

Development Control Committee



Forest Heath
District Council

Title:	Agenda												
Date:	Wednesday 6 February 2019												
Time:	6.00 pm												
Venue:	Council Chamber District Offices College Heath Road Mildenhall												
Full Members:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p> <p><u>Conservative Members (10)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Stephen Edwards</td> </tr> <tr> <td>Ruth Bowman J.P.</td> <td>Brian Harvey</td> </tr> <tr> <td>Louis Busuttil</td> <td>Carol Lynch</td> </tr> <tr> <td>Simon Cole</td> <td>Louise Marston</td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> </tr> </table>	David Bowman	Stephen Edwards	Ruth Bowman J.P.	Brian Harvey	Louis Busuttil	Carol Lynch	Simon Cole	Louise Marston	Andrew Appleby	David Palmer	Roger Dicker	Peter Ridgwell
David Bowman	Stephen Edwards												
Ruth Bowman J.P.	Brian Harvey												
Louis Busuttil	Carol Lynch												
Simon Cole	Louise Marston												
Andrew Appleby	David Palmer												
Roger Dicker	Peter Ridgwell												
Substitutes:	Named substitutes are not appointed												

SITE VISITS WILL BE HELD ON MONDAY 4 FEBRUARY 2019 AT THE FOLLOWING TIMES:

1. **Planning Application DC/18/1863/OUT - Glenroyal, 141 All Saints Road, Newmarket, CB8 8HH**
Outline Planning Application (all matters reserved) - up to 8no. dwellings with off road parking within courtyard (following demolition of existing residential property and associated detached garage) - Amended plans received 21/12/19 reducing units to 8, revised block plans/ elevations
Site visit to be held at 10.00am
2. **Planning Application DC/18/1167/FUL - La Grange House, Fordham Road, Newmarket, CB8 7AA**
Planning Application - 1no. dwelling
Site visit to be held at 10.30am

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

DEVELOPMENT CONTROL COMMITTEE: AGENDA NOTES

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection online here:

<https://planning.westsuffolk.gov.uk/online-applications/>

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Council Core Strategy 2010
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Local Plan Policies Map 2015
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' website:

<https://www.westsuffolk.gov.uk/planning/upload/Guide-To-Having-A-Say-On-Planning-Applications.pdf>

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests set out in the National Planning Policy Framework (paragraph 206). This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with the Planning Practice Guidance.

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 – Public

Page No

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 6**

To confirm the minutes of the meeting held on 2 January 2019 (copy attached).
- 4. Planning Application DC/18/2308/FUL - Palace Cottage, Palace Street, Newmarket** **7 - 16**

Report No: **DEV/FH/19/002**

Planning Application - (i) Change of use of existing offices (B1) to 1no dwelling (C3) and associated internal alterations and (ii) Rear enclosure for bin storage and segregation of adjacent property
- 5. Planning Application DC/18/1863/OUT - Glenroyal, 141 All Saints Road, Newmarket** **17 - 28**

Report No: **DEV/FH/19/003**

Outline Planning Application (all matters reserved) - up to 8no. dwellings with off road parking within courtyard (following demolition of existing residential property and associated detached garage) - Amended plans received 21/12/19 reducing units to 8, revised block plans/ elevations
- 6. Planning Application DC/18/1167/FUL - La Grange House, Fordham Road, Newmarket** **29 - 42**

Report No: **DEV/FH/19/004**

Planning Application - 1no. dwelling

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 January 2019** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman

Stephen Edwards

Ruth Bowman J.P.

Carol Lynch

Louis Busuttill

David Palmer

Roger Dicker

Peter Ridgwell

343. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Simon Cole and Brian Harvey.

Councillor Louise Marston was also unable to attend the meeting.

344. **Substitutes**

There were no substitutes present at the meeting.

345. **Minutes**

The minutes of the meeting held on 5 December 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

346. **Planning Application DC/16/1450/OUT - Former Gas Works Site, Gas House Drove, Brandon (Report No: DEV/FH/19/001)**

(Councillor Peter Ridgwell advised the meeting that he lived a short distance East of the development site. He had sought the advice of the Monitoring Officer and stated that the application would have no financial impact on him personally. He, therefore, was not declaring any form of interest and was not considering the matter with a closed mind.)

Outline Planning Application (Means of Access to be considered) - 10 no. dwellings. As amended by plan received on 26 June 2018 and further amended on 30 August 2018 with the inclusion of the Means of Access to be considered

This application was referred to the Development Control Committee at the request of Councillor Christine Mason, Ward Member: Brandon East.

A Member site visit was held prior to the meeting and Officers were recommending that the application be approved, subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 77 of Report No DEV/FH/19/001.

The Committee was advised that earlier that afternoon a formal response to the application had been received from Brandon Town Council who stated that they **objected** to the application "*based on the access along Gas House Drove being unsuitable for traffic*".

As part of her presentation the Principal Planning Officer explained that the application was for outline planning permission, with matters of appearance, landscaping, layout and scale being 'reserved matters'; and the S106 Agreement would deliver the required 30% affordable housing along with education and library conditions.

Speaker: Mr David Watson (neighbouring resident) spoke against the application

Councillor Peter Ridgwell posed a number of questions concerning the application in relation to:

- The access rights along Gas House Drove;
- Fire hydrant provision;
- Cesspit sanitation; and
- The S106 education contribution.

Councillor Ridgwell also stated that he believed that alternative access was needed for the site.

