16. Forest Heath Core Strategy (May 2010):

- Policy CS3: Landscape Character and the Historic Environment
- Policy CS5: Design Quality and Local Distinctiveness

17. Forest Heath & St Edmundsbury Joint Development Management Policies (Submission Document October 2012):

- Policy DM1: Presumption in favour of sustainable development
- Policy DM2: Creating Places – Development Principles and Local Distinctiveness
- Policy DM47: Development relating to the Horse Racing Industry

Other Planning Policy:

18. The principles of the National Planning Policy Framework (2012) and guidance contained within National Planning Policy Guidance have been taken into consideration.

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity

Principle of Development:

20. The site lies on the edge of Newmarket, to the rear of Studlands residential area. The site was previously part of Brickfield Stud which was divided and sold off several years ago. As such, the land is classified as part of a registered horse racing establishment, albeit no longer in association with Brickfield Stud. This use has recently been confirmed with the erection of a stable block to be used by the applicant as part of a new stud business.

21. Due to the land forming part of an established stud it falls to be considered under retained policies in chapter 12 of the Local Plan. Policy 12.3 defines this land as an area of local landscape value and restricts development to that which will not affect the appearance of the landscape setting of the town. In a similar vein, retained policy 12.5 identifies that within the racehorse training establishments, new development or redevelopment will be allowed only where it is essential for the purposes of that training establishment.
22. Regard should also be had to the emerging suite of Development Management, policies, including DM47, as these pertain to proposals for development which affect the horse racing industry. Whilst the emerging policies (at the time of writing the report) have not yet been adopted they must be given weight in the assessment of the current application as the Inspector has found them sound. The Development Management policies do offer a clear indication of the Authority's 'direction of travel' which has remained largely unchanged insofar as it promotes development which is required to support the industry providing it is in keeping with the character of surrounding areas, is acceptable to the Highways Authority and is not detrimental to the operational use of an existing equine site.
23. In this case, the facilities proposed are considered necessary in order for the business to perform its function to breed and train racehorses and as such, complies with the principles of above policies.

Impact on Visual Amenity

24. The menage and horse walker are common sights within equine yards and the menage was previously granted planning permission last year with this proposal moving it in a north easterly direction. Therefore, the general principle of its installation is acceptable within this area. In terms of visual amenity, the menage represents a minimal change to the rural character and appearance of the area which is not considered to be detrimental to the surrounding landscape. No lighting is proposed to serve the menage and as such, its impact on the rural environment is modest.
25. The horse walker proposed has been re-located from the originally submitted position to behind the existing stable block. Considering the eaves height of the horse walker at 3.5 metres and a total height of 4.5 metres, against the dimensions of the approved and built stable block at 3.2 metres, views from dwellings to the East at Royal Palace Close will be limited. This location allows much of the structure to be obscured by existing development ensuring it does not appear prominent in neighbouring occupant's views. The location of all related structures (stables, horse walker, menage, muck heap) within a cluster at the south eastern corner of these paddocks allows them to be visible from the applicants dwelling providing a degree of security and easy access.
26. The menage and horse walker proposed are modest in scale and height and will not have a significant impact on the appearance of the wider landscape. Therefore, they are considered to comply with the above policies in that they

will protect the special character of the horse racing establishment, contribute to the overall breeding and training establishments in the town and protect the land for the future.

Impact on Residential Amenity

27. The structures are positioned close to the boundary of the site with Royal Palace Close, which comprises some sporadic landscaping and newly planted hedging, although this is yet to become established. Adjacent dwellings face onto the site and are separated by a small area of council owned land which is rented by the residents. The separation distance between the site boundary and the adjacent dwellings ranges from approximately 20-24 metres and as such, the impact of this development on their residential amenity is a material consideration in the determination of this application.
28. Whilst generally horse walkers are not considered overly noisy and are often located in residential areas they do contain a motor to control movement within the walker. The relocation of the horse walker away from the boundary will allow the stable block to act as a noise buffer, helping to reduce any sound arising from the development, in addition to rubber mats which will reduce sound from the movement of horses. Whilst it is acknowledged that a degree of activity will take place within this location, the revised position will contain views and noise and reduce any disturbance to neighbouring properties. In addition, no lighting is proposed to serve the menage and as such, its impact on the reasonable residential amenity of adjacent neighbours is thought modest.
29. Taking into consideration the location of the proposed facilities in relation to adjacent dwellings, the existing use of the paddock, boundary treatment and the separation distance this is considered a satisfactory relationship that will not cause demonstrable harm to residential amenity.
30. Concerns have been raised regarding access to the site and parking provision. The applicant has recently provided an access through their own rear garden into the paddocks which will be used by all visitors. In addition, the road serving the site is privately owned and as such, can accommodate parking as well as having sufficient space to manoeuvre. The Highway Authority has not raised any objections.

Conclusion:

31. The proposed facilities are considered modest in scale and appearance and have been located where they will not have a significant impact on the reasonable residential amenity of adjacent occupants. The continued use of the site for equine purposes is in accordance with adopted policy which seeks to safeguard the horse racing industry and enhance Newmarket's unique character.
32. For these reasons, the application is considered to accord with policies 12.2 and 12.5 of the Forest Heath Local Plan (1995), CS3 and CS5 of the Forest Heath Core Strategy (2010), DM1, DM2 and DM47 of the Joint Development

Management Policies document and guidance contained within the National Planning Policy Framework that seeks to deliver sustainable development.

Recommendation:

33. It is recommended that permission is **GRANTED** subject to the following conditions:

1. Time limit
2. Boundary treatment details to be submitted and approved
3. Limit hours of use for horse walker 9am-8pm Monday – Saturday, 10am - 6pm Sundays and Bank holidays
4. No lighting to menage
5. Compliance with approved plans

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NFC8THPD03H00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY