

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

2 JULY 2014

DEV14/121

**Report of the Head of Planning and Regulatory
Services**

**PLANNING APPLICATION DC/13/0408/OUT – HATCHFIELD FARM, FORDHAM
ROAD, 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

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Committee Report

Parish: Newmarket

Committee Date:

App. No: DC/13/0408/OUT

Date Registered: 4th October 2013

Expiry Date: 03 January 2014

Proposal: Outline application – Residential development of up to 400 dwellings plus associated open space (including areas of habitat enhancement) foul and surface water infrastructure, two accesses onto the A142, internal footpaths, cycle routes and estate roads (Major Development and Departure from the Development Plan).

Site: Hatchfield Farm, Fordham Road, Newmarket Suffolk CB8 7XL

Applicant: Lord Derby c/o Sellwood Planning

Case Officer: Philippa Kelly

EXECUTIVE SUMMARY

Background

This application is referred to Development Control Committee as it is a proposal for 'major' development which raises complex planning issues of District wide importance.

This is an outline planning application for residential development (up to 400 dwellings), associated open space and two new accesses onto the A142 (Fordham Road). The application site comprises 20 hectares of agricultural land to the north-east of Newmarket, on the eastern side of Fordham Road.

Only the means of access to the site forms part of the application proposals. All other matters such as layout and design are 'reserved' for subsequent detailed planning applications.

Newmarket Town Council object to the proposal on a number of grounds, including the damage to the interests of Newmarket's horseracing industry, and that the town has insufficient infrastructure to support an increase in the population arising from the development.

Representations have been received from over 100 people, including a large proportion involved in all aspects of the horse racing industry. The nature of the objections relate primarily to the long term impact of the proposals on the horse racing industry. One letter of support has been received.

Planning History

A previous planning application for the comprehensive mixed use development of 67 hectares of land, including up to 1200 residential dwellings, was submitted to the local planning authority in 2009 (planning reference F/2009/0713/ESO). The application site included land to which the current planning application relates.

Application F/2009/0713/ESO was refused in June 2010, and a Public Local Inquiry held between July 2011 and September 2011.

In April 2012, the Secretary of State refused the planning appeal, on the basis that a scheme of 1200 dwellings was premature pending the completion of the Council's Core Strategy.

Planning Policy Context

Since the publication of the Appeal Decision by the Secretary of State in April 2012, the National Planning Policy Framework ('the Framework') has been published.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites. In accordance with the Framework, Development Plan Policies which relate to the supply of housing must therefore be considered out of date.

The application proposals have been considered against the principles of sustainable development set out in Paragraph 14 of the Framework, and those Development Plan Policies which do not relate to the supply of housing.

Evaluation

In the absence of a five year housing supply in the District, the planning application proposals are considered acceptable in principle.

A consideration of whether the proposals are sustainable has been considered on an issue by issue basis.

The detailed planning evaluation concludes that the adverse impacts of the proposed development would not significantly or demonstrably outweigh the benefits, when weighed against the policies in the Framework taken as a whole.

Recommendation

The applicant is recommended for conditional APPROVAL subject to the completion of a Section 106 Agreement to secure contributions and infrastructure relating to the following: affordable housing, education, public open space, libraries, health facilities, highways infrastructure and public rights of way.

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for residential development (up to 400 dwellings).
2. The means of access only to the site forms part of the application. Two new access points are proposed onto the A142 (Fordham Road). North of the Fordham Road/Studlands Park Avenue roundabout, a new signal controlled junction is proposed. The southern access will entail adding a fourth arm to the Fordham Road/Willie Snaith roundabout junction.
3. Matters of appearance, landscaping, layout and scale are reserved for future detailed applications. Notwithstanding that the application is in outline form, a series of plans (including an indicative land-use plan), have been provided as part of the supporting material. The submitted Design and Access Statement also sets out the Masterplan approach which has been taken to inform the design strategy for the site, and shows how the residential development and open space proposed could be achieved within the site.
4. The application also proposes an improvement scheme to the A14/A142 (Junction 37). Traffic signals are proposed on the two A14 off slip road junctions with the A142. Other improvements to the local transport network include the provision of a mini roundabout at the Exning Road/Willie Snaith Road junction, improved footways/cycle paths and additional crossing facilities. The application also proposes contributions to the improvement of horse crossings.
5. A range of dwellings in a variety of form, size and tenure is proposed. Details of the indicative dwelling mix are set out in the submitted Design and Access Statement, which sets out the following mix for private sale:

- 1 Bed flats/bungalows	6.3%	18 no.
- 2 Bed houses	31.2%	87 no.
- 3 Bed houses	34.5%	87 no.
- 4 Bed houses	24.5%	68 no.
- 5 Bed houses	3.5%	10 no.
Total private dwellings		280 no.
6. In addition, the application proposes the provision of 120 affordable homes. This equates to 30% of the total number of dwellings, in accordance with Policy CS9 of Forest Heath Core Strategy. Details of the indicative mix of affordable housing are referred to in the Design and Access Statement.
7. In terms of development density, the Design and Access statement advises that the capacity of the site has been calculated by identifying the net developable area and applying an appropriate density for development. These densities are based on a number of distinct character areas as identified in the Design and Access Statement. The indicative density ranges from up to 25 dwellings per hectare (adjacent the southern

boundary with Hatchfield Farm) to up to 45 dwellings per hectare (along the boundary with Fordham Road, and along the north-eastern side of the site).

8. The submitted Design and Access Statement also provides indicative details of building heights. This varies between one and three storeys. Two storey dwellings are predominant throughout the development, with up to three storey elements situated in key locations/gateways.
9. The application proposes in excess of 4 hectares of open space. The submitted indicative land use plan demonstrates the provision of on-site formal open space/sports pitch, informal open space and space for children. This space is shown distributed across the development.

AMENDMENTS:

10. Minor amendments were made to the application (received January 2014), in response to comments received from the Local Highway Authority and Highways Agency. The amendments relate to changes to the two site access junctions with the A142. The design of the northern A142 junction has been adjusted, so the left northbound lane for the A14 develops to the side of the principal 'straight on' movement lane across the A14 bridge. The southern junction design has been adjusted to maintain the existing exit width, and to mark out two lanes on the roundabout entry from the north.
11. The highway changes were agreed by the local planning authority as non-material minor amendments. As relevant statutory consultees, Suffolk County Council as Highway Authority and the Highways Agency were re-consulted. A full re-consultation exercise was not carried out, given the modest nature of the changes.
12. The submitted indicative land use plan was also revised during the course of the application (April 2014). The revised land use plan reflects the provision of open space in compliance with the Council's adopted Supplementary Planning Document for Open Space and Social Infrastructure. It does not change the boundaries of the proposed development site, but re-assigns the indicative type of open space areas within the site. On this basis, a full re-consultation exercise was not carried out.
13. As a consequence of the update of the indicative land use plan, the submitted Design and Access Statement was refreshed to reflect the new disposition of open spaces and the open space calculation based on the adopted SPD. A new indicative plan entitled 'open space measure plan' was also provided. This sets out the calculation of open space, based on the SPD. The description of the development proposals was also updated to remove the reference to allotments, which were removed from the indicative land use plan.

SITE DETAILS:

14. The application site is located on the north east edge of Newmarket, on the eastern side of the A142/Fordham Road. It lies adjacent to agricultural land to the north and east. To the south is Stanley House Stud, which is in the ownership of the applicant. The A142/A14 junction lies approximately 350 metres to the north-west of the site boundary.
15. The site lies adjacent to and to the east of the defined settlement boundary for Newmarket. Newmarket is designated as a Market Town in Policy CS1 of the Forest Heath Core Strategy Policy CS1. At 2011 it had an existing population of approximately 16 615.
16. The site occupies an area of just under 20 hectares of land. It comprises a large arable field which is currently in cultivation and which fronts Fordham Road. The field varies only slightly in topography, with a slight rise to the north-west in the direction of the A14 junction.
17. Access to the site is currently taken from the A142/Fordham Road which serves Hatchfield Farm. This takes the form of a tree lined driveway which runs parallel to, but is outside of the southern boundary of the application site. Hatchfield Farm House is situated adjacent the eastern corner of, and outside of the application site. This access also serves a number of cottages which are situated at the entrance of the driveway.
18. The site is screened by established trees and vegetation on three sides: to the west and adjacent to the A142 is a tree and shrub belt which is understood to have been planted in the last 15 years; to the south is a line of established trees that define the entrance to Hatchfield Farm. To the east is a line of established trees and vegetation which separate the application site from the rest of Hatchfield Farm, and includes agricultural buildings on the eastern corner which are outside the site. The northern boundary is open and undefined.
19. The site contains an open Dutch barn type structure on the eastern corner, which will be demolished as part of the proposals. Otherwise the site is free from features. An existing electricity sub station is located in the south-west corner of the site, close to the roundabout junction between Willie Snaith Road and the A142/Fordham Road.
20. On the opposite side of the A142/Fordham Road is the residential area of Studlands Park, and a commercial development comprising of the Studlands Park Industrial Estate, Minton Enterprise Park and Tesco superstore. To the south of this is the George Lambton Playing Fields and the site of the former St Felix school,
21. Land to the south and south-east of the application site is predominantly in use as stud land.
22. Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').
23. The site contains no Listed Buildings or Ancient Monuments and is outside the Newmarket Conservation Area. It contains no Sites of Special

Scientific Interest (SSSI's), Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) or County Wildlife Sites (CWS's).

APPLICATION SUPPORTING MATERIAL:

24. The application is accompanied by the following supporting documents:
 - i. Planning application form and drawings - including location plan, land use plan and access plans.
 - ii. Planning Statement
 - iii. Design and Access Statement
 - iv. Transport Assessment
 - v. Flood Risk Assessment
 - vi. Horse Racing Impact Statement
 - vii. Environmental Report
 - viii. Statement of Community Involvement
25. The Planning Statement which accompanies the application sets out the planning context in respect of the previous planning application on this land, reference F/2009/0713/ESO. Application F/2009/0713/ESO for a much larger mixed use scheme (including up to 1200 residential dwellings) was dismissed following a Public Inquiry held in 2011 and referred to the Secretary of State. The subject planning application is wholly within the 2009 application site.
26. The submitted Planning Statement in support of the current application sets out the applicant's justification for the current development proposals, with reference to the historic planning context, including the Inspector's Report and the Secretary of State's Decision.
27. The supporting information provided by the applicant considers in detail the current planning policy context. It places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land supply.
28. The applicant's submission asserts that the principle of the development proposals is in accordance with the Framework, the Forest Heath Core Strategy Development Plan Document, and the 1995 Local Plan. The applicant considers that the proposals represent a sustainably located development of new homes in what is considered to be the largest and most sustainable town in the District.
29. By way of further justification, the application submission refers to the benefits of the proposals in assisting achieving the five year supply of housing land, whilst at the same time providing affordable homes, improvements to the A14/142 junction and a contribution towards enhanced horse crossing infrastructure in Newmarket.
30. The application submission considers the impact of the proposals upon the horse racing industry, and includes a Horse Racing Impact Statement.

This provides an evaluation of impact issues and concludes that there will be no material adverse impacts on the horse racing industry.

31. The supporting documentation details the evolution of the application proposals prior to submission. A detailed consultation programme with the local community was undertaken, which aimed to make the engagement and communication process as inclusive as possible. The consultation process included two public exhibitions, an on street survey and meetings with individual stakeholders and groups. Over 5000 invitations were sent to the local community for the first exhibition and around 6000 invitations and information sheets for the second exhibition. It is understood that a project website has also been used to keep people updated.

PLANNING HISTORY:

F/2009/0713/ESO

32. Prior to 2009, there was no material planning history relating to the application site. In 2009, the Earl of Derby submitted an outline planning application (all matters reserved other than access) for the comprehensive mixed use development of approximately 67 hectares of land at Hatchfield Farm, comprising *inter alia* up to 1200 residential dwellings; B1 employment use (up to 36000 square metres); community facilities and a primary school reservation (2 form entry).
33. The key events relating to the determination of application F/2009/0713/ESO are summarised below:

30 November 2009: Application submitted by the Earl of Derby.

2 June 2010: Application taken to Planning Committee with a recommendation of deferral, due a number of outstanding technical matters. At that meeting, Members resolved to refuse planning permission.

4 June 2010: Planning decision notice issued.

Reasons for Refusal

1. Highways Implications:

The Local Planning Authority is not satisfied that the highway related implications arising from this development will be acceptable. Further work is required to fully assess the implications of this development, particularly upon the A142 / A14 junction, upon Fordham Road, and upon the safety and free flow of vehicular, pedestrian and equine movements on the local highway network generally. In advance of such the Local Planning Authority is unable to conclude that the highway related implications of this proposal will be satisfactory and the proposal is therefore considered prejudicial to matters of highway safety and contrary to the provisions of Planning Policy Guidance Note 13.

2. Impact on Horse Racing Industry:

Until such time as the vehicle and highway related impacts of this development are fully known, the Local Planning Authority is not satisfied how or if the impact of the development upon the horse racing industry within and around Newmarket can be appropriately mitigated. In the absence of this, the Local Planning Authority is of the view that it cannot be considered that the development will not have an adverse impact upon the equine industry, contrary to the requirements of Core Strategy Policy CS1, and contrary also to the provisions of the retained policies within Chapter 12 of the Forest Heath Local Plan.

3. Biodiversity Issues:

At present insufficient data has been supplied on how bat species use this site. Planning Policy Statement 9 requires that decisions on planning applications must be based on up to date information about the environmental characteristics of the area, including details of the relevant biodiversity resources of the site. The outstanding information is required to properly inform any mitigation strategy and, in the absence of up to date survey data, it is not concluded that the impact of this development upon the biodiversity of this site has been adequately assessed, contrary to the provisions of PPS9, or to those of Core Strategy Policy CS2 which requires areas of biodiversity interest to be protected from harm.

4. Section 106 Issues:

The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy, Policy SS1 of the RSS, or the provisions of PPS1 and PPS3.

5. Prematurity issues:

The Government has confirmed its intention to abolish Regional Spatial Strategies in a letter dated 27th May 2010. In view of this, and in advance of this Authority's forthcoming review of housing figures, it is the opinion of the Council as Local Planning Authority that it would be inappropriate to approve this large scale application at this stage.

01 December 2010: Appeal Lodged by The Earl of Derby.

December 2010: Appeal recovered for the Secretary of State's determination, because it relates to proposals for development of major importance having more than local significance.

July - September 2011: Public local inquiry held.

March 2012: Appeal refused by the Secretary of State, on the basis that a scheme of 1200 dwellings was premature pending the completion of the review of the Council's Core Strategy. The Secretary of State considered the Inspector's report and agreed with the Inspector's conclusions and his recommendation, that the appeal be dismissed.

Link to the Secretary of State's decision and Inspector's report:

<http://www.pcs.planningportal.gov.uk/pcsportal/fscdav/READONLY?OBJ=COO.2036.300.12.4105505&NAME=/Hatchfield%20Farm%20Decision%20and%20Report.pdf>

Main Considerations of Inspector's Report

34. In determining the planning appeal, the Inspector's main considerations were as set out in Paragraph 2.2.1 of his report:
1. The ability of the highway network to safely accommodate the traffic from the development,
 2. The impact of the development on the horse racing industry in Newmarket, and any consequential effects on the local economy or the historic environment,
 3. The ecological effects of the development,
 4. The need for, and the location of, new housing and employment development in the District,
 5. The assurance of high quality design,
 6. The impact on air quality,
 7. Compliance with the Development Plan, and
 8. Other material considerations, including national policy and prematurity.

Summary Of Relevant Main Conclusions of Inspector's Report

Highways Impact:

35. The Inspector took into account the Appellant's Transport Assessment (TA) (and their subsequent discussions). The relevant Highway Authorities and the Council did not consider that, *'when assessed in the usual way'*, the road safety impact of the Proposals would amount to a reason to dismiss the Appeal. He went on to say that *'Even if the generated traffic did turn out to be a little higher than allowed for in the TA, it is clear that the normally assessed highway safety impacts would still not amount to a sound reason for refusal'*. (Paragraph 12.3.46)

The Horseracing Industry in Newmarket:

36. The Inspector recognised Newmarket's status and role as the centre of horseracing in the UK - and as a very important equine centre on the World stage. He acknowledged the large numbers of racehorse movements across the town on a daily basis on their way to and from

training, and their interaction with the traffic, particularly at horse crossings. He noted that many of these horses are young and inexperienced and, as thoroughbred racehorses, they are highly strung, skittish, and easily spooked by seemingly ordinary stimuli. In the light of the number of potential conflicts, he commented that the recorded accidents/incidents is surprisingly low, but recognised that there are more that are not generally publicised.

