

General comments:

Sadly it is difficult to know where to start to refute a number of assertions in the applicant's covering letter and of the revised plans dated 20 October 2023. It is incredibly disappointing that the revised proposals have only marginally changed and that legitimate significant concerns have been merely dismissed or not fully addressed. We also reiterate our concerns (and those of others) that the Planning Authority are compromised in their ability to appropriately consider this application in the context of reduction in land potentially for local sporting needs and in the absence of a sports strategy and conflicts with policies in Newmarket Neighbourhood Plan NKT11, West Suffolk DM42 and National Planning Policy Framework (NPPF) regarding sports pitches which was actually referred to in the Development Brief (ref page 88, below) and we are unsure how any of these criteria have been substantiated.

"NPPF Paragraphs 98 and 99 – Open space and recreation: It notes that access to a network of high quality open space is imperative for the health and well-being of communities. In addition, existing open space and sport facilities should not be built upon unless one of the following criteria has been met: (i) an assessment has been undertaken to show that it's surplus to requirements; (ii) the loss would be replaced by an equivalent or better provision in a suitable location, and; (iii) the development is for alternative sports or recreational provision, the benefits of which clearly outweigh the loss of its current or former use."

So Newmarket Town Council (NTC) maintains its objection and the previous comments regarding material planning considerations and other comments still apply. The applicant's responses rely heavily on Site Allocation Local Plan (SALP) 2019 which conflicted with the Newmarket Neighbourhood Plan NKT11 and the Development Brief to which the majority of (very limited) respondents objected and which contained a number of inconsistencies.

Additionally, in response to the applicant's covering letter (*extracted text in italics*) dated 19 October and registered on 20 October 2023, NTC's views are:

Highlights:

- The area available for open space has been reduced by relocation of tennis courts, filtration basin (a bit tenuous to describe as an "*ancillary amenity benefit in the form of a distinctive yet informal recreational area*") and pumping station (not in the Development Brief) which "*is located away from the proposed dwellings to ensure that their residential amenity is preserved.*" suggesting that there will be a noise impact for the "*tranquil open space*".
- Where exactly would or should the tennis courts be built given uncertainty regarding potential additional sports facilities and the practicalities of balancing informal open space and formal sports facilities in the reduced open space area. Who would run and maintain these?
- Parking for and access to the open space site / courts / facilities as suggested is far from convenient and unrealistic e.g. for maintenance
- We dispute the sustainable travel assessment for walking, cycling and public transport
- We have major concerns about management of the proposed development (in particular liability / cost to residents of a management company) and the open space which remains in the ownership of an outsourced organisation.
- We are also concerned about items that will be negotiated via developer agreement (S106) of which SCC get the lion's share! If this development were to proceed then we consider it appropriate and essential to secure significant contributions through S106 towards sport (to assist West Suffolk to progress a Sports Strategy) and from profits from this housing scheme to be invested in Newmarket.

Specifically:

Filtration basin (Page 3): "Following recent correspondence, the revised layout has moved the infiltration basin marginally to the south to maximise the usability of the open space provided within the western component of the application site. It should be noted that this drainage feature remains within the same infiltration rate boundary." **NTC comment: this reduces the open space available**

Tennis courts (Page 3): "We appreciate the suggestion of incorporating occasional tree planting to filter views of the tennis courts when viewed from the open space to the west. However, on this matter it was decided that area should remain clear of large landscape features to maximise the usability of the open space for recreational opportunities such as informal play. Details concerning boundary treatment and surfacing material for the tennis courts can be secured by condition." **NTC comment: not clear if the area is for informal play or formal sports** (Page 4): "Lastly, the approved Development Brief has established the principle of siting the tennis courts in their proposed location." **NTC comment: whilst tennis courts would be welcome notwithstanding improved quality, this is still a reduction in number. The Development brief sited them in different places within the open space and landscaping may be appropriate depending**

on the location e.g. wind / sun protection and orientation is also important (commenting also as Chairman of a local tennis club). Building these anywhere in the open space pre-empts the potential for developing any future facilities on-site. Logistical issues (access, operation) are raised later.