In response, the Planning Officers present explained that:

- Access rights were not a material planning consideration and the Committee was required to determine the application before them with the access proposed;
- Fire hydrant provision was made reference to in the report and was addressed by way of a proposed condition within the recommendation;
- The Suffolk County Council Flood & Water Team had not objected to the sanitation proposed and this was also covered by way of conditions; and
- The Committee was advised that Suffolk County Council as Local Education Authority continually reviewed demand for education in the county, which was influenced by a number of factors. This accounted for the difference in contributions requested by way of the S106 Agreement, over the course of the life of the application.

Councillor Ruth Bowman raised questions with regard to contaminated land, which had been made reference to by the public speaker.

The Principal Planning Officer explained that the Council's Environment Team agreed that the site could be appropriately managed in respect of contaminated land by attaching planning conditions requiring the necessary investigative and remedial works.

Councillor David Bowman spoke in support of the application and made reference to a former gas works site which had been previously successfully developed in Newmarket. He proposed that the application be approved, as per the Officer's recommendation. This was duly seconded by Councillor Louis Busuttil.

Councillor Peter Ridgwell proposed an amendment that the application be refused. However, he was advised by the Solicitor that the amendment was not valid; in that it was a direct negative of the substantive motion.

Upon putting the motion for approval to the vote and with 6 voting for, 3 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** subject to the applicant first entering into a Section 106 Agreement in respect of affordable housing provision, education and library contributions.

Any such approval thereafter be granted by Officers to also be subject to conditions covering the following matters:

- 1) Standard time limit condition for outline planning permission (submission of reserved matters and commencement of development).
- 2) Standard outline condition requiring approval of reserved matters.
- 3) Development to be carried out in accordance with approved plans and documents.
- 4) Land contamination condition requiring a site investigation scheme, results of the site investigation, detailed risk assessment, options appraisal and remediation strategy, and long term monitoring and maintenance plan.
- 5) Surface water drainage scheme to be submitted and approved concurrent with the first reserved matters application.
- 6) Construction Surface Water Management Plan to be submitted and agreed detailing how surface water and storm water will be managed on the site during construction.
- 7) Development not to be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted and approved for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 8) All HGV and construction traffic movements to and from the site over the duration of the construction period to be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No movements shall be permitted to and from the site other than in accordance

with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

The plan will ensure that:

- A. All vehicles accessing Gas House Drove as part of the construction phase works;
 - will not be wider than the available metalled surface,
 - will not cause any impediment to the flow of existing traffic,
 - will not cause a safety issue for pedestrians,
 - will not block or otherwise cause an obstruction to Gas House Drove.
 - B. All construction traffic, materials and equipment will be stored and parked within the site boundary at all times.
 - C. The surface of Gas House Drove and connecting verges and frontages will be restored to the condition they are in before the construction works started.
 - D. A survey of the existing condition will be undertaken with a representative of the highway authority before construction commences.
- 9) Improvements to Webb's Row Brandon footpath 008 to be submitted and approved by the LPA. Footpath to have a metalled surface for its entire length, with suitable lighting and surface water drainage for all-weather use and with a widened junction onto Gas House Drove. There shall be no additional vehicle movements onto Webb's Row. Improvements to be carried out before first occupation.
 - 10) 1.8m wide footway to be provided along the frontage of the site and link to be provided from within the site to Webb's Row, both as shown on the indicative layout plan, to provide a safe route for pedestrians. Improvements to be carried out before first occupation.
 - 11) Proposed access onto Gas House Drove shall be properly surfaced with a bound material for a minimum distance of 10m metres from the edge of the metalled surface of Gas House Drove.
 - 12) Vehicular access to be a minimum width of 5 metres throughout the development, measured from the nearby edge of the carriageway.
 - 13) Details of the areas to be provided for storage and presentation of refuse and recycling bins to be submitted and approved.
 - 14) Details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage) to be submitted and approved.
 - 15) Details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage to be submitted and approved.
 - 16) Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing and shall thereafter be retained in the approved form.
 - 17) Prior to first occupation, all dwellings with dedicated off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible location.
 - 18) Details submitted for landscaping to include replacement tree planting to compensate for the loss of the trees removed prior to the determination of this application.

- 19) Details to be provided at reserved matters stage of open space to be provided either on or off site in accordance with the Council's Supplementary Planning Document for Open Space (children's play space).
- 20) Reserved matters to include an 'Acoustic Design Statement', as advocated by ProPG - Planning and Noise: new residential development (May 2017). the 'Acoustic Design Statement' shall as a minimum demonstrate:
 - (i) How the approach to the proposed layout of the site has considered and mitigated against noise
 - (ii) How lowest practicable noise levels in the external amenity areas of the site can be achieved.
- 21) The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs.
- 22) Development to be carried out strictly in accordance with the mitigation measures detailed at Section 6.3 of the Ecological Survey prepared by Norfolk Wildlife Services, dated June 2017.
- 23) Reserved matters to include details of ecological enhancement measures based upon the details contained at Section 6.4 of the Ecological Survey prepared by Norfolk Wildlife Services, dated June 2017. The measures shall be fully implemented prior to first occupation.
- 24) Scheme for the provision of fire hydrants within the application site to be submitted to and approved in writing by the Local Planning Authority.