37. The Inspector considered that the Appeal Proposals would result in some more traffic on the roads, which are used or crossed by horses - the most affected being at the Rayes Lane crossing. However, in his opinion, the overall effect would be adequately mitigated in highway safety terms. In Paragraph 12.4. 40 of his report he noted that:

'The increased traffic would have some effect on trainers, owners and others travelling around the town. Despite the worsening traffic conditions over recent years, the HRI has continued to grow and further growth in the industry may take place. Any resulting highway conflicts from this growth should however be addressed through the Development Plan process. When weighed against the advantages of Newmarket, the actual traffic conditions are most unlikely to make owners send their horses for training elsewhere. If there is no material reduction in the number of horses in the town, there would be no effect upon the local economy or upon the historic character of Newmarket'.

Ecology:

38. The Inspector noted that the development would result in a considerable loss of arable land and its replacement with a number of other uses – although acknowledged that over time, the proposed planting could well provide more varied and diverse habitats than are currently available on the site. The loss of the arable land would affect such species as skylarks, badgers and brown hare. He considered that on balance (whilst bearing in mind the difficulty of equating different habitats and species), the overall biodiversity interest of the site should be maintained'. (Paragraph 12.5.8)

Countryside:

39. The Inspector acknowledged that the development would result in the loss of approximately 58 hectares of best and most versatile agricultural land. Whilst this weighted against the proposals, it was considered acceptable, given it is an isolated area of farmland. (Paragraph 4.10.10).

Design Assurance:

40. With regard to the residential element of the scheme, the Inspector considered little by way of criticism of the accompanying Design and Access Statement in terms of the way the residential buildings, routes and spaces would relate to each other. *'The building heights were mostly given as a range...and the maximum and minimum footprints are given in Appendix 1 to the Design Specification. The approximate location of individual buildings is not given specifically, but the nature of the*

residential areas is adequately covered in order to 'set the scheme' for the detailed design' (Paragraph 12.9.4).

Air Quality:

41. The Inspector noted that there was no objection from the Council's Environmental Health Officer, and on this basis there was no reason to conclude that there would be any undue effects upon the air quality in the town (Paragraph 12.10.1).

Overall Conclusions

42. The Secretary of State agreed with the Inspector's overall conclusions. He agreed that excluding consideration of the sustainable distribution of housing, the appeal proposals would generally comply with the policies of the Development plan, apart from the design, countryside and agricultural land policies.
43. The Secretary of State agreed with the Inspector, who recognised the contribution that the appeal proposals made to meet a housing need. However, in the absence of a spatial distribution and no clear requirement for 1200 dwellings in this location in the Development Plan, he considered it premature to permit the strategic scheme on a site which may or may not be chosen when properly evaluated through the democratic Development Plan process. It was on this basis that the appeal in respect of F/2009/0713/ESO was dismissed in March 2012.

CONSULTATIONS:

44. Members of the public and statutory consultees were consulted in respect of the subject planning application. The following is a summary of statutory comments received following consultation of the amended scheme:
45. **West Suffolk Planning Policy – Comments.** The Authority would rather advance the allocation of sites such as this one within the context of the Site Allocations Local Plan, (LP), frame-work so that the infrastructure requirements for this and other 'strategic' allocations throughout the LP period can be properly considered and its delivery appropriately phased to minimise 'harm'. However, at this time the Authority is only able to demonstrate a 3.4 year supply of deliverable housing sites. With regard to this point, the NPPF, (para. 49), is clear insofar as policies for the supply of housing should not be considered up-to-date where a LPA is unable to demonstrate that it has a five-year supply of deliverable housing sites.

Whilst the Authority continues to have a five-year land supply 'deficit', then para. 14 of the NPPF, (the presumption in favour of sustainable development), must be a key consideration when it assesses any planning applications pertaining to residential development. For decision-making purposes, this will generally mean granting planning permission unless:

- Any adverse impacts of doing so would **significantly** and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- Specific policies in the NPPF indicate that development should be restricted, (the 'specific' policies that are identified at footnote 9, (page 4), of the NPPF would not appear to be relevant in the assessment of this particular application).

Assessment of the current proposal

Environmental Capacity

The emerging Single Issue Review, (SIR), settlement allocations, broadly speaking, accord with those contained within Core Strategy Policy CS7, (which itself was found to be 'sound' at the examination stage and subsequently adopted in May 2010). The fact that the 'original' growth strategy was found to be a 'sound' one would suggest that Newmarket does have the 'environmental capacity', in broad terms, to deliver the current proposal for 400 dwellings.

The IECA, (p.50, para. 5.14), finds the Town's existing level of infrastructure provision to be 'excellent', with the exception of the road network and substation capacity, both of which have capacity issues which may prevent 'medium to high' levels of growth without investment. However, the IECA, (P.50, para. 5.13), does acknowledge that there are environmental constraints associated with the 'safeguarding' of the horse racing industry. Indeed and as a consequence of the constraints 'imposed' by land within horse-racing related use, the IECA, (p.71), identifies 'Hatchfield Farm' as the only 'feasible' location for settlement expansion of any significance.

The IECA, (p.185), identifies a broad range of capacity of some 1,740-3,050 new dwellings in the plan period to 2031. The suggested 'optimal range', based on the considerations outlined within the report, is said to be somewhere at the 'low end' of this overall 'scope' for development. This would suggest that the environmental capacity exists to facilitate not only this proposal but also the other developments that the Authority has permitted, (in Newmarket), subsequent to the IECA's publication.

Although, in broad terms, capacity exists for this and other development, this is not to say that incremental infrastructure improvements/enhancements would not be required as and when the settlement grows. These would need to be properly considered and planned for and are, in essence, the reason why the Authority would prefer a 'plan-led' approach to the allocation of such sites. If the current proposal is to be permitted ahead of the plan-making process then it must make provision for infrastructure that brings it in line with the objectives of sustainable development in order that the potential for 'harm' is mitigated.

Relative Scale

The current proposal for 400 dwellings amounts to 33% of Newmarket's SIR allocation of 1,230 new homes in the period to 2031. This 'proportion' of growth is relatively small when compared with other approvals issued by the Authority ahead of the plan-making process. For example, the Authority did not consider the granting of 120 new dwellings on Burwell Road in Exning, (amounting to some 71% of the settlement's SIR 'even-split' allocation of 168 dwellings in the period to 2031), premature. However, each settlement has its own unique characteristics, (such as infrastructure 'tipping points'), that govern its ability to accommodate growth and at what stage.

However, it is considered that Exning does merit a mention, (and not only in terms of relative scale of development), on the basis that it is geographically close to Newmarket, has RTEs within its confines and, like Newmarket, is a settlement that the IECA, (p.185), has identified as having highway capacity issues.

Benefits

Undoubtedly, there are **societal** benefits to be accrued from permitting the current proposal. The residential units provided as part of the scheme can contribute to FHDC's objectively assessed housing needs, (and as such will have a positive bearing on Forest Heath's land supply status). The scheme also makes provision for affordable residential units in accordance with Core Strategy Policy CS9 and this will potentially bring even greater societal benefit(s).

Further, were the scheme to be permitted, it would be subject to appropriate/proportionate provision for infrastructure requirements that bring the development in line with the objectives of 'sustainable development'. In addition to simply mitigating the 'direct' impact of the proposal, such provision can also result in an enhancement of **environmental** conditions and facilities that benefit the wider **community** of Newmarket.

Potential adverse impacts

The aforementioned and potential 'benefits' must be weighed against the potential 'dis-benefits' or 'harm'. After-all, the NPPF, (para. 14), tells the Authority that they should be granting planning permission unless any adverse impacts of doing so would **significantly** and demonstrably outweigh the benefits.

Consideration needs to be given to the impact(s), (economic, environmental and/or societal), of the proposal, both in isolation and cumulatively, that are likely to arise from permitting residential development on a site within 'open countryside', (as far as existing/retained development plan policies are concerned). Indeed, the SoS agreed with the Inspectorate's conclusions, (APP/H3510/A/10/2142030), that the loss of best and most versatile agricultural land should weigh against development on this site, (12.8.2).

Taking Highways first, the IECA, (p.185), identifies this as a particular constraint on growth in and around the Town. Interestingly, the SoS

agreed with the Planning Inspectorate's assertion, (APP/H3510/A/10/2142030), that the highways implications of a previous, (ultimately unsuccessful), proposal for 1,200 dwellings on this site would not amount to a sound reason to dismiss the appeal, when assessed in the usual way, (12.3.46).

The horseracing industry has also been identified within the IECA as a potential constraint on growth. Again, the SoS agreed with the Planning Inspectorate, (APP/H3510/A/10/2142030), insofar as the aforementioned proposal would result in some more traffic on the roads, (which are used or crossed by horses), but the overall effect would be adequately mitigated in highway safety terms, (12.4.39).

Further, (in respect of the previous application for 1,200 dwellings), the SoS concurred that when weighed against the advantages of Newmarket, the actual, (resultant), traffic conditions were most unlikely to make owners send their horses for training elsewhere. Further and with no consequent reduction in the number of horses in the town, there would be no effect upon the local economy or upon the historic character of Newmarket, (12.4.40).

One would, logically, consider there to be less 'harm', (to the highways network and/or horseracing industry), associated with the current application when compared with the previous one as a consequence of their respective scale. However, the true degree of 'harm' can only be assessed within the context of the mitigation proposed as part of the application, (i.e. there is no direct correlation to be observed between the previous and existing applications in terms of scale and impact). Nonetheless, assessment of the previous application does serve as a useful indicator of the degree or severity of impact associated with a significantly higher quantum of housing development at this location.

Conclusions

The evidence presented may lead you to the conclusion that the potential adverse impacts do not outweigh the potential benefits **significantly** and to an extent whereby refusal on the grounds of prematurity, or otherwise, is justified, (when the proposal is considered in isolation or cumulatively), given:

- a) Newmarket's 'excellent' infrastructure provision,
- b) The relative scale of development
- c) The fact that the current proposal will be making contributions necessary to bring it in line with the principles of sustainable development,
- d) LPA's should be making every effort to identify and then meet the housing needs of an area and respond positively to wider opportunities for, (sustainable), growth, (NPPF, para.17).

46. **West Suffolk Strategic Housing – Support** and comments as follows: There is strong evidence from the Housing Register and the SHMA to conclude that we need a variety of tenure and mix in Newmarket.

Comments in respect of tenure mix and securing the delivery of affordable housing through the S106 planning obligation process. Affordable housing, tenure and mix requested.

47. **West Suffolk Environmental Services - No objection** subject to conditions relating to the following: contaminated land survey; air quality monitoring; site construction noise, vibration and dust mitigation; energy and water efficiency.
48. **West Suffolk Ecology Tree and Landscape Officer – No objection** subject to conditions. Detailed comments in relation to the following: landscape, green infrastructure, green corridors and open space; circulation; landscape and visual impact assessment; ecology (including impact on European/international sites within 10km of the development site, changes in hydrology relating to increased demand for water supply, increased visitor pressure from residents, other designated sites, protected species). Recommends the following: a revised distribution of open space on the site; submission of a landscape strategy covering strategic landscaping prior to submission of other reserved matters applications; protection of tree belts by tree preservation orders. Recommends conditions relating to the following: mitigation measures in the Environmental Report and Badger Report; landscape planting proposals; construction management plan; SuDs; promotion of recreational use of alternative leisure in the immediate locality; increased signage at designated sites or public footpaths close by; provision of green space within the development site to provide sufficient resource for everyday recreational use; detailed methodology, implementation and monitoring of fine leaved fumitory translocation; bat mitigation, retention and protection of existing trees woodland and plantation and landscaping at the new entrances; lighting strategy; skylark mitigation; reptile mitigation. Updated information may be required to supported reserved matters applications.
49. **West Suffolk Leisure Services – No objection.** Comments as follows: The majority off the open space is situated to the north and east of the proposed development with only the more formal area situated to the centre of the development. The south and west of the development appears to be un-catered for. It would be beneficial for the development as a whole to see more general amenity/open space integrated into the site rather than bolted on to the boundaries. Any play space should contain a mix of natural and more playable features. Details of soft landscaping and tree planting required. Red line plan confirming all adoptable areas. Any green spaces adjacent to the highway, parking spaces, and turning heads should be protected from unauthorized access such as knee rail. All other provision should be in accordance with the SPD for open space, sport and recreation facilities. Further comments by email dated 2 June 2014: better distribution of open space provision sought within the development to create green corridors and improve connectivity between the open spaces, requests a strong link between the development and George Lambton Playing Fields. The Parks Section would be happy to consider adoption of the public open space subject to the payment of the relevant commuted maintenance figure.

50. **West Suffolk Economic Development & Growth (ED&G) Team. Comments.** The importance of the Equine Sector to the town and economy of Newmarket and the wider districts of Forest Heath and East Cambridgeshire as recently described in the Report by SQW on Newmarket's Equine Cluster (January 2014) is recognised. This report clearly sets out the value of this cluster to the town of Newmarket, its strengths and weaknesses and describes a number of possible opportunities for growth in this sector. In addition to this (Equine) sector, a large number of businesses and enterprises currently operating in other sectors are also based in Newmarket with various appetites for growth in the next few years, as the national economy moves forward to higher and more sustained levels of growth than experienced in the period 2008-13.

Economic growth across the whole business community in Newmarket (including the Equine cluster) will therefore require some Housing growth over the coming years to remain in balance: as economic growth delivers new jobs and employment the people filling these new roles will need places to live, particularly if the local economy is to benefit fully from any such growth.

The Hatchfield Farm site is one of very few "greenfield" locations in Newmarket where any significant development might take place. This application is on a much smaller scale than previous applications relating to the Hatchfield Farm site and, being an application for Residential development does not include any mixed/employment uses. The West Suffolk ED&G team still believe there is a need for more employment land in Newmarket to allow for future growth in non-equine sectors. Notwithstanding this view and based on the principle that it should be possible to address any issues, arising from this application, that might be viewed as detrimental to the Equine cluster by attaching suitable conditions, the West Suffolk ED&G team would be supportive of the application.

51. **Suffolk County Council** - A consultation response was received from John Pitchford, Head of Planning. The County Council's comments on this proposal can be summarised as follows:

- The County Council would prefer to consider development through the local and neighbourhood planning process, to ensure that development is sustainable and reflects its surroundings. Ideally, the Single Issue Review and Site Allocations processes should run their course before a site of this size were to be submitted for planning permission. Owing to the availability of primary school places, the District Council should consider whether or not this proposal can be considered premature.
- Serious considerations should be given to the wider economic impacts of the proposal in particular the impacts on the Horse Racing Industry.

If the District Council is minded to grant permission to this proposal:

- There must be sufficient mitigation of traffic impacts on the highway network, giving due consideration to the specific circumstances of transport in Newmarket.
- The permission must require a Travel Plan which maximises healthy and sustainable modes of travel, prioritising walking, cycle and public transport to reduce traffic from the development.
- Land adjacent to the site must be provided (and funding for build costs) to ensure that sufficient school and early years places are created to meet the demand arising from this housing growth.
- A strategy for dealing with surface water in line with sustainable drainage principles should be in place.
- A package of developer contributions in line with the adopted Section 106 Developers Guide to Infrastructure Contribution's and to ensure that the development represents a sustainable community must be in place.
- A two stage planning condition relating to archaeological investigation and assessment should be applied.

Detailed comments provided on a range of planning matters as follows:

- **Archaeology** – The development affects an area of archaeological potential. The preliminary programme of archaeological assessment, undertaken ahead of submission, has adequately demonstrated that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. The County Council is satisfied by the statements relating to archaeology made in the Heritage Chapter of the Environmental Statement. In accordance with the NPPF paragraph 141, any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Recommends conditions relating to the implementation of a programme of archaeological work, including post investigation assessment.
- **Ecology** – The applicant appears to have carried out a reasonable assessment of the likely direct ecological impacts of the proposal, although the indirect impacts on the Breckland Special Protection Area (SPA) do not seem to have been adequately assessed. The ecological assessment has addressed the impacts on other designated sites/priority habitats and protected/priority species, and most have been thoroughly considered with mitigation and enhancement measures identified.