Response to Nkt Community Network (Page 8): *"The dry infiltration basin is incorporated within the area of open space, providing ancillary amenity benefit in the form of a distinctive yet informal recreational area. Meanwhile, the pumping area represents a modest spatial expanse that is restricted to the northern boundary of the site. These features are not considered to diminish the area available for informal recreation. It should be highlighted that throughout the preparation of the Development Brief and pre-application process (especially from the Landscape Officer) the project team has been guided towards the provision of open space that creates a tranquil amenity space offers opportunities for informal play, as opposed to providing designated areas for formal sport activities."* **NTC comment:** if informal space then how does this provide for future facilities?

Response to councillors: (Page 14): *"We maintain the view that the Newmarket offers a range of services and facilities, as well as employment opportunities that are within walking and cycling distance of the application site. We also maintain the view that the application site is served by an extensive array of public transport provision, as set out in the submitted Transport Statement. Neither of these points have been disputed by the Highways authority within their formal response."* **NTC comment:** maintaining this view is contrary to the facts given the distance of the site from town and we contest the views expressed by of the Highways Authority. In fact we take serious issue with any view that considers that the town has good, or even adequate, public transport. For the reasons listed below, public transport does not meet the Suffolk County Council (SCC) guidance criteria as it is neither "frequent" nor "wide-ranging".

- There is no direct bus service into Bury St Edmunds, which is a major destination for work, education and leisure.
- The most frequent services (bus and train) run hourly.
- There is no bus service on a Sunday.
- Bus services stop running early evening / late afternoon.
- There is no bus service to / from the railway station (see notes 1, 2)
- There is no bus service covering the South side of the town. Most local amenities are situated either in the High Street, which bisects the town East to West, or to the North of the town.
- Many bus routes are dependent on short term funding by Cambridge and Peterborough Combined Authority (CPCA) and hence cannot be guaranteed in the long term.
- The railways station is on a branch line and there is poor connectivity to mainline services.
- Cycle lane provision is limited.
- There is no cycle lane running from Newmarket to Cambridge, although the Cambridge end of the route does have a cycle lane in place.

Notes:

1 The proposed service linking Newmarket and Haverhill will include the railway station but only runs every two hours. The last bus is several hours before the last train. Therefore, it cannot be considered a connecting service.

2 A privately funded shuttle bus links Newmarket Railway Station with the racecourse on race days.

This is particularly relevant to any "car free application" when there are also potentially significant impacts due to current on-street parking stress and very limited ready access to off-street parking.

NTC will continue to press SCC Highways to update their information regarding both Newmarket public transport and parking provision to ensure accurate advice is provided to West Suffolk Planning Authority.

"Nevertheless, the proposed scheme will provide public access to 3 hectares of open space that is currently has no public access which will be integrated with the adjacent George Lambton Playing Fields (notwithstanding other improvements, including the re-located tennis courts which will be of higher quality than the existing tennis courts). These qualitative improvements will act to override any harm associated with the conflict connected with Policy NKT13. To reassure Public Health Suffolk, it can be confirmed upon grant of any planning permission a suitably worded planning condition will be imposed requiring that the development is implemented in accordance with the approved drawings. This means that the area allocated as open space will be required to be retained for its intended function, with any application for development within this space being required to meet the relevant development management policies which seeks to protect such space." **NTC comment:** we consider such an assurance is essential and binding

"On a side note, a series of Landscaping Drawings submitted with the application provide appropriate detail on the type and character of the open space. Details of its future management will be dealt with through the Section 106 procedure. Any further information that may be deemed necessary in relation to the functioning of the open space can be dealt with at the planning conditions stage." **NTC comment:** We have concerns about the robustness of such arrangements so we would like to be involved (or at least consulted) regarding arrangements and agreements

Responses to Sport England (Page 6): "Overall, despite the reduction in the number of tennis courts provided, there will be a significant improvement in their overall quality which will better cater for the needs of its future users. Henceforth, it follows that although there will be a level of policy conflict with Policy DM42 due to the net loss in tennis courts, the significant betterment in the overall quality of the tennis courts will substantially outweigh this level of policy conflict." NTC comment: debatable as this is the developer view

"In terms of the second comment, it should foremost be highlighted that the entire application site is allocated under Policy SA6(d) within the Site Allocations Local Plan (2019) for the provision of approximately 50 dwellings alongside the provision of open space for public use. This translates into a recently approved Development Brief for the application site, which comprises a Proposed Arrangement Plan on page 59; this shows the provision of residential development in the eastern extent and the provision of open space in the western extent." NTC comment: unclear about how the space will be used, maintained and protected.