The meeting concluded at 6.39pm

Signed by:

Chairman

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Forest Heath
District Council

DEV/FH/19/002

Development Control Committee
6 February 2019

Planning Application DC/18/2308/FUL –
Palace Cottage, Palace Street, Newmarket

Date Registered:	18.12.2018	Expiry Date:	12.02.2019
Case Officer:	Charlotte Waugh	Recommendation:	Approve Application
Parish:	Newmarket Town Council	Ward:	All Saints
Proposal:	Planning Application - (i) Change of use of existing offices (B1) to 1no dwelling (C3) and associated internal alterations and (ii) Rear enclosure for bin storage and segregation of adjacent property.		
Site:	Palace Cottage, Palace Street, Newmarket		
Applicant:	Mr Mark Walsh		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

The application is due to be determined by the Development Control Committee as it has been submitted by, and the site is owned by Forest Heath District Council.

Proposal:

1. The application seeks consent to convert Palace Cottage from B1 office use to a three bedroom residential dwelling. External alterations are limited to the rear of the property with internal alterations required to facilitate the layout of rooms.

Application Supporting Material:

2. Existing and proposed floor plans
Existing and Proposed elevations
Location Plan
Initial structural appraisal
Bat roost Assessment
Flood map
Design and Access Statement
Land contamination Assessment and questionnaire

Site Details:

3. The site comprises a two storey building within the Housing Settlement Boundary and Conservation Area. Attached on both sides, to a convenience store and private garage respectively, the building was built as a dwelling. It benefits from a gated carriage arch to the north of the building frontage with first floor accommodation built above. The site is in Flood Zone 1 and has a low probability of flooding.

Planning History:

4.

Reference	Proposal	Status	Decision Date
F/90/103	C/Use to offices and additional shop unit.	Approve with Conditions	28.02.1991
F/97/511	Temporary change of use from residential to office use.	Approve with Conditions	03.12.1997
F/99/493	Renewal: Temporary change of use from residential to office use.	Approve with Conditions	23.11.1999
F/2000/720	Continued use of premises as offices on a permanent basis (variation of condition 1 of planning permission F/99/493).	Approve with Conditions	13.05.2002

Consultations:

5.

Environment Team

Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.

Also, suggests electric car charging point installed to serve on-site parking spaces. However, given that the scheme does not benefit from a parking space this condition has not been recommended.

Public Health and Housing

No objections subject to the imposition of conditions regarding hours of construction works and the installation of lighting.

Highway Authority

Notes that vehicular access could be provided but as no space for manoeuvring vehicles on site is available they would need to exit in reverse which is considered dangerous in this location. Therefore, whilst no vehicle parking is provided on site, acknowledges sustainable town centre location and subject to a condition controlling secure cycle storage no objections are raised.

Representations:

6. Newmarket Town Council – No objection
7. No third party representations received

Policy:

8. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM17 Conservation Areas
 - Policy DM22 Residential Design
 - Policy DM46 Parking Standards

Other Planning Policy:

9. National Planning Policy Framework (2018)
10. The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the

policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process

Officer Comment:

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

- Principle of Development
- Visual Amenity
- Residential Amenity
- Parking
- Ecology
- Other

Principle of Development

12.Built as a dwelling, planning permission was given in 1997 to convert the building to offices as it has remained since, albeit the building is currently empty. It is sited within the Housing Settlement Boundary and as such, the principle of residential use in his location is acceptable and will return the building to its original use.

13.Change of use of this building would result in a loss of office accommodation within the town centre. However, given the layout and limited scale of such, the loss of commercial space would not be significant. Furthermore, given that the site is not within a designated employment area but within the housing settlement boundary there are no policy considerations concerning this loss.

14.Internal alterations are required and these are detailed on the submitted floor plans and structural report, however, these do not require planning permission. It is noted however, that the room sizes accord with the National space standards.

15.Consequently, the principle of conversion of the building to a three bedroom dwelling is considered acceptable.

Visual Amenity

16.No external changes are proposed to the front elevation and as such, there will be no impact on the character or appearance of the Conservation Area. To the rear the back door will be replaced and a bin enclosure built. This addition is modest and will have no impact on public views. As such, the development will preserve the character and appearance of the Conservation Area in accordance with policy DM17.

Residential Amenity

17.The site shares an access with Palace Coach House which also has a B1 office use. In addition, the commercial use to the South is an A1 retail shop which also has a rear entrance into the courtyard. As a result, hours of use of these units are likely to be daytime only. Whilst this differs to the use proposed here, it is not considered that either will cause significant disturbance to the other, in compliance with DM2 which supports development which does not adversely affect residential amenity or the amenities of adjacent areas.

Parking

18.The site is not served by on-site car parking. Whilst vehicular access can be provided to the rear of the site via the carriage archway there is no space to manoeuvre a vehicle in the rear courtyard and given that this area also serves two other units parking would not be feasible. Secure cycle parking is shown within the building and the Highway Authority is satisfied that given the location of the site within the Town Centre and the proximity of public car parks and alternative modes of transport this is acceptable.

Ecology

19.The application is supported by a bat survey which concludes 'There was no evidence of roosting bats, or indication that bats had used the building in the past. Further nocturnal bat surveys are not required, and the proposed works can proceed without impacting bats.' On this basis, the Local Authority is satisfied that there are no ecology concerns which need to be addressed prior to development commencing.

Other

20.Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

21.In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

22.It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Location Plan	30190 PA001	14.11.2018
Existing Floor Plans	30190 PA002	14.11.2018
Proposed Floor Plans	30190 PA003	14.11.2018
Existing and Proposed Elevations	30190 PA004	14.11.2018

Reason: To define the scope and extent of this permission.

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

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

4. No external lighting other than that which forms part of the development hereby permitted and shown on plan no. 30190/PA/003 shall be provided within the application site.