Impacts on biodiversity: The County Council agrees with the detailed comments made by Suffolk Wildlife Trust, and will

therefore provide only strategic comments on this application. The main concern is that new development in this area may significantly contribute to increase recreational pressure on the Breckland SPA. Whilst it would be preferable for a strategic level Habitats Regulations Assessment to be carried out as part of the Single Issue Review process, the County Council would still recommend that a project-level Habitats Regulations Assessment is prepared by the local planning authority to assess the likely impacts on the SPA interest features. If the District Council is minded to approve this application, it is recommended that the Ecological and Landscape Management Plan should be implemented in full as part of any Reserved Matters applications.

The proposed ecological mitigation and enhancements: If the local planning authority is minded to consent this outline application, robust and deliverable mitigation and compensation measures will need to be secured by reserved matters, such as the approval and implementation of a lighting strategy. This includes all of the mitigation measures identified in the submitted Environmental Report any additional measures such as skylark plots, as the loss of agricultural land will require offsetting measures to be secured for this priority species. The enhancements for biodiversity are reasonable and their delivery is likely to result in an overall gain for biodiversity, pending the mitigation requirements for indirect impacts from increased recreational pressure.

- **Health and Wellbeing** – Comments in respect of the submitted Design and Access Statement in relation to the Health and Wellbeing Strategy.

Every Child in Suffolk to have the best start in life: This document goes into some detail on children's play space. There is significant promise on this subject in terms of principles, which must be followed through at the reserved matters application stage. School places should be provided in an accessible application which encourages pupils to travel to and from school by healthy and sustainable modes of travel.

Suffolk residents to have access to a healthy environment: Open space and sports facilities should be connected to the public rights of way network, in order to encourage access by healthy modes of travel. The development should also make provision for access to the countryside. Contributions toward improving the wider Public Rights of Way network will be sought.

People in Suffolk to have the opportunity to improve their mental health and wellbeing: It is notable that this proposal is not coming forward with any community facilities on site. Poor access to community and social facilities has been noted in other parts of the country as being a contributor to poor mental health. The recommended action in the Newmarket Vision document was to ensure that development in this part of Newmarket provides

facilities through plan-led and master planned document. This application does not provide for this approach.

Older people in Suffolk to have a good quality of life: The Design and Access Statement lacks a coherent strategy for responding to the ageing of our population. The County Council wishes to see development come forward with a strong commitment to creating Lifetime Neighbourhoods, promoting safe, inclusive and legible designs which meet the particular needs of older and vulnerable people.

- **Landscape Assessment** – The methodology of the Landscape and Visual Impact Assessment (LVIA) appears to be sound. It is a matter for the local planning authority to assess the soundness of the conclusions presented by the applicant in the LVIA. Based on the information provided, the design and layout appears to be locally appropriate, retaining and reinforcing locally characteristic features such as tree belts and hedged boundaries. The principles of design include appropriate street tree planting throughout the development, except for the 'lanes' type layout which does not have the capacity to accommodate this. The management and use of the existing woodland belts is an important aspect of this proposal. However, these are quite small narrow areas, and it is not clear that they can accommodate both the amenity and ecological objectives assigned to them.
- **Minerals and Waste** – The proposal cannot be considered contrary to the Suffolk Minerals Plan or Suffolk Waste Plan. Policy WDM17 of the Waste Plan is relevant, and should have been referenced within the Environmental Statement. The proposal is not located within the Minerals Consultation area, and investigation of the mineral resource is not required in advance of development.
- **Public Rights of Way** – Given the scale of the proposal, the County Council believes that surface improvements to Newmarket Bridleway 2 (between Willie Snaith Road and Exning Road) should be provided if the District Council is minded to grant permission. An improvement to this route, which provides a route to services (such as Newmarket College and Newmarket Leisure Centre) is expected to have additional use as a direct result of the Hatchfield Farm development, and improved surfacing to meet the needs of walkers and cyclists, is justified. This would cost approximately £20 000.
- **Surface Water Management** – The County Council agrees with the site investigation which demonstrates that the site is suitable for infiltrating the surface water. There is no overland flow path shown to indicate what happens to the surface water should the system fail or during an exceedance event. As the site is over an aquifer, the surface water drainage design needs to clearly identify the treatment stages to ensure not too contaminate the ground. The proposal needs to state that it incorporates public open spaces

to have a multi-functional use and act as a storage basin during extreme events. The FRA states that the system will be adopted by a publically accountable body. At this stage, this cannot be guaranteed, and may not be achievable, unless an agreement has been reached with Anglian Water. The design of the SuDS should be in accordance with the Ciria guide C697.

- **Transport** – In considering the impact of the development, the Highway Authority must follow established government guidelines and professional practices, and has done so in assessing the proposal. Whilst it is accepted that the only available guidelines contain limitations in relation to modelling interaction with equine activities, officers have considered, as far as possible within accepted and robust practices, concerns raised by racing representatives.

The test set out by Paragraph 32 of the NPPF requires development to demonstrate that its residual impacts are not 'severe' after taking account proposed mitigation. Whilst this proposal does have impacts on the highway, it is the view of the Highway Authority that based on the assessment of relevant and available evidence, this proposal, if permitted with the recommended package of planning conditions and obligations, cannot be seen as an impact that can be defined as 'severe'.

It is not possible within transport assessment processes to assess the longer term impacts of the proposal on the nature of Newmarket as a desirable place to invest. However, AECOM and Suffolk County Council have reviewed video footage and visited the horse crossings to understand, as much as practicable, the implications of the development on the operation of the horse crossings. AECCOM are specialists in transport assessment and are fully aware of the Highway Authority concern that, given the unique circumstances of Newmarket, the impacts on the horse racing industry must be understood.

A full and detailed Transport Assessment and associated Travel Plan were submitted. This has been reviewed in detail by AECOM on behalf of Suffolk County Council. AECOM have also reviewed the application on behalf of the Highway Agency in respect of the A14 (T).

Suffolk County Council is content that the amount of people movements generated by the proposed application has been calculated correctly and is distributed in a robust manner onto the highway network.

The supporting Travel Plan provides suitable incentives and measures to encourage a high number of people to travel by sustainable methods. Adequate measuring and monitoring methods are provided following the proposed development, to give sufficient confidence to the Travel Plan.

The residual motorised traffic generated by the site is adequately addressed by the mitigation measures proposed.

The Highway Authority will be seeking the following S106 contributions: Travel Plan implementation bond (which includes a contingency for additional measures if targets are not met); Travel plan monitoring fee; Contributions to improvements to the 'yellow brick road'; Contributions towards off site pedestrian, cycle and horse crossings (Rayes Lane, Snailwell Road).

Following these measures, the residual impact on the local highway network has been shown to be acceptable in terms of highway capacity and safety and so the impact of this development on the highway cannot be seen as 'severe'.

The implications of this development on horses using the highway in and around the development site have been assessed. The changes in air quality and noise levels from the additional traffic are negligible and, based on available evidence, will not have a detrimental impact on horses using the highway. The improvements and contributions provided by the development are considered enough to mitigate the effect of the additional traffic, such that the standard set by the NPPF are met.

Recommends that any permission should include conditions relating to the following: laying out of vehicular accesses, details of estate roads and footpaths, construction of carriageways and footways, car parking, travel plan, signalised crossings, pedestrian and cycle link between the site and the Yellow Brick Road, conversion of Studlands Park/Exning Road junction to a mini roadabout.

- **S106 Planning Obligations** – Sets out Suffolk County Council's infrastructure requirements associated with the development, if the District Council is minded to approve the application.

Primary School Provision With further planned growth in Newmarket over the plan period to 2031, the sensible outcome would be to provide a new primary school of up to 315 places (free site of 1.5 hectares and build costs funded by developers). However, given that this development is coming forward in isolation, it makes the process of determining an appropriate strategy more difficult.

If the District Council is to allocate Hatchfield Farm, it is preferable that it comes forward in a comprehensively Masterplanned way, with 1.5 hectares of land allocated for an eventual 315 place primary school.

If the District Council is minded to approve the application, the County Council seeks an option for 1.5 hectares of land for a 315 place school at the Hatchfield Farm site, along with pro-rata build costs. Based on the County Council's experience of constructing

schools, a new 315 place school costs £5.6 million to construct (minus land costs). Assuming 100 pupils arising from this development, around £1.8 million would be an appropriate contribution, in addition to provision of land.

Secondary Education The current forecast is that there will be surplus places available at the catchment secondary school serving the proposed development (Newmarket College), so the County Council will not be seeking secondary school contributions.

Pre-school provision At present there is no spare capacity in Newmarket. We would anticipate 40 pre-school pupils, meaning that this development, at 400 dwellings, is large enough to justify an entirely new facility. The most sensible option will be to provide a co-located early years setting with a new primary school. If a new primary school is not forthcoming, funding and land for a standalone facility will be required. A standalone facility for provision of this scale would cost between £270 000 and £300 000. This would depend on the site and it assumes that all services will be in situ. Provision of new services will increase the sum by up to £50 000. If the facility were not to be provided on the school site, it should be as close to the school or other services and facilities as possible

Libraries The capital contribution towards libraries arising from this scheme is £86 400 which would be available to spend in Newmarket. This is based on £90 per person.

Waste A waste minimisation and recycling strategy needs to be implemented by planning conditions. The County Council seeks contributions towards household waste provision to serve this development. Based on standard multipliers, and a charge of £51 per dwelling, this equates to a charge of £20 400.

Sustainable Drainage Systems Developers are urged to utilise SuDS wherever possible with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers, and also providing biodiversity and amenity benefits.

Fire service Fire hydrant issues should be covered by appropriate planning conditions (see separate consultation response on behalf of SCC Fire and Rescue).

High speed broadband Recommends all development is equipped with high broadband (fibre optic).

Health Infrastructure It is hoped that Forest Heath District Council has sought the views of NHS England to consider the impacts of this proposal on local health infrastructure (see separate consultation response on behalf of NHS England).

Legal costs The County Council will require an undertaking for the reimbursement of its own legal costs.

52. **Suffolk Fire and Rescue Service – No objection.** Comments. Recommends planning condition relating to the provision of fire hydrants.
53. **Highways Agency – No objection.** Comments as follows (Correspondence received 28 March 2014): The Highways Agency has approved the Departure from Standards application submitted by WSP on behalf of the developer, in addition to agreeing the full mitigation proposed as part of the application. As such, we are now able to issue a TR110 Directing Conditions to be attached to any planning permission that may be granted. This supersedes the previous Holding Direction. Condition to be attached to any grant of planning permission – no dwelling to be occupied until a scheme for improvements to the A14 J37 signalisation in general conformity with the arrangements shown in outlined drawings and departure from standards report has been submitted to and approved.
54. **NHS Property Services (NHSPS) on behalf of NHS England (NHSE) – ‘Holding’ objection.** Comments. This proposal is for a residential development of up to 400 dwellings, which is likely to have a significant impact on the NHS funding programme for the delivery of healthcare provision within the local area, and specifically within the health catchment area of the development. NHS England would expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
55. A Health Care Impact Assessment has been prepared by NHSE to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area. The GP practices which service the proposed development are: Orchard House Surgery, Fred Archer Way; The Rookery Medical Centre, The Rookery; Oakfield Surgery, Vicarage Road. The HIA shows that there is an overall capacity deficit in the catchment surgeries. A developer contribution is required to mitigate the ‘capital cost’ to the NHS for the provision of additional healthcare services arising directly as a result of the development.
56. **Environment Agency - No objection.** Comments. Requests that three conditions (summarised below) are appended to any subsequent planning permission:
- Drainage details: surface water drainage scheme for the site.
 - Construction Method Statement
 - Scheme for the improvement of the existing sewerage system
57. **Anglian Water - No objection.** Comments. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The foul drainage from this development is in the catchment of Newmarket STW that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. Recommends an

informative relating to affected assets should planning permission be granted.

58. **Natural England – No objection.** Comments. The consultation documents do not include any information to demonstrate that the requirements of the Habitats Regulations have been considered.

International Designations: Given that the level of abstraction permitted by current licenses can occur without affecting the notified Special Area of Conservation (SAC) features at Chippenham Fen, and that the development's water requirements can be met by these licences, the development should not have an effect on Chippenham Fen through changes to water availability. No likely significant effect on any European site. Natural England advises that the proposed development does not represent a likely significant effect to Fenland SAC.

SSSI: Satisfied that the proposed development will not damage or destroy the interest features for which these sites have been notified.

European Protected Species: In the absence of mitigation the proposed development may affect bats through disturbance. Recommends relevant condition.

Soils and Land Quality: Recommends the developer use an appropriately experienced soil specialist to advise on and supervise soil handling.

59. **Suffolk Wildlife Trust – No objection.** Comments. The following matters must be addressed prior to the determination of this application:

Designated Sites:

As competent authority under the Conservation of Habitats and Species Regulations (2010), the Council must before giving consent, make an appropriate assessment of the implications for the European Site (Breckland SPA) in view of the site's conservation objectives. We consider that such an assessment should take appropriate account of all relevant published research and therefore suggest that the findings of the work by Fearnley et al are adequately considered in this assessment. Given that this development may have an adverse impact on site of European nature conservation importance, recommend that Natural England is consulted.

Protected and BAP priority species:

(1) Bats: Significant impacts on the boundaries of the site are likely to have an adverse impact on bats. It should be ensured that the quantity of development proposed can be achieved without significant impacts on these habitats features. Should planning permission be granted for development at this site, it should be ensured that the final design of any development protects the identified habitat features from impacts such as lighting.

(2) Badgers: We are broadly satisfied with the mitigation measures proposed as part of this application with regard to badgers. Further development in this area is likely to result in an adverse impact on

badgers with potentially the loss of a functioning territory. Should the strategic allocation of the wider area at Hatchfield Farm continue to be progressed, compensation for the loss of this badger territory will be required. Such compensation should be delivered in advance of any development of the wider site.

(3) Skylark: In 2011 four skylark territories were recorded at the site, these would be lost if the site is developed, and no compensation measure are proposed in the Environmental Report. We therefore request that long term compensation for the loss of any skylark territories be secured, should permission for development at this site be granted.

(4) Flora – A small population of the plant fine-leaved fumitory was recorded on part of the proposed development site. It is proposed to translocate soil from this area to nearby arable margins to enable colonisation from the translocated seed source. Whilst not a BAP species, this plan is nationally scarce. We query the feasibility of the proposed mitigation measures in securing a population of this species within the wider Hatchfield Farm site.

Notwithstanding these matters, should planning permission be granted, the mitigation measures identified in Environmental Report and badger survey report should be implemented as part of any reserved matters application (s). The final design of the site should also secure significant ecological enhancements as part of any development and should be based on up to date ecological information.

60. **Sport England - No objection.** Comments in respect of sports provision:

Outdoor Sport: With regard to provision for outdoor sport, there is only a limited allocation of 0.96 hectares, based on an assumed population of 960 persons. This allocation is slightly below the 1.5 hectares that would be required using the 'Fields in Trust' standard for outdoor sport. Sport England believes that the site should be developed to allow the expansion of the formal sports provision should additional housing are as be developed on adjacent land in the future. This will allow sports provision to be concentrated on one site rather than provision being scattered over several small sites.

Indoor Community Sports Facilities: There is not a strong case for on-site provision of indoor community sports facilities as part of this development, as 400 dwellings will not generate sufficient demand to justify this. However, significant demand will be generated which will be displaced to other facilities within the catchment. Such facilities are often already operating at or close to capacity at peak times. Sport England therefore consider that community sports facilities are appropriate facilities to benefit from S106 contributions for social and community infrastructure and that the Sports Facilities Calculator supplied can be used as a base for calculating an appropriate contribution based on a robust assessment of additional demand and the pro-rata cost of meeting such demand.

61. **Ramblers Association – No objection.** Comments. The rights of way network in the Forest Heath area is rather thin particularly in and around the town of Newmarket. It was most encouraging to see that the earlier application included not only pedestrian and cycleway links to the west of Fordham Road towards the 'riverside walk' (often referred to as the 'Yellow Brick Road') and beyond to the racecourse side training grounds, but also a route through the original development proposal linking Fordham Road with Snailwell Road, arriving opposite a footpath (Newmarket FP7) close to Junction Cottages, ultimately leading (via Snailwell FP4) to the Bury Road/Norwich Road junction. The Fordham Road/Snailwell Road link was welcomed as a vital cog in a town-edge pedestrian route and it is most disappointing to note that it does not feature in the current, much reduced scheme and we would request that this is resurrected as part of 'off site' works. We have concerns that should the application not be approved, the overall site will disappear under yet another stud farm, in effect a no-go area, and the opportunity to create a link will have been lost forever. May we request then, that in the event of a refusal, the Council your takes steps to secure a suitable route between Fordham Road and Snailwell Road, ensuring that this does not occur.