(Page 7): "On the point of Sport England's request for the provision of an up-to-date Playing Pitch Strategy to justify the loss of playing field, the 'Sport England Response' prepared by the Applicant states that "the land is currently inaccessible and through instruction from West Suffolk Council the open space has been designed to serve an alternative open space provision (providing an area of open space for informal recreation)". Therefore, there is no need to provide the requested Playing Pitch Strategy. "Locating the tennis courts on the boundary with George Lambton Playing Fields enables better connectivity between two recreational spaces, complimenting each other and providing a more integrated wider recreation space, allows for better management and maintenance of the open space/courts and existing/proposed dwellings, and enables a more gentle density of development on the developed area of the site". NTC comment: integration in the manner described raises issues of parking, access and avoids the relevant context of a sports strategy and potential future facilities.

Responses to Nkt Community Network (Page 8):

"The dry infiltration basin is incorporated within the area of open space, providing ancillary amenity benefit in the form of a distinctive yet informal recreational area. Meanwhile, the pumping area represents a modest spatial expanse that is restricted to the northern boundary of the site. These features are not considered to diminish the area available for informal recreation. NTC comment: well actually they do.

"It should be highlighted that throughout the preparation of the Development Brief and pre-application process (especially from the Landscape Officer) the project team has been guided towards the provision of open space that creates a tranquil amenity space offers opportunities for informal play, as opposed to providing designated areas for formal sport activities. NTC comment: unclear on whether the area is for informal or formal sport and how a balance be accommodated?

"6. Within Sport England's response dated 4th August, the Lawn Tennis Association (LTA) stated the following: "We support the inclusion of the 2 tennis courts within this scheme as they will provide on-going opportunities for local residents to participate in tennis. Ideally, we would prefer the courts to be floodlit, as this significantly increases the year round playing opportunities". This suggests that the upgraded tennis courts will contribute to meeting local sporting needs." NTC comment: local needs are unquantified plus who maintains and manages this remote site?

Responses to NTC (page 9):

"The future maintenance of the site will be discussed and agreed with the Council in a Section 106 agreement following the grant of any planning permission." NTC comment: this does not address our concerns which remain regarding responsibility for maintaining the site.

"The Utility Assessment, which accompanies this application, details that a foul water pumping station will be provided within the site to serve the proposed residential development, which will be connected to a manhole on Fordham Road. A search of the Council's online records reveals that Anglian Water were consulted as part of the initial consultation process but chose not to provide a response. Therefore, this is no objection to this arrangement." NTC comment: Anglian Water response was "Dear Planning Team, Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments. If this is to change, please re-consult with us." There is a connection so this is clearly an error and they should be re-consulted.

"The National Health Service (NHS), in their response dated 20th July, calculated that a financial contribution of approximately £30,000 will provide additional primary healthcare provision to successfully mitigate impacts arising from the development. This financial contribution will be agreed and finalised within a Section 106 agreement upon any grant of planning permission." "It is beyond the scope of this application to resolve wider issues facing the NHS, including the recruitment of healthcare professionals." NTC comment: NHS said "The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate

approximately 120 residents and subsequently increase demand upon existing constrained services.” The S106 of £30k is merely mitigation it does not address the issue of an already overstretched local health service. Also not addressed is the issue raised by NHS: “At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.”