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

5. The use shall not commence until the areas within the site shown on Drawing No. 30190/PA/003 for the purposes of secure cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.

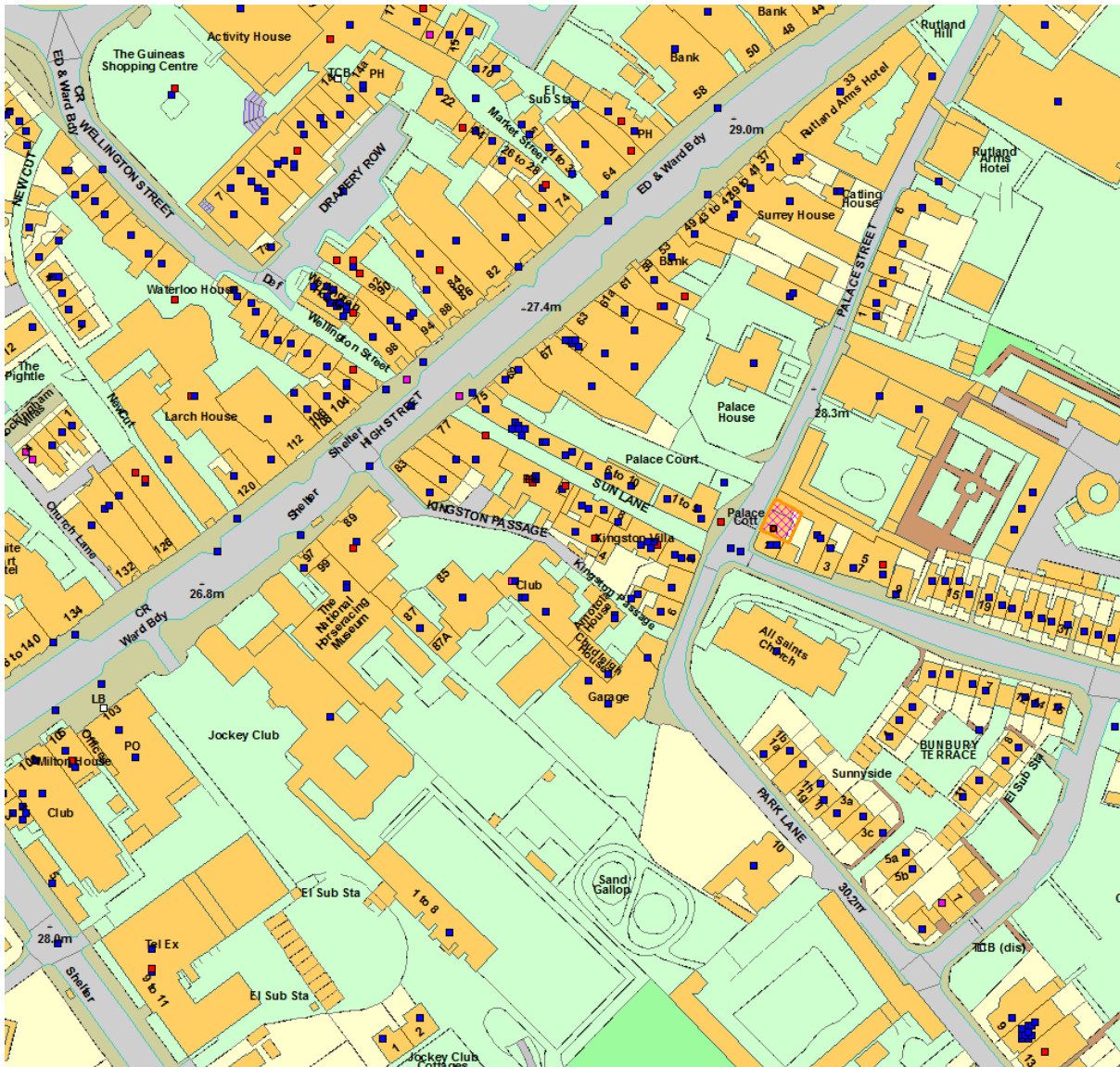
Reason: To ensure that sufficient space is provided for on-site secure cycle storage in the interests of sustainable travel.

6. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2308/FUL](https://www.westsuffolk.gov.uk/DC/18/2308/FUL)