REPRESENTATIONS:

62. **Newmarket Town Council – Objects** to the application on the following grounds:
- Damage to the interests of the Town's principle source of employment (i.e. horseracing and training).
 - The Town does not have sufficient infrastructure to support an increase in the population (schools, Doctors, Police and Hospitals, etc).
 - Archaeological concerns.
 - Concerns regarding water supply.
 - Environmental damage, including damage to Chippenham Fen.
 - Traffic issues, in particular the A142/A14 junction as regards to safety and further congestion.
 - Loss of farmland.
 - Damage to the Town's culture and historic status as a place of National and International importance, as supported by the NPPF.
63. **Exning Parish Council - Objects** to the application for the following reasons:

- The A14 Junction 37 (A142) at Exning/Newmarket is currently running to capacity, with regular major congestion issues along the A142 every day and also very dangerous queues of traffic backing up along the A14 carriageway waiting to exit at the junction. The area around this junction is an accident black spot. With further development on-going at an alarming pace in the area, junction improvements to alleviate this congestion are absolutely vital.
- The cumulative effect of all this development, if approved, will impact greatly on this junction and Exning village as a whole. Simply installing traffic lights will not solve this problem; either roundabouts on either side of the A14 or a roundabout over the A14 is the only long term solution.
- The Parish Council would suggest that, before any permission is considered, it is imperative that physical traffic light trials are carried out in full to test the theory that they will improve the situation at Junction 37 and the surrounding road system.

64. **Newmarket Horsemen's Group (NHG)** (letter dated 14 November 2013 and further representation dated 31 January 2014) – **Objects** to the proposed development on the following grounds:

- Impact on the character of Newmarket as the international home of horse racing – granting planning permission will threaten the long term prospects on the industry, to the disbenefit of the local economy, local employment opportunities and the character of the town.
- Impact on the Horse Racing Industry – the fragility of Newmarket stems from the pressures of operating the industry from the heart of an increasingly busy and congested market town. Whilst Newmarket is not unusual in experiencing traffic congestion, no other town in the country has the thousands of horse movements across its centre and roads on a daily basis, many of those movements coinciding with peak traffic flows. The traffic impacts on the industry, by impairing the efficiency of the training process and lessening the attraction of the town to existing and potential owners.
- The report 'Newmarket's Equine Cluster' which was launched by FHDC and NHG in January 2014 assesses the economic impact of the horse racing industry centred upon Newmarket, and notes that the industry contributes £208 million per annum to the local economy. The study observes that Newmarket remains an excellent location in which to develop and grow a business related to horse racing and breeding. NHG considers the grant of planning permission will undermine the current attractiveness of the town and the importance of sustaining its appeal for internationally mobile equestrian establishments. The economic value of the industry to the Newmarket area has now been evaluated and NHG trusts that the Council will acknowledge the importance of

protecting such a significant element of the local economy by resisting any proposed development which threatens the long term viability of the horse racing industry as a whole.

- Limitations on the use of standard traffic modelling procedures for evaluating road safety – the methodology does not pay sufficient regard to the presence of the horse racing industry and the daily movements of horses across the town. Assessments carried out in the usual way are unable to predict with any degree of confidence the volatile and uncertain contact between vehicles and racehorses. Newmarket represents a 'special case' because of the presence of the horse racing industry. When considering the issue of traffic movements in particular, Newmarket is in a unique position in the UK of being the town with the greatest interaction of horses and traffic. As a consequence, the standard methods of assessment of traffic capacity and safety, which predominantly concentrate on accommodating car-based travel, do not pay sufficient regard to the impact of traffic on horses.
- New surveys of traffic movements along Fordham Road, including a review of the horsewalks and crossing on Fordham Road indicate a number of conclusions: horse movements are rising and therefore potential conflicts at Rayes Lane and Snailwell Road is increasing. The horsewalk on Fordham Road is inadequate and the Snailwell Road crossing is particularly dangerous. The Rayes Lane crossing is the business intersection of horse movements and traffic in the UK and probably the world and should at least have formal signal control (a difficult solution to achieve) or be grade separated (an option that is not practicable). Fordham Road is dominated by large volumes of traffic, a significant proportion of which is travelling at speeds above the speed limit of 30mph and has an accident record which needs to be monitored. The provision for non-car modes on this corridor is sub standard and make the experience for users neither safe, comfortable or attractive, these being the requirements outlined in design guidance for user friendly routes. Whilst the development offers some mitigating measures at the horse crossings, there is no mitigation for other vulnerable users between Snailwell Road and Rayes lane. The shared footway/cycle way being proposed along Fordham Road between Willie Snaith Road and Noel Murless Drive is sub standards. The improvements at the A14/A142 junction do not remove the southbound queue in the morning peak. Predictions indicate that by 2023 the queue will have increased by over 80%. Therefore the Snailwell Road rat-run will continue with continuing conflict between horses and traffic. No mitigation has been proposed.
- The NPPF does not propose that all planning applications for housing should be approved where there is an absence of a 5 year supply of land - but requires that housing applications should be considered in the context of the presumption in favour of sustainable development. That presumption incorporates the notion that planning permission should normally be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- The policies contained in the Joint Development Management Policies Document has reached an advanced stage in the plan-making process - and should be afforded weight in the context of the considerations to be evaluated by the Council in the determination of the planning application. The NHG is strongly of the opinion that the application constitutes a development proposal that has the potential to impact adversely upon the industry and should be refused planning permission on the basis of the specific wording of Policy DM48 which states categorically 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, or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted*'.
- The Hatchfield Farm proposals are not sustainable. The sustainability of the site must be questioned because of its location on the edge of Newmarket, its remoteness from the rail station and its poor public transport provision. The proposals would seriously harm a nationally and internationally renowned town and industry, threatening their future growth prospects - NHG believes that the present position has been reached without the Earl of Derby or The Council comprehensively analysing the ability of the town to accommodate the level of growth proposed without causing the harm feared by the horse racing industry.

65. **Save Historic Newmarket Action Group (SHNAG)** (letter dated 15 November 2013): **Objects** to the proposed development:

- The submitted proposal provides little evidence to satisfy the group that this development will contribute positively to the future of Newmarket. Concerns raised previously by the Group about the adverse impacts of development at this site on the Town, the Racing Industry which is at its heart and underpins the local economy and the environment, appear to have gone unheeded. The current proposal and manner in which it is promoted, appears to adopt an arrogant attitude of a *fait accompli*, dismissing the very serious concerns raised by the local community and indeed racing interests, as irrelevant or of limited consequence.
- The outline is submitted in outline, offering limited information about the final form the development will take. We cannot therefore have any confidence in the form of the final development or how it will operate.
- The applicant has provided inadequate or no evidence to justify the need for the development at this time.

- By bringing the application forward in advance of the plan and for a scale of development less than may be considered in the future, demonstrates that the proposal services only the interests of the landowner/development and considers only the single issue of a quick housing win.
- The application exhibits a 'one size fits all' approach to development, failing to take into account the very special circumstances that distinguish Newmarket from other settlements. The local economy, based heavily on the racing industry is not only important and unique to the town, but to the UK and internationally. In considering the future scale and shape of Newmarket it is vital that the role of the racing industry is understood fully.
- There is little comfort offered through the Application that the proposed housing will contribute to the continuing prosperity of the Town.
- Government policy is very clear that any development which gives rise to harm, or raises a risk to economic prosperity should be resisted. The Application does not prove beyond doubt that the development proposed will not cause harm.

Letter dated 25 January 2014 from Ward Associates Consultant Ecologist on behalf of Save Historic Newmarket Action Group: **Objects** to the proposed development on ecological and hydrological grounds:

- The data used in the hydrological assessment are dated and more recent data are available. Thus the conclusions may not be valid.
- The hydrological assessment provides insufficient detail as to the overall water requirements and the requirements of the ecology of Chippenham Fen in terms of water levels, flows and water quality. This is critical to any assessment.
- The hydrology fails to adequately address the potential effects of cumulative impacts and thus the implications of the development cannot be fully assessed.
- As cumulative impact has not been properly assessed, the judgement by Natural England that an Appropriate Assessment is not required is incorrect, and FHDC should ask that one be prepared following the precautionary principle.
- There is no up to date botanical survey. The last was undertaken in 2011 with a follow up Phase 1 survey in November 2012 at an inappropriate time to assess the current position and design mitigation.

- The badger data provided is insufficient to allow the design of an appropriate mitigation scheme. That proposed is inadequate and does not take account of potential further development on the site.
- Evaluation of impact is not correct.

66. At the time of writing this committee report, just over 100 letters/emails of representation have been received. The issues and objections raised against the proposals are summarised as follows:

- **Impact on Horse Racing Industry:**

- Concern that the industry will relocate.
- Loss of revenue arising from relocation.
- Impact of increased vehicular congestion on horses, trainers and owners.

- **Traffic Impacts:**

- Increased vehicular movements and congestion in and around Newmarket, including the village of Exning.
- Increased pollution due to car exhausts.
- Increased traffic through the village of Snailwell and Snailwell Road.
- Increased highway safety issues along Fordham Road.
- Poor existing public transport.
- No pedestrian crossings on Fordham Road.
- Parking issues.
- Increased traffic on Fordham Road and effect on roads surrounding the site, including St Albans Road.
- Fordham Road unable to cope with further congestion.
- Increased congestion at the A14 junction with A142.
- Increased rat running through Snailwell Road due to inadequate A14/A142 junction.
- Horse crossing where Fordham road and Snailwell Road meet is dangerous.
- Bottleneck at Clock Tower roundabout.
- Traffic modelling does not take into account the horses that are trained in Newmarket.
- Cumulative effect of increased traffic will result in increased road traffic incidents.
- This is Phase 1 of a bigger development with an associated increase in traffic.
- Traffic solution not sufficient.
- Improvements to rights of way network sought.

- **Impact on Infrastructure:**

- Town already lacking in amenities/facilities/utilities. (e.g. schools, healthcare provision, emergency services) to support the increased population arising from the development.

- Inadequate basic services, including water and sewage, to support the development.
- Existing local GP's are struggling with the amount of patients at present.
- Lack of guarantee of social benefits.

- **Loss of Agricultural Land:**

- Loss of prime farmland.
- Better Brownfield sites are available.
- Protection of greenbelt.

- **Impact on Historic Character of Newmarket:**

- Development proposals will do nothing for the town.
- Will set precedent for other development.
- No provision for industrial units so employment would not be brought to the town
- Development will spoil the interesting experience to visitors and tourists.
- Development will compromise Newmarket's heritage status.

- **Other Issues:**

- Contradiction to Newmarket's Core Strategy.
- No need for housing in Newmarket. Newmarket has empty houses, and numerous houses are being built in Red Lodge.
- The new homes will not benefit the town centre.
- No potential employment opportunities associated with the development.
- Start of further development.
- Newmarket will turn into a commuter town for Cambridge.
- Back door attempt to get a foot hold for bigger development.
- Spoil the interesting experience to visitors and tourists in Newmarket.

- **Residential amenity:**

- Poor residential amenity for prospective occupants.

- **Environmental and ecological issues:**

- Negative impacts on local water supply and Chippenham Fen
- Environmental impact of pollution caused by increased traffic.

- **Archaeological concerns**

67. One representation of support for the proposal has been received, which sets out a number of reasons in support of the scheme, including the following:

- There is a need for additional dwellings to be built in the FHDC area.
- The site is well located.
- Increased population in Newmarket has a potential impact on the town, and if not managed, may impact on the equine industry. The present objections being raised appear to be greatly exaggerated. The site is remote from training grounds and horse walks and the only possible impact would be on the horse crossings in Fordham Road.
- It is important that the town must not be allowed to stagnate.
- Do not understand the objections to Hatchfield when people are pressuring FHDC to grant planning permission for the Sainsbury supermarket in Fordham Road which will have a much bigger immediate impact on the environs together with the loss of stud land along Exning Road.
- Development could assist in attracting more tourists and businesses to the local area.

POLICIES:

68. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal:

Core Strategy

69. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partly quashed (sections deleted) and Section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form:

Visions

- Vision 1 – Forest Heath
- Vision 2 – Newmarket

Spatial Objectives

- ECO5 – Newmarket as a tourism, leisure and cultural focus
- H1 – Housing provision
- H2 – Housing mix and design standard
- H3 – Suitable housing and facilities
- C1 – Retention and enhancement of key community facilities

- C2 – Provision and maintenance of open space, play and sports facilities and access to the countryside
- C4 – Historic built environment
- ENV1 – Habitats and landscapes and improving biodiversity
- ENV2 – Climate change and reduction of carbon emissions
- ENV3 – Promotion of renewable energy and energy efficiency
- ENV4 – Design and architectural quality respecting local distinctiveness
- ENV5 – Designing out crime and anti-social behaviour
- ENV6 – Reduction of waste to landfill
- ENV7 – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development
- T1 – Location of new development where there are opportunities for sustainable travel
- T3 – Supporting strategic transport improvements

Policies

- Policy CS1: Spatial Strategy
- Policy CS2: Natural Environment
- Policy CS3: Landscape Character and the Historic Environment
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- Policy CS5: Design Quality and Local Distinctiveness
- CS6: Sustainable Economic Development and Tourism
- CS7: Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- Policy CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities
- Policy CS13: Infrastructure and Developer Contributions

70. Officer Note – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.

Local Plan

71. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:

- Policy 6.5 – Roads Primary Route Network – Newmarket
- Policy 6.10 – Horsewalks
- Policy 7.2 – Newmarket Town Centre
- Policy 9.1 – The Rural Area and New Development
- Policy 10.2 – Outdoor Playing Space
- Policy 12.1- Racecourse and Training Grounds
- Policy 12.2 –The Studs
- Policy 12.4 – Training Establishments
- Inset Map No. 3- Newmarket Development Boundary

Other Planning Policy

Supplementary Planning Documents

72. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (October 2013)
 - Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

Emerging Development Plan Policy

73. The Council is in the process of finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). Both are to be placed on public consultation in summer 2014 for examination, and, ultimately, adoption.
74. Forest Heath District and St Edmundsbury Borough Councils have prepared a 'Joint Development Management Policies Document' (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate in December 2013 following public consultation. The dates for the examination have been confirmed as July 2014.
75. With regard to emerging plans, the National Planning Policy Framework ('the Framework') advises at Annex 1 that decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

Single Issues Review and Site Allocations Documents:

76. The Single Issues Review and Site Allocations documents were agreed by Members for consultation in November 2013. The Site Allocations document summarises the proposed development in Newmarket to 2031 as comprising, in total, some 1242 new dwellings. The document 'prefers' land east of Newmarket, south of the A14 (Site N14 – Hatchfield Farm), which includes the application site, and puts an estimated capacity of 700 dwellings on this greenfield site.

77. At the time of writing this report, the Single Issues Review and Site Allocations documents had not been published for public consultation. On this basis, and in accordance with the advice offered in the Framework, they can be attributed limited weight in this decision.

Development Management Policies:

78. The Development Management Policies document has been published. It has been the subject of public consultation and has been formally submitted for examination. Accordingly, some weight can be attributed to this plan in the decision making process.
79. The following emerging policies from the document are relevant to the planning application:
- DM1 – Presumption in Favour of Sustainable Development
 - DM2 – Creating Places – Development Principles and Local Distinctiveness
 - DM3 – Masterplans
 - DM4 – Development Briefs
 - DM5 – Development in the Countryside
 - DM6 – Flooding and Sustainable Drainage
 - DM7 – Sustainable Design and Construction
 - DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
 - DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
 - DM12 – Protected Species
 - DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - DM14 – Landscape Features
 - DM15 – Safeguarding from Hazards
 - DM18 – Conservation Areas
 - DM21 – Archaeology
 - DM23 – Residential Design
 - DM28 – Housing in the Countryside
 - DM41 – Community Facilities and Services
 - DM42 – Open Space, Sport and Recreation Facilities
 - DM44 – Rights of Way
 - DM45 – Transport Assessments and Travel Plans
 - DM46 – Parking Standards
 - DM48 – Development Affecting the Horse Racing Industry
 - DM51 – Horse Walks
80. Objections have been received to the vast majority of the policies set out in the Development Management Policies Document. These remain unresolved and will be considered by an independent Inspector in July 2014. In accordance with Paragraph 216 of the Framework, this reduces the weight which can be attributed to these policies.
81. Officers are also mindful of the planning appeal decision in respect of Meddler Stud, Kentford. In the context of DM48 (Development Affecting

the Horse Racing Industry), the Inspector attached some weight in respect of this emerging policy which seeks to protect equine uses. Officers note that this weighting relates to the 'direction of travel' of this emerging policy, given the degree of consistency to the aims and objectives of Local Plan Policy 12.4.