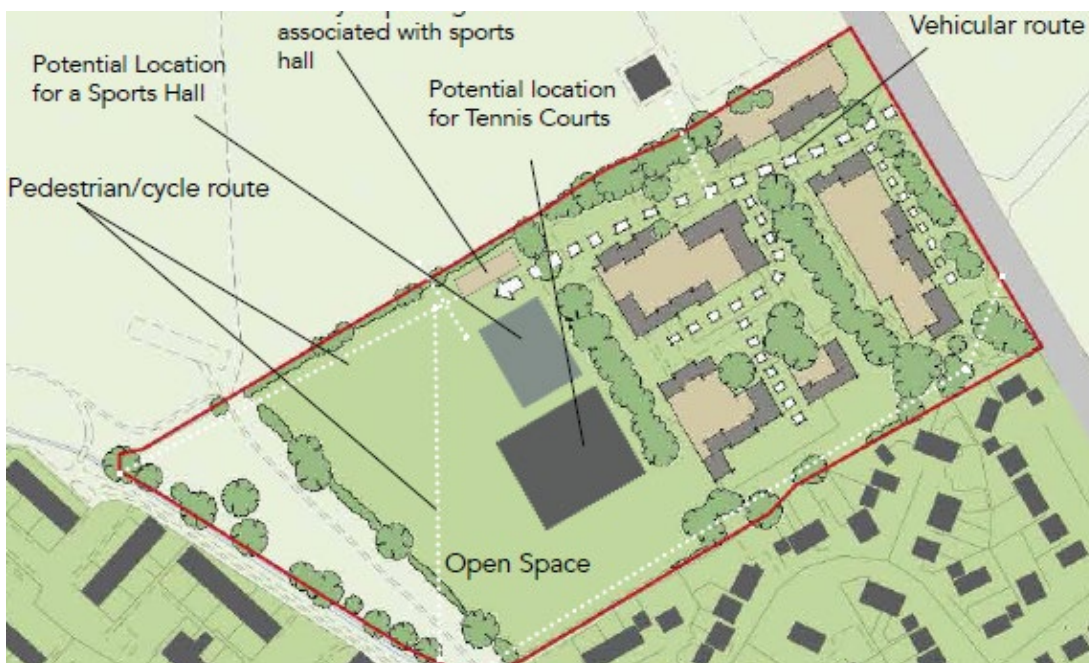
“The Highways Authority, in their response dated 11th August, did not raise an objection to the scheme on the basis of the safety of the vehicular access points or its impact on the capacity of the local highway network.

Moreover, in the same response the consultee commented that “Newmarket Railway Station.....is approximately 1.5 miles away and within cycling distance”. Therefore, it remains the case that that there are modes of non-vehicular transportation that can be utilised by its future residents to access this facility.” NTC comment: we dispute this assessment on what is and will become more so a busy road - see response to Newmarket Councillors plus there is another driveway that exits on to Fordham Road close to the main entrance (and this still appears to be an issue regarding refuse collection). Also 1.5 miles to the railway station is not convenient!

“Notwithstanding the site’s allocation for under Policy SA6(d) for residential development, the remainder of the site comprises of open space that is available for future users to utilise for informal recreation as well as more formal sporting activities associated with the re-located tennis courts. Whilst there is no formal planning policy requirement stating that a community sports facility should be provided on the application site, there are no constraints that would be created by this scheme that would prevent a future application seeking consent for such a facility.” NTC comment: this application limits space and options which may impair potential for future facilities.

“NK11 and NPPF In any case, the principle of incorporating residential development within a proportion of public open space protected by Policy NKT11 has already been established within the approved Development Brief (specifically, the Proposed Arrangement Plan on page 59).” NTC comment: that plan showed neither filtration basin nor pumping station.

See “Page 59 – opportunities for sport”:



“Given the overriding public benefits of this arrangement and the establishment of the principle within the approved Development Brief, the conflict with Policy NKT11 in this instance is overridden.” NTC comment: debatable again as this is the developer view.

NTC other concerns (Page 11): “The management and maintenance arrangements of the public open space will be discussed and finalised within a Section 106 agreement upon any grant of planning permission.” NTC comment: given the potential ramifications regarding the open space and also the proposed “resident management company” which

would confer costs / liability on future residents which we consider unacceptable we would like to be involved (or at least consulted) regarding arrangements and agreements

"Our highways consultant has confirmed that there are parking spaces adjacent to the open space, as well as visitor parking within the development, which could be utilised for maintenance vehicles as required." NTC comment: it's a long way from parking to the site and limited visitors parking for maintenance having to carry equipment plus what about access for heavier vehicles?

Other comments:

NTC comment on the Development Brief Page 60: this does not show the filtration basin, pumping station or how the open space area has now reduced; it doesn't show the separate house drive accessing Fordham Road and illustrates that parking and access to courts or for any future facility is not convenient. The document also showed inconsistencies in the number and exact location of the tennis courts.



NTC draws attention to the Strategic Housing response: "From a Private Sector Housing and Environmental Health (PSH & EH) perspective the updated proposals do not significantly differ from that previously conditioned in our response dated 27 June 2023. Therefore the previous comments and conditions contained therein should still apply."

NTC comment on the Highways statement: it appears that for bin collections plots 44 & 45 and house number 1 the bins are presented to Fordham Road which will cause some delays on this busy road.