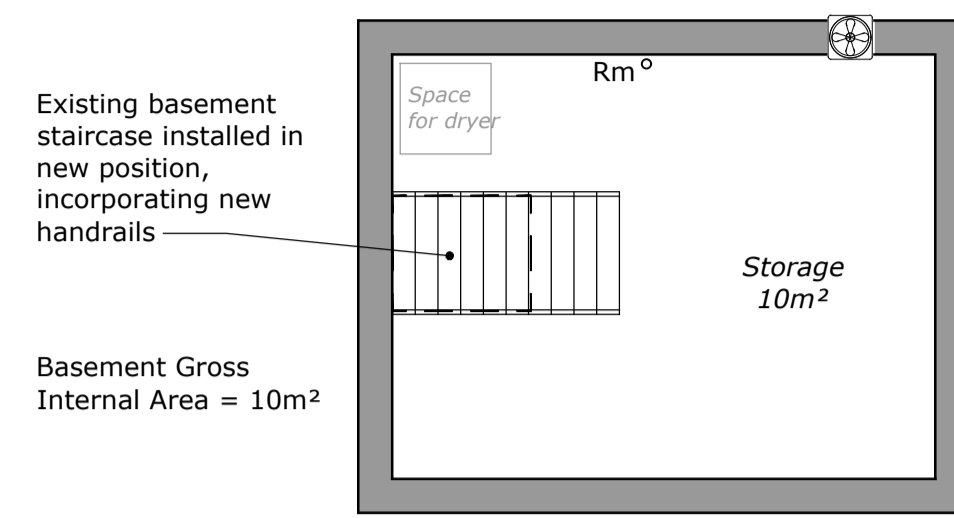
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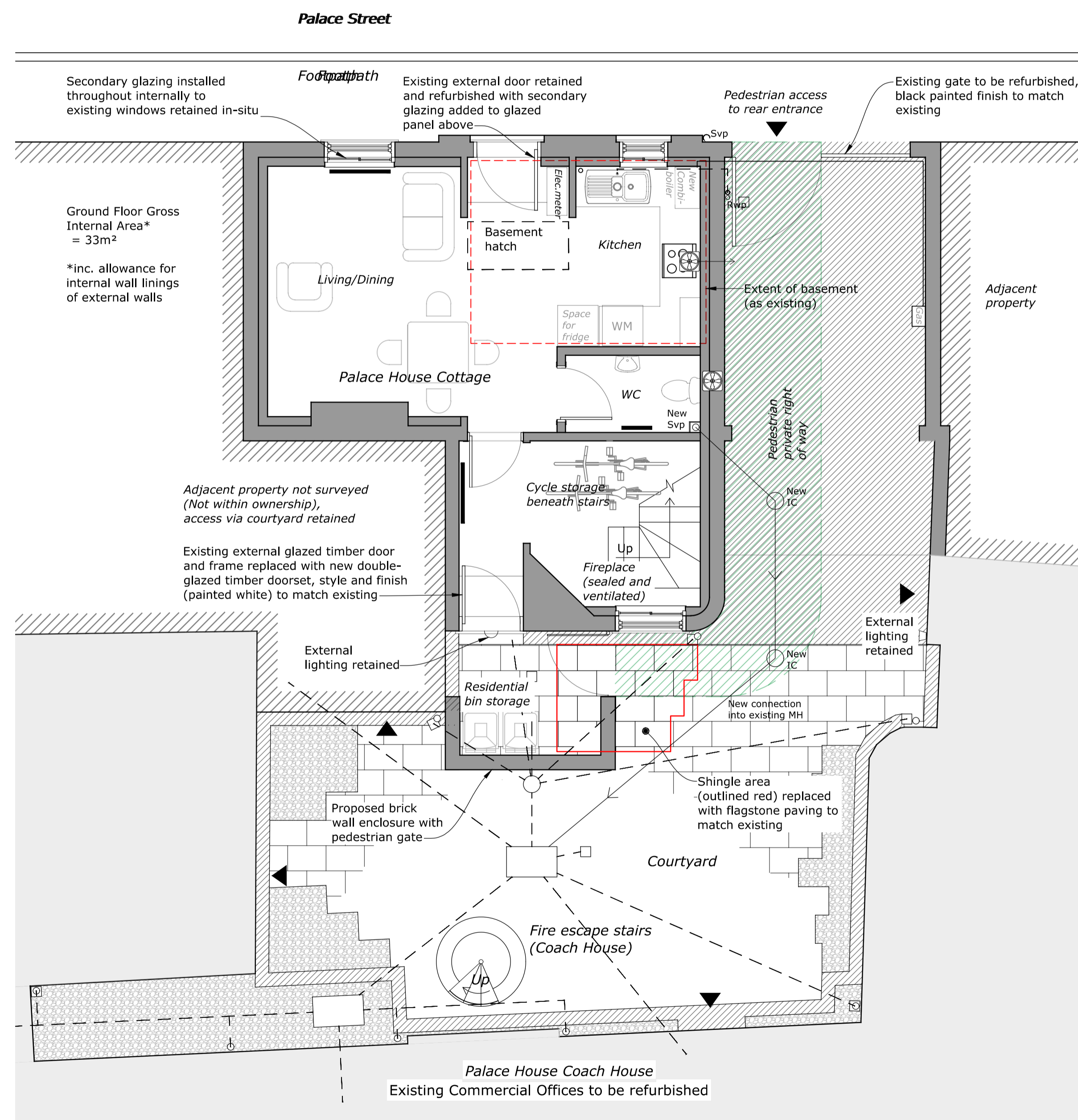
ASSOCIATED DRAWINGS	
DWG NO.	TITLE
30190/PA/001	Site Location Plan
002	Existing Floor Plans
004	Existing and Proposed Elevations