82. Following review of the emerging Development Management Policies, and on the basis of the above evaluation, Officers consider that none of the policies are determinative to the outcome of this planning application. On this basis, reference is not included in the officer assessment below.

National Planning Policy and Guidance

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. [The National Planning Policy Framework](#) (the Framework) is a material consideration for planning decisions and is relevant to the consideration of this application.

84. Paragraph 14 identifies the principle objective of the Framework:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*
 - *or specific policies in this framework indicate development should be restricted."*

85. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible."

86. The relevant parts of the Framework are discussed below in the officer comment section of this report.

87. The Government published its National Planning Practice Guidance in

March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues, and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

OFFICER COMMENT:

88. This section of the report begins with a summary of the main legal requirements, before entering into a discussion about whether the development proposed by this application can be considered acceptable in principle, in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations) before concluding by balancing the proposals benefits against its dis-benefits.

Legal Context

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

89. The planning application was screened on receipt under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion issued on 5 November 2013 concluded that the proposal is 'EIA development' which is likely to have significant effects on the environment by virtue of the following: physical land use changes (including loss of greenfield land); disposal of waste; air quality; ecology and wildlife; noise and vibration. Accordingly, the Local Planning Authority took the view that an Environmental Impact Assessment was required to accompany the planning application.
90. The applicant disagreed with the Screening Response issued by the Council, in that it overstated the environmental effects of the application proposals. A Screening Direction from the Secretary of State was requested on 18 November 2013.
91. On 20 December 2013 the Department of Communities and Local Government issued the Screening Direction. This stated that, in the opinion of the Secretary of State, the application proposal would not be likely to have significant effects on the environment for the following reasons:
- The development is not located within a sensitive area.
 - There is insufficient evidence that significant effects are likely to occur in respect of air quality.
92. In the opinion of the Secretary of State, the development proposal was not considered particularly complex with potentially hazardous effects. In addition, there did not appear to be any other factors in this individual case in this specific location that would necessitate EIA. On this basis, the Secretary of State directed that the development proposed by the

planning application is not 'EIA development', and no EIA was required to be submitted.

93. A High Court proceeding was subsequently issued by Save Historic Newmarket Limited against the Secretary of State for Communities and Local Government. This was by way of a claim for Judicial Review in relation to the Secretary of State's decision to adopt the Screening Direction directing that the development is not EIA development. A High Court decision dated 14 March 2014 refused permission to bring proceedings for Judicial Review.

The Conservation of Habitats and Species Regulations 2010

94. Given the location of the various designated nature sites in the vicinity, consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an appropriate assessment of the implications for that site, before consenting the plan or project.
95. The application site is approximately 3km from a European designated site of nature consideration (Chippenham Fen), but is not within a designation or land forming a formal buffer to the designation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals could give rise to significant effects on the conservation objectives of these designated sites. The Screening Direction issued by the Secretary of State of 20 December 2013 stated that '*the proposal would not likely to have significant effects on the environment by virtue of factors such as its nature size or location*'. It went on to advise that '*the Secretary of State note that the development is not located within a sensitive area but due to its close proximity to SSSI sites around Newmarket Natural England were consulted. They concluded that the development is not likely to have a significant effect on these sites*'.
96. The Council has screened the proposals under Regulation 61 of the Habitats Regulations. This concluded that the development will not have a likely significant effect on any European site. This conclusion is also supported by Natural England (statutory advisor under the Habitats and Species Regulations), in consultation correspondence which confirms that the Council is not required to carry out an Appropriate Assessment of the proposals before deciding to consent to it.

Planning and Compulsory Purchase Act 2004 (as amended)

97. 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 is comprised of the saved policies of the Local Plan and the adopted Core Strategy (as amended by the judgment handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

98. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA).....shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

99. Section 72 (1) of the same Act states:

'...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

100. In this case, there are no listed buildings at the site or close to the site such that their settings would be affected. Similarly the development is not situated in a Conservation Area, and the built form would not affect views into or out of the Newmarket Conservation Area.

Crime and Disorder Act 1998

101. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application, but the proposal does not raise any significant issues.

Principle of Development

National Policy Context and Forest Heath's five-year housing supply

102. Paragraph 47 of the Frameworks states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
103. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements, with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under delivery of new housing) to ensure choice and competition in the market for land.
104. Paragraph 49 of the Framework is fundamental to the evaluation of this planning application:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for

the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five –year supply of deliverable housing sites’.

105. The surviving extant elements of Core Strategy Policy CS7 requires the provision of 6400 new dwellings in the period 2001 – 2021, and a further 3700 new homes in the period 2021 – 2031. As at March 2012, a total of 3089 dwellings had been completed since 2001. In order to meet the 6400 requirement, 3311 dwellings would need to be built to March 2021. This equates to around 367 dwellings annually, or 1839 over the five year period 2012 – 2017.
106. It is acknowledged that the Council is currently not able to demonstrate a five-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 – or 3.4 years with a 5% buffer required by the Framework). There is little evidence of a significant recovery over the period since. The National Planning Practice Guidance advises that any shortfall in the supply of housing should be made up as soon as possible (i.e. within the 5 year period). This means the adjusted (true) five-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.
107. In the light of the Council not being able to demonstrate a five-year supply of housing, any extant Development Plan policies which relate to the supply of housing must be considered as being out of date. This includes the ‘settlement boundaries’ illustrated on the Inset maps attached to the Local Plan (Including Inset Map No. 3 for Newmarket) and Development Plan policies which seek to restrict housing developments in principle. Such policies are therefore of little weight in the decision making process.
108. In such circumstances, planning applications for new housing development fall to be considered against the provisions of the Framework and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development, and where Development Plans are silent or out of date, advises in Paragraph 14 that planning permission should be granted unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole’.*
109. Since the Framework was introduced, there have been numerous examples nationally (including some in the Forest Heath District) where planning permission has been granted at appeal for new housing developments contrary to the Development Plan, because the need for housing to be delivered was considered to outweigh identified negative effects.
110. The Framework does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposals significantly and demonstrably outweigh the benefits, then planning permission should still

be refused – even in areas without a five year supply of housing. This was demonstrated at the Kentford ‘Meddler Stud’ appeal case, where a proposal for 102 dwellings was dismissed by the Planning Inspector (reference F/2012/0766/OUT and APP/H3510/A/13/2197077).

111. The absence of a five year supply of land lends significant weight in support of this development proposal, not least given the Government’s aim to boost the supply of housing and to stimulate the economy. However, this does not mean that the absence of a five year supply of housing land is in itself sufficient justification to warrant the support of development elsewhere. The fundamental planning principle is that each case must be considered on its own merits.

Development Plan Policy Context

112. Vision 1 of the Core Strategy identifies that development will be focused in the towns and key service centres. Vision 2 (and Policy CS1) states that Newmarket will remain the largest town in the District. The principle of growth in Newmarket is accepted and is established through Core Strategy Policy CS1. There has been no change in these circumstances, and Newmarket remains a sustainable settlement.
113. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
114. The surviving elements of Core Strategy Policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031). The policy also confirms the phasing of development to ensure appropriate infrastructure is provided. Policy CS13 states that the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
115. The Council’s Planning Policy Officer, in consultation correspondence, confirms that the ‘original’ growth strategy in respect of the District’s settlement hierarchy was found to be sound. This would suggest that Newmarket does have the environmental capacity in broad terms to deliver the application proposal for 400 dwellings.
116. In terms of the potential environmental capacity of infrastructure in Newmarket, it has been held at planning appeal that the Infrastructure and Environmental Capacity Assessment (‘IECA report’) represents the best available evidence. This report considers the environmental capacity of settlements, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.
117. The IECA report finds Newmarket’s existing level of infrastructure provision to be ‘excellent’, with the exception of road network and

substation capacity. Both of these have capacity issues which may prevent 'medium to high' levels of growth without investment. The report also acknowledges that there are environmental constraints associated with the 'safeguarding' of the horse facing industry. As a consequence of the constraints 'imposed' by land within horse-racing related use, the report identifies Hatchfield Farm as the only 'feasible' location for settlement expansion of any significance.

118. The IECA report identifies a broad range of capacity of some 1740 – 3050 new dwellings in the plan period to 2031. The suggested optimal range based on the considerations outlined within the report is said to be somewhere at the 'low end' of this overall 'scope' for development. This would suggest that the environmental capacity exists to facilitate the quantum of development proposed by this planning application, and also other development's that the planning authority has permitted in Newmarket subsequent to the publication of the report.
119. Whilst IECA report suggests that, in broad terms capacity exists for this development, this is not to say that incremental infrastructure improvements/enhancements would not be required. These matters are considered in further detail in the relevant sections of this report

Sustainable Development

120. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing.
121. Parts 18 -219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. This includes reference to the three dimensions to sustainable development:
- (1) **Economic** – contributing to building a strong, responsive and competitive economy;
 - (2) **Social** – supporting strong, vibrant and healthy communities; and
 - (3) **Environmental** – contributing to protecting and enhancing our natural built and historic environment.
122. The Framework explains at Paragraph 9 that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable locations.
123. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples quality of life, including, but not limited to:
- Making it easier for jobs to be created in cities, towns and villages;

- Moving from a net loss of biodiversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes.

Prematurity

124. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document, both of which will subsequently form part of the Development Plan.
125. Some of the representations received during the course of the application raise concern that approval of this planning application would be premature - specifically that the development would prejudice the proper consideration of site options for development within Newmarket - and that consideration of the application should await the adoption by the Council of an appropriate Local Policy Framework.
126. The Framework does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:

'Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the content of the Framework, and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused

on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'.

127. In the circumstances of this planning application, the development proposal of up to 400 dwellings represents 33% of Newmarket's Single Issue Review allocation of 1230 new homes in the period to 2031. The Planning Policy Officer, in consultation correspondence, notes that this proportion of growth is relatively small when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process – although acknowledges that each settlement has its own unique characteristic (for example infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage.
128. The level of development proposed is not considered to be substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation).
129. Given the context of the current guidance as outlined above, officers consider that it would be difficult to justify any decision that approval of this scheme would be premature. This advice is further re-enforced by the fact that the Council has a significant shortage in its five-year land supply; is already 13 years into the Plan period (2001 – 2031); and that the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.

Provision of Infrastructure

130. The allocation of residential development sites (such as that proposed by the subject planning application) within the context of the Site Allocations Local Plan would enable the proper planning and delivery of infrastructure requirements. However the local planning authority cannot demonstrate a five year supply of deliverable housing sites, and Paragraph 14 of the Framework (the presumption in favour of sustainable development) is therefore a key consideration.
131. Officers note the representation received on behalf of Suffolk County Council, which refers to the issue of prematurity in the context of infrastructure (specifically primary school provision) in Newmarket. The District Council would not wish this planning application to prejudice the optimum sustainable outcomes in respect of the provision of primary school places. During the course of the application, officers have had meetings County Council Officers and with the planning agent. The applicant has expressed a willingness to identify a primary school site on land within his control which adjoins the red line application site boundary.

132. A Section 106 planning obligation could provide for the new primary school at this site, which would be transferred to the County Council at an appropriate time, should a need for a new primary school be established as part of the Local Plan process. On this basis, officers consider that by offering flexibility in primary school provision, the long term provision of education in Newmarket would not be prejudiced. This issue is considered in further detail in the planning obligations section with respect to education.
133. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Summary

134. The absence of a five year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing are deemed out of date by the Framework and thus currently carry reduced weight in the decision making process. This means that the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
135. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.
136. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

Sustainable Transport/Impact upon the Highway Network

137. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.
138. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.

139. Paragraph 34 of the Framework states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However the Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
140. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments. Spatial Objective T3 seeks to support strategic transport improvements serving Forest Heath, especially the A14 and A11 road and rail corridors, in order to minimise the adverse impacts of traffic on communities, improve safety, improve public transport facilities and ensure the sustainable development of the area is not constrained.
141. In the specific context of Newmarket, the Core Strategy recognises the largest town in the District, and in Vision 2 states that further growth will function as part of the town and will be connected by pedestrian and cycle links, and if appropriate, horse walks.

Access Arrangements

142. The application proposes two new vehicular accesses into the site from Fordham Road - one to the north between Studlands Park Avenue and the A14 junction, and one to the south at the Willie Snaith Road roundabout. During the course of the application, minor amendments to the junction designs were submitted.
143. The proposed northern access will comprise a three arm traffic signal junction. The layout utilises the existing A142 alignment with minor adjustments, to create a right turn lane for the northbound movement into the development access, and a left turn lane for the southbound movements into the development access. The development access has a left turn lane and right turn lane for movements heading out of the development northbound and southbound on the A142.
144. The southern access is a proposal to add a fourth arm to the existing A142 Fordham Road/Willie Snaith Road roundabout on the eastern side. It is also proposed that this junction is enlarged slightly. The junction will have a larger central island than the existing junction. Toucan crossings will be provided both to the south and east of this roundabout.
145. The Highways Engineer, in consultation advice, has raised no objection to the application on accessibility grounds, subject to planning conditions relating to the detail of the development. On this basis, the proposals are

considered acceptable with regard to the proposed access arrangements.

Connectivity

146. It is important that the development proposals ensure pedestrian and cycle connectivity to the existing network. A package of measures to improve the connectivity of the site has been put forward as part of the development proposals. This includes the following:
- A puffin crossing point on the A142/Fordham Road, to the south of the Studlands Park Avenue roundabout.
 - A toucan crossing point on the A142/Fordham Road, to the north of the Studlands Park Avenue roundabout.
 - A toucan crossing point on the A142/Fordham Road to the south of the Willie Snaith roundabout.
147. In addition, a new footway/cycleway is proposed south along the A142/Fordham Road, which will connect to the existing cycle route network (the 'Yellow Brick Road') at Noel Murless Drive. The County Highways Engineer has confirmed the acceptability of these improvements, which can be secured through the Section 106 process.
148. Officers note consultation advice from the Council's Tree, Landscape and Ecology Officer and on behalf of the Ramblers Association, which seek the connectivity of the site with an existing public footpath (Newmarket FP7) to the east. It is acknowledged that the previous planning application included a footpath link between Fordham Road to Snailwell Road. However, the current application proposals relate to a smaller site which fronts Fordham Road. It is not considered reasonable to require the scheme to provide a footpath through arable land which is still in cultivation.

Transport Assessment and Travel Plan

149. Transport Assessment's (TA) and Travel Plan's (TP) are an accepted part of the development process, as set out by the Department of Transport in 'Guidance on Transport Assessment'. A full and detailed Transport Assessment (TA) and associated Travel Plan (TP) were submitted as part of the supporting documentation in respect of this planning application. It is understood that pre-application discussions with the District and County Council, and the Highways Agency informed the scope of the report.
150. The TA examines the transport implications of the proposed development, including the two proposed vehicle access points from the A142. As part of the road network assessment, a model has been built to test the operation of the development site accesses, the surrounding roads and the A14/A142 junction. This future year testing allows for traffic growth expectations from growth in the local area, including east Cambridgeshire.
151. Officers note that the methodology employed in respect of the transport

modelling (including the modelling of person trips generated from the site), has been found sound by the Highways Agency and Suffolk County Council as Highway Authority. The TA contains the detail of this approach. In the context of trip generation and distribution, reasonable trip generation assumptions have been made through the use of census data, with account taken of existing appropriate sites. This is in accordance with best practice to ensure trip rates are appropriate to the area that the development is located in.

152. The results of the traffic modelling work are set out in the TA. This indicates that the highways effects of the development traffic and new development accesses will be minimal. The TA identifies that the development will increase existing traffic delays in some locations (for example the Exning Road/Studlands Park Avenue junction), although the TA finds that such delays would not be detrimental to the network.
153. The TA demonstrates that the proposed highways mitigation measures will reduce overall delay through the junctions, and increase journey time reliability. Overall, the TA identifies significant improvements as a result of the proposed mitigation measures. It concludes that the development site is in a sustainable location with good accessibility to the surrounding area for all modes of travel, and the development proposals will not have a severe impact on the local transport network.
154. The County Highways Engineer, on behalf of the Highways Authority, has advised that the submitted TA and associated TP have been extensively and comprehensively reviewed in detail by consultants on behalf of Suffolk County Council. The County Engineer has confirmed the acceptability of the methodologies employed in the TA, and that the amount of people movements generated by the proposed application has been calculated correctly and distributed in a robust manner onto the highway network.
155. The acceptability of the supporting TP has been confirmed by the County Engineer – both in terms of the methodology used, and the provision of suitable incentives and measures to encourage a high number of people to travel by sustainable methods. It is the opinion of the County Highways Engineer, that the residual motorised traffic generated by the site is adequately addressed by the mitigation measures proposed. It is an expectation that both the TA and TP are implemented through the planning obligation and condition processes.

Impact on Strategic Road Network

156. Given the strategic road network implications, the Highways Agency was consulted upon the planning application proposals. Discussions also took place with officers from the Highways Agency during the course of the planning application.
157. To reduce impact of traffic on the A14/A142, an improvement scheme has been proposed. It is proposed that traffic signals are implemented on the two off-slip junctions with the A142.

158. The Highways Agency has advised that a full technical review of the development proposals has been undertaken. The acceptability of the development proposals with regard to the strategic road network has been confirmed. In addition, the Highways Agency Asset Manager has advised that the development proposals would provide an opportunity to improve the current situation of the existing A14 junction with the A142. The proposed signalisation of the off-slip would reduce junction queues, and are considered to bring safety benefits and capacity enhancement. On this basis, the proposals are considered acceptable by the Highways Agency.
159. Officers note the representation on behalf of Exning Parish Council which refers to the A14/A142 junction and requests a signalisation trial. Officers are advised that the purpose of detailed transport modelling and assessment is to avoid the need for trial works before they are implemented. The Highways Agency Asset Manager has confirmed the acceptability of the mitigation works in reducing queues at the junction, and has advised that a signalisation trial would not be supported. This is because the operation of the junction as proposed in its final form is not possible in a temporary situation – it requires additional carriageway width at the southern side of the junction which would not be available in a trial. It is also understood that drivers react differently to temporary traffic lights than permanent traffic control, which means that results of the trial would not necessarily be representative.

Parking Provision

160. The detailed layout of car parking spaces will be considered as part of the subsequent reserved matters planning applications. The level of car parking provision and layout principles will be required to be in accordance with Suffolk County Council's adopted policy.

Summary

161. The Framework directs that applications should only be refused on transport grounds if the residual cumulative impacts of the development are severe. The County Highways Engineer has confirmed that if the proposed mitigation measures are secured, the residual impact on the local highway network is acceptable in terms of highway capacity and safety. On this basis, the impact of the proposed development on the highway cannot be seen as 'severe'.
162. The use of the word 'severe' in national planning policy in relation to transport is a new introduction - previously impacts would be assessed to ascertain if they are 'significant'. Officers interpret this as requiring a higher level of detrimental impact to be demonstrated to justify a refusal on transport grounds. On the basis of the advice received from Suffolk County Council as Highway Authority and the Highways Agency, officers consider that it would be unreasonable to refuse the planning application on these grounds.

163. In reaching this decision, officers note the appeal decision in respect of the 2012 planning application. The Secretary of State agreed with the Planning Inspector, that the road safety impacts of a larger development scheme (which included up to 1200 new dwellings), would not amount to a reason to dismiss the appeal.
164. Whilst third party representations have challenged the methodology for assessing the traffic impacts of the development, officers are satisfied that the methodological approach is sound and is based on established government guidelines and professional practice.
165. Officers note third party representations raising concern regarding existing congestion in the town. It is acknowledged that there is already traffic congestion in the town at peak periods, which is worsened on Newmarket Race days. It is also understood that the town can become virtually gridlocked on the occasions when the A14 is diverted through the town because of accidents. However, these are existing circumstances and it would not be reasonable or appropriate to seek the mitigation of existing traffic problems as part of this planning application.
166. On the basis of the above evaluation, officers conclude that the additional pressure on highways infrastructure generated by the development proposals could be accommodated without significant harm to the town, by mitigation through a related package of planning conditions, infrastructure improvements and financial contributions. The Section 106 planning obligation process is the appropriate mechanism to secure related infrastructure improvements and financial contributions. This is referred to in more detail later in this report.

Impact Upon the Equine Industry

Policy Context

167. Newmarket is recognised as being the focal centre of the equine industry, both in national and international terms. Its status arises from the unique assembly of equine interests in the town, covering all aspects of the racing industry, and which dates over 400 years, commencing with royal patronage under Charles I. The town is the headquarters of the Jockey Club (the sport's controlling body), and similar organisations for trainers and breeders. It is also the location of the Tattersall's Sales Paddocks and a wide variety of closely related specialist bloodstock services - including veterinary health and research units, commercial and financial services and specialist suppliers. This, together with the gallops, stud farms, training grounds and racecourse, gives Newmarket its unique status.
168. The local planning policy context for equine activities has remained constant over many years, with planning policy objectives to safeguard the industry and its contribution to employment - whilst still meeting the essential land use requirements of the town's population. The planning policy emphasis on protecting the horse racing industry, has had an equally important purpose in achieving the preservation of the unique

character of the town's landscape setting and its urban form.

169. The Forest Heath Local Plan dedicates an entire chapter to the horse racing industry (Chapter 12). Specific seek to safeguard the industry itself, as well as the unique townscape which it has created in Newmarket. Policies also seek to preserve the special landscape setting of the town. Policy 12.4 prohibits the change of use of racehorse training establishments, and goes on to advise that '*any development which would adversely affect their operation will not be allowed*'.
170. This protective local planning policy context is continued through the 2010 Core Strategy. Vision 2 recognises Newmarket's position as the international home of horse racing, and states that this role will be preserved and enhanced.
171. Spatial Objective ECO2 encourages inward investment to meet the needs of current and emerging markets and development further industry streams – particularly equine research in the Newmarket area. Spatial Objective ECO5 seeks to utilise Newmarket's international reputation as the headquarters of horse racing to develop the town further as a tourism, leisure and cultural focus for Forest Heath, whilst still protecting its unique character.
172. The application submission considers the impact of the development proposals upon the horse racing industry, and includes a Horse Racing Impact Statement. The Statement provides an evaluation of impact issues, subdivided into those which are direct (impact on Stanley House Stud) and those which are indirect (for example potential increases in traffic in Newmarket causes concern that the town will become less attractive, as well as making it more difficult for horses to cross the town safely, to the detriment of the Horse Racing Industry). Temporary impacts are also considered, such as those arising during the construction phase.
173. The Horse Racing Impact Statement concludes that the greatest potential impact is on Stanley House Stud which adjoins the site and is within the ownership of the applicant. The wider issues concerning the impact on the horse racing industry are evaluated with reference to the 2009 planning application, and 2011 appeal. In this context, it was the conclusion of both the Inspector and Secretary of State that there would be no material impact on traffic conditions or the continued success of the horse racing industry, and these matters were not the basis for the refusal of the planning permission. On this basis, and given the small scale of the current application proposal, the Statement concludes that there will be no material adverse impacts on the horse racing industry, when combined with a relevant package of mitigation measures.

Newmarket's Equine Cluster

174. The economic and cultural significance of the horse racing industry to Newmarket is undisputed. The economic value of the industry was recently quantified by SQW in a study commissioned by Forest Heath

District Council and the Newmarket Horsemen's Group, which was published in the autumn of 2013 (Newmarket's Equine Cluster – The Economic Impact of the Horse Racing Industry Centred upon Newmarket).

175. The SQW study sought to obtain an up-to-date understanding of the scale and economic significance of the horse racing industry (including that from trainers, stud farms, horse racing institutions, scientific and veterinary organisations and visitors) in the Newmarket area. The survey confirmed the major contribution to the economy of Newmarket and the surrounding area made by the horse racing industry, with a total economic contribution in money terms estimated at just over £200 million pounds.
176. In terms of employment, the SQW study estimated a total of some direct 2285 full time equivalent jobs (within which there is a substantial component of part time employment). The direct jobs, plus additional 'events related' employment at Newmarket Racecourses and Tattersalls, relate to direct expenditure on wages totaling almost £80 million. In the local context, the implications for East Cambridgeshire and Forest Heath is almost 6000 employment opportunities created by the racing industry, with total expenditure in these Districts amounting to some £145 million. This means that the horseracing industry contributes to just over 6% of these authorities Gross Value Added.
177. The successful development of Newmarket's equine cluster in recent years is based upon investors who have come into the area and built up large stud farms. A proportion of top stallions are now retained in Newmarket, and are of fundamental importance for the whole cluster. On balance, the report concludes that Newmarket remains an excellent location in which to develop and grow a business related to horse racing and breeding. It has a positive international image, and real substance behind it in terms of world class facilities and expertise.

Impact on the Equine Industry

178. The equine industry forms a critical part of the economy of Newmarket and the surrounding area. It is therefore important to ensure that new development proposals do not jeopardise this sector. The impact of any development proposal upon the equine industry is a material planning consideration that must be given due weight in the balance of considerations.
179. A significant number of representations received during the course of the planning application were from many components of the racing industry, raising objections on the grounds of harm to the equine industry. Such concerns relate to the potential traffic impacts of the development proposals on the safety of riders and horses as they cross roads or travel adjacent to the highway. Concern has also been articulated in respect of vehicular movements generated by the development, and the impact of increased congestion on the movement of horses, trainers and owners across the town.

180. Representations also refer to the potential impacts of the application proposals on the long term prospects of the equine industry. In this context, concern is raised that changes in the character and nature of Newmarket could deter the willingness of firms and race-horse owners/trainers, from investing further in and around the town.

Impact on Horse Movements/Traffic Congestion

181. Officers understand that there are approximately 80 training yards around Newmarket, where in excess of 3000 horses may be in training at any one time. The majority of these horses do not have access to private gallops, and travel through the town on a daily basis to access the 2500 acres of training grounds which are located in two areas – the Bury Side (east of the town) and Racecourse Side (west of the town). The horses generally cross in strings of up to 20 horses - although several strings may reach the crossing at the same time resulting in a significant number of horses crossing at once.
182. The planning case officer has visited Newmarket on several occasions during the course of the application, to observe the movements of horses across the town during the morning. Horses are sent out of their yards to train each morning in strings. In some cases this may be via the Severals warm up ring. The result is a large movement of horses across Newmarket throughout the morning training period. Whilst some horses have to walk along sections of trafficked roads, there are also specially designated horse-walks in many places in the town.
183. There are a number of dedicated horse crossings in the Town, with two of the busiest being at Rayes Lane on Fordham Road, and Bury Road, close to the Severals warm-up ring. These are situated approximately 1100m and 1600m respectively from the proposed southern entrance to the site on Fordham Road.
184. The number of horses using the Newmarket training grounds in recent years has increased. Between January 2000 and December 2012 there was a 30% rise in horse numbers, which represents an average annual increase of 2.3% (Source – Newmarket Horseman’s Group representation dated January 2014). At the request of the planning case officer, traffic flow information was provided by the highways consultant for the A142/Fordham Road south of Willie Snaith Road for the same time period (Source – Department for Transport data count web site). This data shows a reduction in the number of traffic movements in 2007, since which time traffic flows have remained relatively stable.
185. Both the County Highways Engineer and the planning case officer have visited horse crossings to understand, as much as is practicable, the implications of the development proposals on the operation of the horse crossings. Officers have also reviewed the submitted evidence on behalf of both the applicant and interested parties, in respect of the growth of vehicular movements and horses in the town.
186. The Transport Assessment which was submitted in support of the planning

application acknowledges that there will be some increase in vehicular activity arising from the development proposals. However, the residual motorized traffic generated by the site is addressed through a number of mitigation measures. On the basis that any impacts of increased vehicular congestion could be mitigated, the Highways Engineer considers that the potential impacts of the development proposals on the highway network is acceptable. The impact of the development proposals on congestion in the town cannot therefore be considered as 'severe'.

187. Members are reminded of Paragraph 32 of the Framework, which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. On this basis, officers take the view that it would be neither reasonable nor appropriate to refuse the planning application on these grounds.

Impact on the Horseracing Economy

188. The Forest Heath Local Plan recognises that racehorse training is a cyclical activity, reflecting the economic fortunes of the racehorse industry. However, the SQW report demonstrates that the horseracing industry is thriving, suggesting that the number of horses in training increased by 30% between 2000 and 2012. On this basis, and as acknowledged by the Planning Inspector in respect of the previous planning application, there is a prospect of further growth in this industry.
189. Third party representations state that the perception of harm from traffic congestion would cause some owners to send their horses elsewhere for training. If this were the case, then this would have implications for the horse racing industry - with consequent negative effects on the local economy and the character of the town. In this respect, it is very difficult to quantify the implications of the development proposal on the future of horse racing in the town, given that such concerns are qualitative.
190. Based on the available evidence, the horse racing industry in Newmarket has increased in prosperity over the last 12 years. This would suggest that development within the town has not previously been a deterrent to investment in the horse racing industry. Further advice on this matter is contained in the 2012 Inspector's Report for the larger scheme of up to 1200 dwellings. In this context, the Secretary of State agreed with the Inspector that *'it seems unlikely that owners would logically choose to move their horses away before the development took place. They would then be able to judge for themselves the result of the limited traffic impacts, rather than being swayed by a public campaign against the scheme. The conclusion must be that the risk to the horse racing industry is very small'* (Paragraph 12.4.28).
191. Officers recognise the importance of Newmarket's equine industry to the local economy. However, there is insufficient evidence to support the argument that the development proposals would adversely affect the operation of race horse training establishments, or have a negative impact on the future prosperity of the horse racing industry in the town.

Summary

192. The Council recognises the economic value of the equine industry to the Newmarket area, and that such a significant element of the local economy must be protected. However, this should not mean that all development in the town be refused because it may threaten the long term viability of the horse racing industry. It is important to provide the justification and evidence base for such assertions.
193. The potential impacts of the development proposals on congestion in the town have been assessed. The methodology for this assessment is based on established government guidance and professional practice. It is accepted that the only available guidelines contain limitations in relation to modelling interaction with equine activities. However, the methodology is that which was accepted by the Secretary of State in respect of application F/2009/0713/ESO.
194. On the basis of the evidence submitted, there is no evidence to suggest that the proposed development would harm the horse-racing industry. Officers note that this was also the view taken by the Secretary of State in respect of the 2009 scheme for up to 1200 dwellings. Paragraph 12.13.7 of the Inspector's report states that *'With the proposed mitigation works, the increased traffic from the development would not harm the safety of horses walking through the town, but there would be some effect on the east with which owners, trainers and vets would be able to move around the town. Nevertheless, taking into account particularly Newmarket's pre-eminent position in the horse racing industry, the impact is most unlikely to harm the prosperity of the industry'*.
195. On this basis of the above evaluation, officers are of the opinion that it would be unreasonable to refuse the planning application on the grounds of harm to the horse racing industry.

Impact upon the Landscape

196. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promotes development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) and recognising the hierarchy of graded agricultural land. National policy stops short of seeking to protect the 'countryside' from new development in a general sense.
197. Vision 2 of the Core Strategy recognises the need to balance new housing development with the need to protect the landscape setting of Newmarket. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.

198. The application site is undeveloped agricultural land outside the Newmarket settlement boundary, and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework. The proposed residential development in the countryside is thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. Those policies which restrict the supply of housing are deemed to be out of date by the Framework, given the absence of a five-year supply of housing sites in the District.
199. The application site is characterized as 'Rolling Estate Chalklands' as defined by the 2008 Landscape Character Assessment (SLCA). In principle the development proposals would be harmful to the character of the countryside, given that there would be a permanent change of character from undeveloped agricultural land to a residential housing estate. This would constitute a dis-benefit of the proposals, although other landscape features such as trees and hedgerow boundaries will generally be retained.
200. A Landscape and Visual Impact Assessment (LVIA) of the development proposals forms part of the submitted Environmental Report, and includes photo-views. The methodology has been found sound by both the County Landscape Officer and the Council's Tree, Ecology and Landscape Officer. The application site is well screened by hedgerows which surround the site, and public views are limited. To the north of the site, established planting along the A14 restricts views into the site. The eastern side of the site is visually contained by a mature mixed tree belt from which there are no public views. To the west, views into the site from residential properties at Studlands Park are limited by planting and the orientation of existing buildings, whilst a dense hedgerow which contains mature trees screen views into the site from the A142 Fordham Road.
201. The south-eastern side of the site, along the boundary with Hatchfield Farm House is considered to be the most sensitive to potential landscape impact. Planting along this boundary has taken place, but it is not fully established. Views extend into the site from the access drive which leads to Hatchfield Farm House, the paddocks to the south, and three cottages just outside the southern corner of the site.
202. The landscape character will change irreversibly in the long term as a result of the development proposals. The LIVA highlights the visual impacts, particularly from Fordham Road and Hatchfield Farm cottages. The extent of the visual impact of the proposed development on the landscape is considered acceptable, given that the site is generally well screened. This limits visual impacts to glimpsed views. Any potential impacts would be capable of mitigation by way of the introduction of planting additional boundary landscaping.
203. The precise details of the landscaping proposals, including a landscape strategy (including strategic landscaping) and the protection of existing tree belts can be secured by planning condition, should planning approval be forthcoming.