Notes

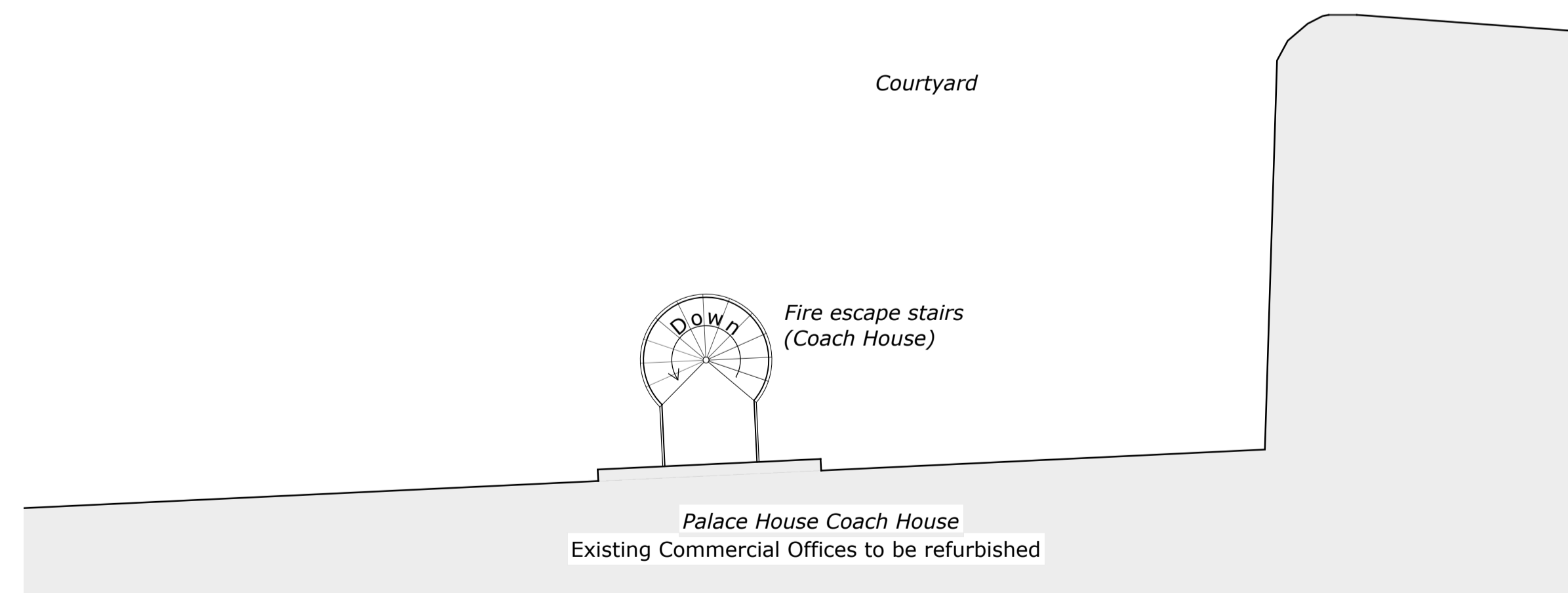
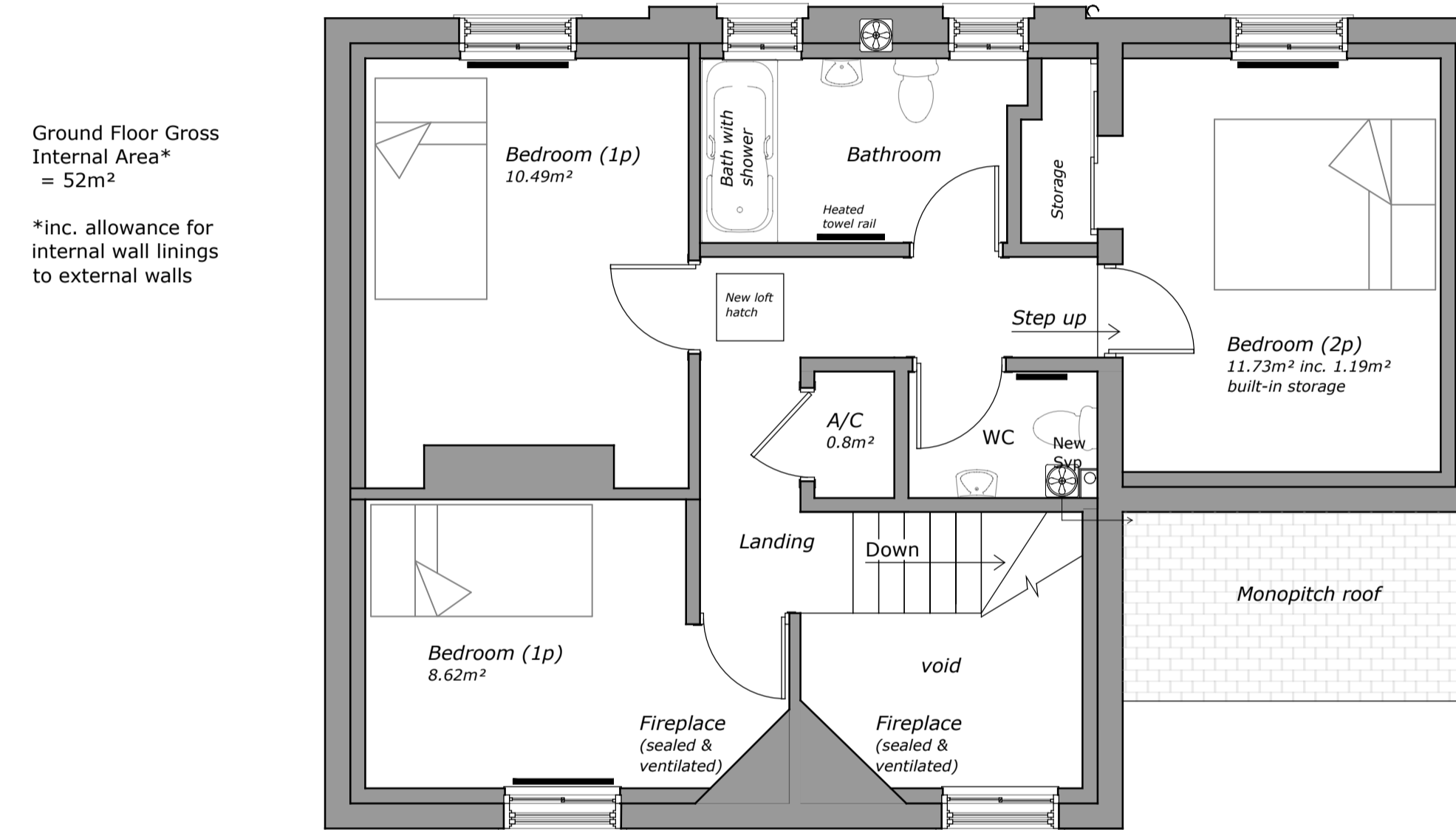
- No expected significant reduction in ceiling heights (CH) as per Dwg 002. Only by what is required to improve acoustic/fire/thermal performance.