Summary

204. Officers have considered the submitted documentation, including the Landscape and Visual Impact Assessment, and visited the application site and surrounding area. The impact of the development proposals upon landscape quality and character of the wider area is considered to be acceptable.

Loss of Agricultural Land

205. The Framework states, in Paragraph 112, that the economic and other benefits of the best and most versatile agricultural land should be taken into account by local planning authorities. It further advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
206. The application site relates to approximately 20 hectares of agricultural land, all of which have been classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Whilst this loss in itself is not considered significant, the development of Grade 1, 2 and 3a agricultural land is a dis-benefit of the scheme. This is not an issue that would justify a refusal of planning permission on its own, but needs to be taken into account in the overall balance of weighing the development's benefits against its dis-benefits.
207. The proposals do, however, include areas of public open space, amounting to approximately 4 hectares, where, although the land would be removed from agricultural use, the soils would remain in a relatively unaffected condition. In order to safeguard soil resources as part of the overall sustainability of the development, and in accordance with the advice offered by Natural England, the details of the soil handling process could be secured by planning condition.

Summary

208. Officers have considered the development proposals in the context of the loss of approximately 20 hectares of agricultural land. Given the level of growth planned for the District by the Core Strategy to 2031, development on agricultural land (greenfield sites) is inevitable. There is insufficient available stock of previously development land (brownfield land) at appropriate locations to accommodate new development in the plan period, which results in an assumed need for greenfield sites.
209. Subject to the recommendation of planning conditions as set out above, the loss of agricultural land is considered to be acceptable.

Impact upon the Historic Environment

210. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their

significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas, and also various undesignated assets including archaeological sites and unlisted buildings which are of local interest.

211. The Framework advises that local planning authority's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.
212. One listed building (Newmarket General Hospital) lies within 1km of the application site. Given this distance, the development proposals are not considered to have impacts on this heritage asset.
213. The Newmarket Conservation Area is situated approximately 400m to the south of the application. The site is largely screened from view from this aspect, and is situated such a distance so as to not affect the character and appearance of the Conservation Areas.
214. In terms of potential impacts of highway proposals put forward as mitigation measures for the development, and vehicular activity associated with the development, Officers are of the opinion that these would not be significant in terms of the appearance of the Conservation Area.

Archaeology

215. The application site affects an area of archaeological potential, as defined by information held by the County Historic Environment Record (HER). A field evaluation in 2008 identified the presence of archaeological remains at the site, comprising Prehistoric worked flint scatters and finds of Prehistoric, Roman and Mediaeval pottery.
216. The Environment Report which accompanied the planning application includes reference to archaeology and cultural heritage. This advises that a programme of archaeological evaluation has been undertaken, which established that whilst there is a high potential for archaeological remains in the wider area, the application area is devoid of large or complex archaeological features or of artefacts in significant quantities.
217. The County Archaeological Officer, in consultation correspondence, accepts the conclusions of the Environment Report with regard to archaeology, and advises there are no grounds to consider refusal of planning permission – subject to a planning condition requiring further archaeological works to supplement those already undertaken (with a suggestion of a further 3% of trial trenching), and to provide sufficient information for the development of appropriate mitigation measures,

should these be required.

218. Subsequent dialogue regarding the extent of the development area which is to be subject to a further phase of trenched archaeological evaluation has taken place. The County Archaeological Officer has confirmed that the planning condition does not need to include reference to the extent of the trial trenching.

Summary

219. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

Impact upon Local Infrastructure (Utilities)

220. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should *inter alia* identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should '*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*'.
221. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:
- 'The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development'*.
222. Policy CS13 lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time). It concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
223. Matters relating to highways, education, health and open space infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

Infrastructure and Environmental Capacity Appraisal

224. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECCA), which has informed the preparation of the Development Plan. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
225. The IECA report is the most up to date evidence base of the infrastructure capacity in the District. For the purposes of the evaluation of this planning application in the context of infrastructure, it is supplemented by relevant consultation responses.

Waste Water Treatment Infrastructure

226. The Flood Risk Assessment (FRA) which accompanies the planning application advises that foul flows from the development will be connected to the Anglian Water public sewer network. Anglian Water has confirmed that there is capacity within the local sewage treatment works (Newmarket Sewage Treatment Works) to cater for flows from the development. Officers understand that a pumping station will be required to be constructed on the site to cater for foul flows arising from the development. This will be a matter for subsequent applications at the detailed planning stage.

Water Supply

227. Anglian Water has confirmed that the proposed development can be fed from the existing potable water supply, and that the point of connection will be from the existing water main along Fordham Road. There is sufficient capacity within this water main to feed the whole site without any additional reinforcement works or additional abstraction licences being required. The existing groundwater and river abstraction levels would therefore be unaffected by the proposed development.

Energy Supply

228. The IECA report advises of substation capacity issues in Newmarket, which may 'medium to high' levels of growth without investment. It is understood that the applicant has been engaging with the electricity supplier (UK Power Network) since 2006, and that there is no capacity issue that prevents the development from proceeding.
229. Officers are advised that a new minor substation will be provided for the site, and that overhead electrical cables within the site are likely to require relocation/diversion to facilitate development. This will be a responsibility of the developer of the land.
230. On this basis, officers confirm that there is no evidence to suggest that electricity supply will be an infrastructure constraint.

231. On the basis of the available evidence, the development proposal is considered acceptable with regard to waste water infrastructure.

Summary

232. On the basis of the available evidence, the development proposal is considered acceptable with regard to impact on infrastructure (utilities). This conclusion is confirmed by Anglian Water, the statutory sewerage undertaker, which has not objected to the planning application.

Flood Risk, Drainage and Pollution

233. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
234. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
235. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk

236. The application site is shown to lie within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
237. There are no surface water features present on the application site. The nearest surface watercourse is approximately 415m northwest of the site boundary, which flows north to join the River Snail approximately 2km to the north of the site.
238. The application as submitted included a Flood Risk Assessment (FRA), whilst the Environment Report includes an assessment of potential impacts on hydrology and hydrogeology. The FRA states that the proposals would not have an adverse impact on flood risk or drainage related issues. The Environment Agency, in consultation comments, has confirmed the acceptability of the submitted FRA, and raised no objection to the proposals of flood risk grounds.
239. Surface water run-off from the site during construction may have the

potential to drain into the tributary of the River Snail. A condition can be recommended to ensure any excess surface water on the site is managed by discharge to a soakaway.

240. In terms of the provision of sustainable drainage systems (SuDS), it is an expectation that this will form part of the detailed design of the site, to reduce the potential impact of the development with respect to surface water drainage. The Environment Agency, in consultation correspondence, has advised that the drainage scheme incorporates SuDS techniques where feasible. In accordance with the advice offered, the precise detail of the surface water drainage proposals, (including provision of SuDS) can be secured by planning condition.

Foul Drainage

241. The foul drainage from the development is in the catchment of Newmarket Sewage Treatment Works (STW) which has the capacity to treat the flows from the proposed site.
242. Officers note that in the consultation correspondence on behalf of the Environment Agency, a condition is recommended which requires a scheme for the improvement of the existing sewerage system. This is based on the submitted FRA which notes that whilst there is sufficient capacity at the local sewage works (Newmarket STW) to accommodate 400 dwellings, it is likely that some sewers may need upgrading.
243. Consultation advice received on behalf of Anglian Water and dated 21 November 2013 post-dates the submitted FRA. This correspondence confirms that the sewerage system at present has available capacity for the flows arising from the development, and that Newmarket STW will have available capacity for these flows. In the light of this updated evidence, the Environment Agency has confirmed that this planning condition is no longer required.

Ground Contamination

244. The application site has an agricultural history. The submitted desk based assessment which formed part of the Environment Report indicates that the site is unlikely to be contaminated. The Council's Environmental Health Officer and the Environment Agency raise no objection to the proposals on these grounds – subject to the recommendation of a planning condition requiring further investigative work, should contamination be found during development.
245. In terms of potential pollution arising from construction activities, mitigation measures can be put in place by way of planning condition, to ensure that potential risk of contamination to soil and groundwater is minimised during the construction process. The Environment Agency and Environmental Health officer have recommended relevant conditions.

Local Air Quality

246. The Environment Report which accompanies the planning application evaluates the development proposals in the context of potential air quality impacts associated with construction and additional road traffic. The air quality assessment and cumulative assessment indicate that the proposed development generated traffic will have a negligible impact.
247. In terms of air pollution arising during the construction phase, the implementation of site specific mitigation measures, including a dust management plan can be secured by way of planning condition.
248. The Council's Environmental Health Officer, in consultation correspondence, has confirmed the acceptability of the proposals with regard to local air quality. Conditions are recommended relating to air quality monitoring during the construction process, to ensure national air quality objectives are not exceeded.

Summary

249. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, ground contamination and local air quality.

Impact upon Natural Environment

250. The Framework confirms the planning system should contribute to and enhance the natural environment by *inter alia* minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
251. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
252. There are no international, national or other statutory designations on or adjacent to the application site. The nearest site of nature conservation interest is a non-statutory site known as 'The Limekilns' and Adjacent

Areas County Wildlife Site. This is situated approximately 1.1 km to the east-south-east of the application site.

253. Chippenham Fen, which is a European Designated Site, is located approximately 3km to the north-east of the site. This National Nature Reserve (NNR) is also designated as a Site of Special Scientific Interest (SSSI) and Ramsar Site (wetland of international importance). It is part of the Fenland Special Area of Conservation (SAC) for its species rich fen meadows, which is protected under European Legislation. The application site is also approximately 4km from Devils Dyke SSSI and SAC.

Habitats Regulations Assessment

254. In accordance with Regulations 61 and 62 of the Habitats Regulations, the local planning authority has carried out an assessment and conclusions with regard to the various steps within a Habitats Regulations Assessment. This is available to view via the following link: http://planning.stedmundsbury.gov.uk/online-applications/files/D14F5BB4F14459E7A0B4A53523C87AED/pdf/DC_13_04_08_OUT-ECOLOGY_TREE_AND_LANDSCAPE_OFFICER-843096.pdf
255. The assessment has identified that the proposal is unlikely to have a significant effect on any European Designated Sites. On this basis, there is no requirement for the local planning authority to carry out an Appropriate Assessment as part of the Habitats regulations Assessment of the proposal. English Nature, in consultation correspondence, has confirmed this approach.

Impact on European Designated Sites

256. Due to the distance of the application site from Devils Dyke SSSI and SAC, and the nature of this designated site, Natural England has advised that there is no likely significant effect to this SAC from the proposed development.
257. In terms of potential impacts on Chippenham Fen, the qualifying features of the Fenland SAC are dependent on water availability. The potential impacts of the development on water resources at Chippenham Fen have been carefully considered, specifically in terms of whether groundwater levels in the underlying chalk will be depleted if required to supply the new residential population with potable water.
258. The Environment Report which accompanied the planning application concludes that there will be no indirect impacts to Chippenham Fen arising from changes in hydrology. Anglian Water has confirmed that there is currently sufficient capacity within existing abstraction licences to supply the development, without a need to increase existing licensed abstraction allocations. Officers also note from Anglian Water's revised Draft Water Resources Management Plan (2014) that a water resource surplus is shown for the Newmarket area for the 25 year period which is covered by the plan.

259. Officers note that effect of existing abstraction licences has been reviewed as part of the Environment Agency Review of Consents. The review concluded that the Lodes Granta scheme would be capable of maintaining appropriate water levels at Chippenham Fen, and that no changes to existing abstraction licences were necessary.
260. Given that the level of abstraction permitted by current licences can occur without affecting the notified SAC features at Chippenham Fen, and that the development's water requirements can be met by these licences, Officers are of the opinion that the development proposals would not have an indirect effect on Chippenham Fen through changes to water availability. Natural England, in consultation correspondence, concurs with this approach.
261. Officers note a third party representation raising concerns regarding the submitted hydrological assessment. Based on the above evaluation and the advice offered on behalf of Natural England, officers are satisfied that the hydrological assessment is sound and robust.

Increased Recreational Pressure

262. Suffolk Wildlife Trust, in consultation correspondence, advises that the development proposal may contribute to increase recreational pressure on internally designated sites – and recommends that account of relevant research is undertaken when evaluating the application proposals.
263. The Environment Report submitted in support of the application states that there will be no significant adverse impacts on European sites within 10km of the proposed development, arising from the development proposal, in terms of increased visitor pressure. In terms of potential impacts arising from increased recreational use of Chippenham Fen, the assessment concludes that it is unlikely to attract additional visitors because it is not well connected by footpath and cycle routes, there are no car parking or toilet facilities at and there is limited public access through the Fen.
264. The Council's Tree, Landscape and Ecology Officer has provided further advice in terms of potential impacts on European sites, and notes that the Breckland SPA, is located over 8km away from the application site. Given the percentage increase in the population of Newmarket arising from the application proposals, it is considered unlikely that the numbers of visitors to the Breckland SPA will increase significantly as a result. In reaching this conclusion, officers are mindful that the SPA component within 10km of the development site is Breckland Farmland (which is difficult to access and unlikely to be attractive to visitors), Wicken Fen Ramsar and Devils Dyke SAC (both of which sites are managed to accommodate visitors).
265. In terms of increased visitor pressure on other designated sites, the Environment Report suggests that there could be some potential for recreational impacts when considered alongside other developments. Officers note that there are six County Wildlife sites which are within 2km of the application site. In terms of mitigation measures, these are set out

in the Environment Report, and the acceptability of these measures has been agreed by the Council's Ecology, Tree and Landscape Officer. These include measures in the Travel Plan to promote local recreational facilities and non transport modes. A financial contribution has also been agreed for public rights of way improvements. Such measures can be secured through the Section 106 planning obligation process.

Ecology

266. The impact of the development proposals on nature conservation is detailed in the submitted Environment Report. This document sets out the ecological survey work which has been undertaken in support of the development proposals. The baseline description makes use of information and survey data available from the previous planning application, with updates where appropriate. The Council's Tree, Landscape and Ecology Officer has confirmed that the methodology used for the ecological assessment is acceptable - although notes that additional survey work will be necessary to inform further detailed methodologies required to fulfil planning conditions and reserved matters application.
267. A summary of the Nature Conservation Value of the application site and site features, including potential impacts is included in the Environment Report. The impact evaluation considers the cumulative impact of the proposals in association with other planning proposals in the vicinity.
- Flora
268. In terms of the impact on flora, there will be some impact relating to the loss of arable field margins and the plant species 'fine leaved fumitory'. Measures to translocate soil from the field margin where it is known to be present are proposed. Supplementary information to support the practicality of this has also been submitted. The detail of the translocation can be secured by way of planning condition.
- Bats
269. The development scheme has the potential to impact on bats in terms of loss of foraging and community habitat. The application sets out measures to mitigate loss and ensure the identified bat population is maintained. These measures can be conditioned. Additional detail in relation to the retention and protection of existing trees, woodland and plantation and landscaping at the new entrances, and the details of the lighting strategy proposed is also sought.
- Badgers
270. Information relating to badgers on the site has been submitted in a separate report. The detail of this report has been assessed against relevant Natural England standing advice. Officers consider that the information submitted by the applicant is adequate to assess the impact of the proposals on the badger population present, and to provide a mitigation strategy consistent with Natural England standing advice.

271. It would be appropriate for further badger survey work to be undertaken to inform the detailed mitigation methodology. This can be conditioned.
- Birds
272. The Environment Report acknowledges that ground nesting birds (such as skylark) are likely to be displaced by the development. An updated breeding bird survey was conducted in April 2014. The survey recorded one skylark territory within the application site boundary.
273. Suffolk Wildlife Trust, in consultation correspondence has advised that any loss of skylark territories should be compensated. Offsetting measures, such as sky lark plots in adjacent arable can be secured and safeguarded from future development by way of planning condition.
- Reptiles
274. The development proposals have the potential to impact on reptiles on terms of loss of habitat and potential for harm and disturbance. The Environment Report confirms that the population of reptiles can be accommodated on site. A mitigation strategy is proposed which is consistent with Natural England standing advice. The detailed implementation can be secured by planning condition.

Summary

275. On the basis of the above evaluation, officers are of the opinion that the development proposals would not cause significant harm to any designated nature conservation sites, nor have an unacceptable impact on the nature conservation value of the application site. This conclusion is supported by the Council's Ecology Tree and Landscape Officer, Natural England and Suffolk Wildlife Trust.
276. Subject to the implementation in full of recommended mitigation and enhancement measures, as secured through relevant planning conditions, the proposed development is considered to satisfactorily address ecological issues.

Design of the Built Environment

277. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
278. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of

design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by Policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

279. Saved Local Plan Policy 4.4 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality.
280. The Design and Access Statement which accompanies the application assesses the application site and its surrounding context. It sets out a Masterplan approach for the development's design strategy, based on identified opportunities and constraints. This includes residential densities and indicative sketches based on identified character areas.
281. The detailed layout, scale, appearance and landscaping of the application site will be a matter for the reserved matters planning application stage. However, planning conditions have been recommended which include reference to the scope of the development (up to 400 dwellings), the density of the development (in general accordance with the Design and Access Statement) and the general provision of open space (in accordance with the Council's adopted Supplementary Planning Document for Open Space).
282. With regard to the detailed provision of open space, it will be an expectation that the scheme provides on-site outdoor sports space, children and young people's space and parks/gardens/recreation grounds in accordance the adopted Supplementary Planning Document for Open Space. A condition can be imposed upon any planning permission granted to ensure the open space area provided at the site is properly provided, managed and maintained. The on-site provision of allotments will not be sought, as the scale of development is less than the 600 dwelling trigger set out in the SPD

Summary

283. Officers are satisfied that the submitted Design and Access Statement provides the design basis for subsequent detailed design phases. Subject to planning conditions as described above, the proposals are considered to comply with relevant Development Plan policies in respect of design.

Impact upon Residential Amenity

284. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim *inter alia* to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.

285. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan Policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
286. It is an expectation that a full assessment of the potential impacts of the scheme on existing and prospective residential amenity will be carried out at the detailed planning stage, when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards exist within the Development Plan and the Framework to protect the interest of occupiers of existing residential properties. On this basis, the development proposals are considered acceptable with regard to residential amenity.

Sustainable Construction and Operation

287. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans '*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*'.
288. The Framework confirms planning has a key role *in helping shape inter alia secure radical* reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:
- In determining planning applications, local planning authorities should expect new development to:*
- *Comply with adopted Local Plan policies on local requirements for de-centralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - *Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
289. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
290. Documentation submitted in support of the application advises that the development will be sustainable, by ensuring the inclusion of measures to assist with adapting to and mitigation the effects of climate change. The application also confirms that the dwellings will meet the current Codes for Sustainable Homes standard. This can be secured by way of planning condition.

291. The Council's Environment Manager has provided detailed advice in respect of the application submission. In accordance with the advice offered, a condition has been recommended which requires the submission of an Energy Strategy. On this basis, the development proposals are considered acceptable with regard to sustainable construction and operation.

Planning Obligations

292. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

293. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

294. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
295. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy Policy CS9 requires a target of 30% of the number of net new dwellings in residential schemes of 10 or more dwellings (or sites of more than 0.33 hectares) to be sought as affordable. This policy is supported by the Joint Affordable Housing Supplementary Planning Document (SPD), which was adopted by the Council in October 2013. This document sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and Section 106 arrangements).
296. Evidence demonstrates that there is a significant need for affordable housing across the District, which will continue for some time. Housing officers have advised that, as at April 2014, there were 1138 applicants on the Council's housing register. Of these, 314 have a local connection to Forest Heath and wish to live in Newmarket.

297. The application proposes 120 of the dwellings as 'affordable'. The precise detail of the affordable housing mix has been the subject of discussion between the Council's Strategic Housing team and the planning agent. At the time of writing this report, the following mix had been agreed:

One bed flat 'lifetime home'	20
One bed bungalow 'lifetime home'	8
Two bed bungalow	6
Two bed bungalow 'lifetime home' /wc accessible	2
Two bed house	57
Three bed bungalow 'lifetime home' /wc accessible	2
Three bed house	20
Four bed house	5
<hr/>	
Total	120

298. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure mix, location of units within the development site and their transfer to a registered provider can be secured through the S106 planning obligation.

Education

299. The Framework, in Paragraph 72, places significant emphasis on the need to provide school places. In particular, local planning authorities are required to take a '*proactive, positive and collaborative approach*' giving '*great weight to the need to create, expand or alter schools*'. The Framework also states, in Paragraph 38, that within larger scale residential developments a mix of uses should be promoted. '*Key facilities such as primary schools...should be located within walking distance of most properties*'.

300. This approach is supported by Policy CS13 of the Forest Heath Core Strategy, which establishes requirements for infrastructure in the District, with '*new development...[being]...required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath's communities*'.

301. The Section 106 Developer's Guide to Infrastructure Contributions in Suffolk sets out the process by which contributions to school infrastructure will be secured. Contributions are based upon an assessment of existing capacity. In line with the policy approach summarised above, developer contributions would usually be sought to provide additional places generated by new residential development.

302. Officers understand that primary school places in Newmarket are expected to be in deficit by 2015/2016. The development proposal has been estimated to generate a minimum of 100 additional primary school pupils. This amount of additional demand cannot be accommodated at local schools, and would not be sufficient to create a school of optimum size.

303. During the course of the application, meetings between District and County Council officers, and with the planning agent, have taken place to consider whether primary school places could satisfactorily be secured to mitigate the impacts arising from the proposed development. Suffolk County Council has requested that provision be made for an eventual 315-place primary school, which would be sufficient to meet demand created by the scale of growth proposed by the Single Issue Review (1,230 dwellings).
304. A primary school site reservation on 1.51 hectares of land at Hatchfield Farm has been sought. The site is adjacent to, and to the east of, the application site, and is within the control of the applicant. Proportionate contributions towards the full build costs of a new 315 place primary school are also sought by the County Council. The full build costs of the school are based on the adopted Developers Guide figure of £5.6m, which excludes land costs.
305. The school site reservation can be secured by way of option, with capital contributions in order to mitigate the education impacts directly arising from this scheme secured through the S106 process. The County Council has advised in a letter dated 13 June 2014 the acceptability of this strategy - which has also been agreed by the planning agent. The S106 planning obligation has been drafted accordingly, and includes 'triggers' for the payment of the financial contributions and transfer of the school site.
306. With regard to secondary school provision, the local catchment school is Newmarket College. The County Council has confirmed that there will be surplus places available at that school to cope with the additional demand arising from the proposed development. On this basis, no secondary school contributions are sought.

Pre School Provision

307. In terms of pre-school provision, it is the responsibility of Suffolk County Council to ensure that there is sufficient early year's provision for pre-school children. Officers understand that, at present, there is no spare capacity in Newmarket.
308. The proposed development would generate up to 40 pre-school pupils. A contribution of £243 640 has therefore been requested by the County Council, to mitigate infrastructure demands generated by the development proposal.
309. The planning agent has confirmed the acceptability of this request, which can be secured through the S106 planning obligation process. In accordance with the advice offered by the County Council, the obligation has been drafted to ensure that the money will be spent pre-school provision within Newmarket. It also includes 'triggers' to ensure payment of the contribution in stages, as the development is built out.

Public Open Space Provision

310. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
311. Core Strategy Spatial Objective CS2 seeks to promote an improvement to the health of people in the District, by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
312. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. The policies also state that provision will be made for a wider area than just the development site. These policies are expanded upon via the Council's adopted SPD for Public Open Space, Sport and Recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
313. The application proposes approximately four hectares of public open space, as shown on the indicative site layout. The Council's Parks Manager has confirmed the acceptability in principle of the quantum of on-site open space proposed, which is in accordance with the level of provision set out in the adopted SPD. In accordance with the SPD, it would also be necessary to secure a financial contribution in respect of the off-site provision of allotments.
314. The planning agent has confirmed the acceptability of entering into a S106 planning obligation to secure these elements.

Libraries

315. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development. A capital contribution of £73 000 has been agreed for improvements to library provision within Newmarket, to meet the increased demand caused by the Development. This can be secured through the S106 planning obligation, which has been drafted to ensure payment of the contribution in a timely manner, in accordance with a timeframe which has been agreed by the County Council.

Health

316. NHS Property Services, in consultation advice, advises that the proposed residential development is likely to have a significant impact on the NHS funding programme for the delivery of healthcare provision within the local area, and specifically within the health catchment area of the development.
317. The GP practices which service the proposed development are: Orchard House Surgery, Fred Archer Way; The Rookery Medical Centre, The Rookery; Oakfield Surgery, Vicarage Road. Following dialogue with the

planning agent (which challenged the capacity of the catchment GP practices), a revised Health Care Impact Assessment was prepared by NHS Property Services. This provides the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area. The HIA shows that there is an overall capacity deficit in the catchment surgeries.

318. A developer contribution of £66 000 has been agreed, towards capital funding to increase capacity within the GP practice area, and to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development. The S106 has been drafted accordingly.

Highway Improvements

319. Suffolk County Council in their consultation advice has requested that the Section 106 planning obligation package includes a number of highways elements to mitigate the residual motorised traffic generated by the site. These include the following:

- Travel plan incentives.
- A puffin crossing point on the A142/Fordham Road, to the south of the Studlands Park Avenue roundabout.
- A toucan crossing point on the A142/Fordham Road, to the north of the Studlands Park Avenue roundabout in conjunction with the cycle route.
- A toucan crossing point on the A142/Fordham Road to the south of the Willie Snaith roundabout.
- A pedestrian and cycle link from the site to the 'Yellow Brick Road'.
- Partial signalisation of the A14 (T) junction with the A142.
- Conversion of the Studlands Park Avenue/Exning Road T junction to a mini roundabout.
- Signalisation of the off-slip junctions at the A14.

320. Financial contributions in respect of off-site highways improvements in the vicinity of the application site have been agreed as follows:

- £148 000 on the Yellow Brick Road
- £5 000 on Travel Plan Monitoring
- £60 000 on off-site pedestrian, cycle and horse crossings.

321. The measures identified above are in the interests of the wider sustainability of the development, and would improve accessibility to alternative forms of transport usage. The S106 has been drafted accordingly.

Rights of Way

322. Suffolk County Council, in consultation correspondence, requests a £20 000 contribution in respect of improvement works to Newmarket Bridleway 2 (between Willie Snaith Road and Exning Road). This route provides connectivity to existing services, and would be envisaged to have

additional use as a direct result of the development proposals. The applicant has confirmed the acceptability of this request, and the S106 has been drafted accordingly.

Household Waste Provision

323. The submitted Environment Report addresses waste management and recognises the importance of adhering to national, regional and local policies and strategies. The use of a Site Waste Management Plan, which can be secured through the planning condition process, demonstrates a commitment by the applicant to that ensure good environmental outcomes can be achieved from waste arising from the development.
324. Officers note the request from Suffolk County Council for financial contributions towards household waste provision. The County Council has subsequently confirmed that this request is no longer being sought, and is instead replaced with 'waste minimisation & recycling' measures, which can be secured planning condition.

Summary

325. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Newmarket - in terms of affordable housing, education, public open space, libraries, health facilities, highways infrastructure and rights of way, would be acceptable.
326. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
327. The planning agent has confirmed the acceptability of entering into a S106 planning obligation to secure these benefits. This is currently in draft form.

Other Issues

328. In accordance with the consultation advice offered by the County Fire Officer, it is appropriate that fire hydrants are secured by way of planning condition.

Conclusions and Planning Balance

329. The local planning authority cannot currently demonstrate a five year supply of deliverable housing sites. Development plan policies relating to the supply of housing are therefore out of date. Against this context, the Framework is clear that planning permission should be granted - unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

330. The application proposals have been evaluated against the objectives of the Framework, and the presumption in favour of sustainable development. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits. New housing provides a range of economic benefits, and has a significant and positive effect on economic output – for example in terms of capital investment, construction work and occupational expenditure. In addition, the development would provide additional infrastructure of wider benefits, including education provision and public open space.
331. Officers recognise the importance of the horse racing industry to the economy of Newmarket and the surrounding area. However, there is no evidence to suggest that the development proposed by this planning application would cause significant and demonstrable harm to the equine industry.
332. In terms of the social role of sustainability, the development would provide a level of market and affordable housing to meet the needs of present and future generations. The development would, on balance, result in a built environment of good quality. The proposal would enhance the accessibility of existing local services.
333. In relation to the environmental role, the development proposals would change the local landscape and cause the loss of approximately 20 hectares of agricultural land. This would be the case for any development on a greenfield site – which will inevitably have to happen in order to meet the pressing housing needs of the District. The retention of existing landscape features and provision of new planting would help to mitigate potential landscape and visual impacts. On balance, the dis-benefits of the development proposals are considered acceptable, and would not significantly or demonstrably outweigh the benefits.
334. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below, which is necessary for the development to be acceptable in planning terms, the proposal is considered to comply with the Framework and Development Plan policy. The recommendation is one of approval.

RECOMMENDATION:

335. That outline planning permission is **GRANTED** subject to:
- The completion of a S106 agreement to secure:**
- Affordable housing: 30%
 - Education contribution: proportionate capital contributions of £1.78m towards the cost of building a new school (either at Hatchfield Farm or another suitable location) and a site option for 1.51 hectares.

- Pre school contribution: £243,640
- Libraries contribution: £73 000
- Highways contributions:
£148 000 on the Yellow Brick Road
£5 000 on Travel Plan Monitoring
£60 000 on off site pedestrian, cycle and horse crossings
- Public rights of way contribution: £20 000
- Travel plan implementation bond: £341,250
- Healthcare contribution: £66,000
- Open space contribution: commuted sum and off-site sums to be calculated by the Council's Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011)

336. In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

337. **And subject to conditions, including the following:**

1. Submission of Reserved Matters Applications – approval of details of the layout, scale, appearance, and landscaping (to include all areas of open space and SuDs)
2. Commencement of development before the expiration of two years from date of approval of reserved matters.
3. Scope of planning permission – no more than 400 dwellings.
4. Scope of planning permission – not more than 3 storey in height.
5. Development in accordance with approved plans.
6. Highways works in accordance with submitted plans.
7. Highways – highway improvement works.
8. Highways – provision of signalised crossings.
9. Highways - provision of pedestrian and cycle link between the site and the 'Yellow Brick Road'.
10. Highways - conversion of Studlands Park Avenue junction with Exning Road to a mini roundabout.
11. Highways – provision of scheme for improvements to A14 J37, and delivery/operation of junction works before first occupation of dwellings.

12. Highways - details of estate roads and footpaths.
13. Highways - construction of carriageways and footways.
14. Highways - car parking provision.
15. Highways - details of travel arrangements for employees.
16. Provision of open space – revised assignment of open space uses.
17. Details of sports pitches and play areas.
18. Design Code.
19. Surface water drainage details.
20. Foul drainage strategy.
21. SuDs details.
22. Renewable energy.
23. Construction Method Statement and management plan.
24. Recommendations/mitigation measures contained in Environmental Report to be implemented.
25. Mitigation of plants – fine leaved fumitory.
26. Reptile mitigation measures.
27. Bat mitigation measures.
28. Badger related mitigation measures.
29. Bird mitigation measures (skylark) .
30. Landscape Management Plan.
31. Landscaping and planting scheme.
32. Tree survey and arboricultural implications assessment.
33. Schedule of landscape maintenance.
34. Retention and protection of existing trees.
35. Details of tree works for retained trees.
36. Replacement of dying/damaged trees.

37. Travel Plan implementation.
38. Archaeology – investigation and post investigation assessment.
39. Site Waste Management Plan.
40. Contaminated Land Investigation and Mitigation.
41. Sustainable Materials Strategy.
42. Waste Minimisation and Recycling strategy.
43. Construction in accordance with Codes for Sustainable Homes Standards.
44. Energy Strategy.
45. Contractors details.
46. External lighting details.
47. Hours of construction.
48. Provision of fire hydrants.

Documents

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MU1MHOPDGNB00>

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

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