Basement Floor Plan
 1:50



Ground Floor Plan
 1:50



First Floor Plan
 1:50

Forest Heath - St Edmundsbury

West Suffolk
 working together

WEST SUFFOLK PROPERTY SERVICES

Head of Service: Mark Walsh

West Suffolk House Tel: 01284 763233
 Western Way, Fax: 01284 757386
 Bury St. Edmunds E-Mail: property.services@westsuffolk.gov.uk
 Suffolk, IP33 3YU

Project:
 Palace House Cottage
 Office to Residential Conversion

Title:
 Proposed Floor Plans

Scale: 1:50 @ A1 Drawing Size: A1

Date: Nov 18 Drawn By: KLS Appr By:

File No.: Drawing No.: Revision:

30190/PA/003

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Forest Heath
District Council

DEV/FH/19/003

**Development Control Committee
6 February 2019**

**Planning Application DC/18/1863/OUT –
Glenroyal, 141 All Saints Road, Newmarket**

Date Registered: 17.10.2018 **Expiry Date:** 12.12.2018

Case Officer: Jo-Anne Rasmussen **Recommendation:** Approve Application

Parish: Newmarket Town Council **Ward:** All Saints

Proposal: Outline Planning Application (all matters reserved) - up to 8no. dwellings with off road parking within courtyard (following demolition of existing residential property and associated detached garage) - Amended plans received 21/12/19 reducing units to 8, revised block plans/ elevations.

Site: Glenroyal, 141 All Saints Road, Newmarket

Applicant: Mr K Boyle

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Jo-Anne Rasmussen
Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk
Telephone: 01284 757609

Background:

The application has been referred to the Development Control Committee following consideration by the Delegation Panel. The application is recommended for APPROVAL and the Town Council raise no objections.

Proposal:

1. Permission is sought for the outline consent for the erection of up to eight dwellings, with all matters reserved. The proposal includes the demolition of the existing residential property and garages.

Application Supporting Material:

2.
 - Application form
 - Site location plan
 - Illustrative floor plans and elevations (Amended)
 - Land contamination questionnaire
 - Visibility splays

Site Details:

3. On the site currently stands a large, detached dwelling, with associated outbuildings/garaging to the rear.
4. Neighbouring the site to the west are modern apartments within a 3 storey building fronting onto All saints Road. To the rear of the site are a number of units forming "carhouse" style of accommodation, being built above parking areas. To the east is terrace housing. To the south is more modern housing in the form of terraces with a parking courtyard to the rear. To the north of the site is terrace housing fronting onto Nat Flatman Street.
5. The site is within the settlement boundary for Newmarket.

Planning History:

6.

Reference	Proposal	Status	Decision Date
F/2004/0315/FUL	Erection of single storey rear extension	Approve with Conditions	07.06.2004
F/97/094	Erection of a double garage and replace flat roofs with pitched roofs to existing bay windows as amended by plan received 27/03/1997	Approve with Conditions	15.04.1997

Consultations:

7. Highways: No Objections. The car port spaces require additional width when against an end wall, so that doors can be opened on both sides, in accordance with section 3.4.4.2 of Suffolk Guidance for Parking. These spaces need to be 2.8m wide. It appears from the indicative plan that the available width will not allow a total of six spaces as shown. However,

provided a minimum of eight spaces can be provided, to the correct sizes, for the currently proposed maximum of eight dwellings, and secure cycle parking of 2 spaces per dwelling are provided, we have no objection to this application. Recommend conditions relating to access, area for refuse, surface water drainage, areas for parking and manoeuvring.

8. Public Health and Housing: No Objections, raised concerns over the level of amenity space proposed. Request conditions.
9. Environmental Health: No Objections, subject to conditions.
10. Jockey Club: No Objections but commented on the potential impact upon horse walks close to the site.

Representations:

11. Town Council: No objection.
12. No letters of representation we received

Policy:

13. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Development Management Policies 2015:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM7 (Sustainable Design and Construction)
- Policy DM10 (Impact of Development on Sites of Biodiversity and Geodiversity Importance)
- Policy DM11 (Protected Species)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)
- Policy DM14 (Protecting and enhancing Natural Resources, Minimising pollution and safeguarding from Hazards)
- Policy DM17 (Conservation Areas)
- Policy DM22 (Residential Design)
- Policy DM30 Appropriate Employment uses and protection of employment land and existing businesses.
- Policy DM46 (Parking Standards)

Forest Heath Core Strategy 2010 (FCS):

- Policy CS1 - Spatial Strategy
- Policy CS2 – Natural Environment
- Policy CS5 - Design Quality and Local Distinctiveness
- Policy CS10 – Sustainable Rural Communities

Other Planning Policy:

14. National Planning Policy Framework (2018)

Officer Comment:

15. The issues to be considered in the determination of the application are:
- Principle of Development
 - Parking

Principle of development

16. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.
17. The site falls within the defined settlement boundary for Newmarket, which is the largest town within the Forest Heath District. Policy CS1 defines Newmarket as a market town. Newmarket contains all the services necessary for day to day living, transport links to the wider area and employment. As such the site is considered to be a sustainable location suitable for residential development. The proposal would include the demolition of the large, detached, double fronted property, whilst the property has retained some of the traditional characteristics of the Edwardian era, it is not listed nor within a Conservation Area, as such its demolition is considered acceptable. It is considered the principle of residential use is already established on site and the proposal would be in line with policies CS1 and the NPPF which aim to steer development to sustainable locations.
18. The NPPF encourages the re-use of brownfield land with paragraph 117 emphasising that LPA's should promote the effective use of brownfield land and that substantial weight should be given to re-using suitable brownfield land within settlements for homes. Details of the existing property have not been provided however it would appear that the proposed layout could offer an efficient use of the site by providing 8 smaller units.

Design, Form and character

19. The application is in outline form, with all matters reserved, therefore plans provided are illustrative only.
20. Policy DM2 states that development should respect the character, scale density and massing of the locality. Policy DM22 requires that proposals for residential development maintain or create a sense of place by creating and supporting the continuity of built form.

21. The size and scale of the development proposed (albeit indicatively) is comparable to the neighbouring dwelling to the west and the density is in-keeping with the built character of the vicinity. The limited distance between the flats at the rear and front of the site is restrictive, however this relationship is not uncommon in this type of urban development. As such, whilst the plans submitted are only indicative they illustrate that 8 dwellings could be accommodated on site replicating a density and built form similar to that seen within the locality.
22. The proposed property to the front of the site would be situated adjacent to the highway which is similar to the adjacent development and a number of dwellings within the vicinity. The height, scale and massing of the proposed building is again similar to the neighbouring flats and as such in-keeping with the built vernacular. The design, specifically the proposed gables reflect the existing dwelling currently on site and are a common feature seen within the locality.
23. Plans indicate that terraces and balconies are to be provided for the flats to the south of the site, whilst the two dwellings to the rear of the site would not benefit from any amenity space. Public Health and Housing raised concerns over the level of amenity space provided for the units, specifically the smaller cottage style properties to the rear of the site. Amended plans were provided which removed the smaller houses from the rear of the site and incorporated flats over garaging accommodation, thus removing the necessity to provide separate amenity space. Given the location of the properties and style of accommodation proposed this level of amenity space is considered acceptable.
24. The original plans submitted proposed nine dwellings on site, with six to the front of the site and three smaller units to the rear. Concerns were raised about the level of private amenity space for the units to the rear and the level of parking which could be accommodated. Amended plans reduced the number of units to 8 and removed the amenity space for properties to the rear.
25. It is considered the plans adequately illustrate that the site could accommodate the 8 units proposed whilst respecting the built form of the locality, and is therefore compliant with policies DM2 and DM22.

Impact upon neighbour amenity

26. The indicative plans position a one and a half storey building immediately adjacent to the rear boundary of the site. Potential overshadowing of the amenity space to the properties fronting Nat Flatman Street will need to be fully assessed at Reserved matter stage. However, the proposed siting of the units to the rear of the site would present a similar form of development to that seen to the neighbouring development. Any potential loss of light would be reduced to some degree by the height of the proposed dwellings and the separation distance from the rear boundaries of the neighbouring properties, which are separated from the site by an access track.
27. Full details, such as design and positioning of windows would be provided at reserved matters stage when the impact upon neighbour amenity can be further assessed. However, the plans submitted indicate windows for

the property to the front of the site would be north and south facing. It is considered there would be a sufficient separation distance between the flats to the south of the site and properties on Nat Flatman Street to prevent a detrimental impact upon neighbour amenity in terms of overlooking or loss of privacy. Further the relationship would not be dissimilar to that which exists with the current property. Windows for the smaller properties to the rear of the site would be north facing and therefore overlook the internal courtyard.

Parking and Highways.

28. Policy DM2 requires that development accords with highway standards and maintains or enhances the safety of the highway network. Policy DM46 requires that proposals accord with adopted parking standards.
29. Highways have stated that the six parking places beneath the flats to the rear of the site are too narrow and do not meet required specifications. The plans show 11 parking places on site for 8 flats. Highways have stated that 8 parking places would be sufficient as bike storage is to be provided. It is feasible given that some parking from the rear of the site could be removed to allow wider spaces and still achieve the 8 spaces required by Highways. Weight is also attached to the sites sustainable location within the town and within walking distance of good transport links, services and facilities. Full parking details can be assessed at Reserved Matters stage, however, it is considered that the illustrative plans demonstrate that sufficient parking to serve the development could be accommodated within the site. It is therefore considered that the proposal would not adversely impact the highway network. The proposal is therefore considered to comply with DM2 and DM46.

Other Material Planning Considerations

30. No reference is made to biodiversity enhancement, however in accordance with policy DM12 these can be secured by condition.
31. Section 3.4.2 of the Suffolk Guidance for Parking provides that "*Access to charging points should be made available in every residential dwelling.*" Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The new NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution. On this basis a condition will be attached to the permission to secure an operational electric vehicle charge point is provided for each dwelling.
32. The Jockey Club have raised concerns in regards to the potential impact of the development during construction on the horse walks on All Saints Road. An informative can be attached to any consent raising the applicant's awareness of the potential impact and the Jockey Clubs suggestions.

33.DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

34.In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

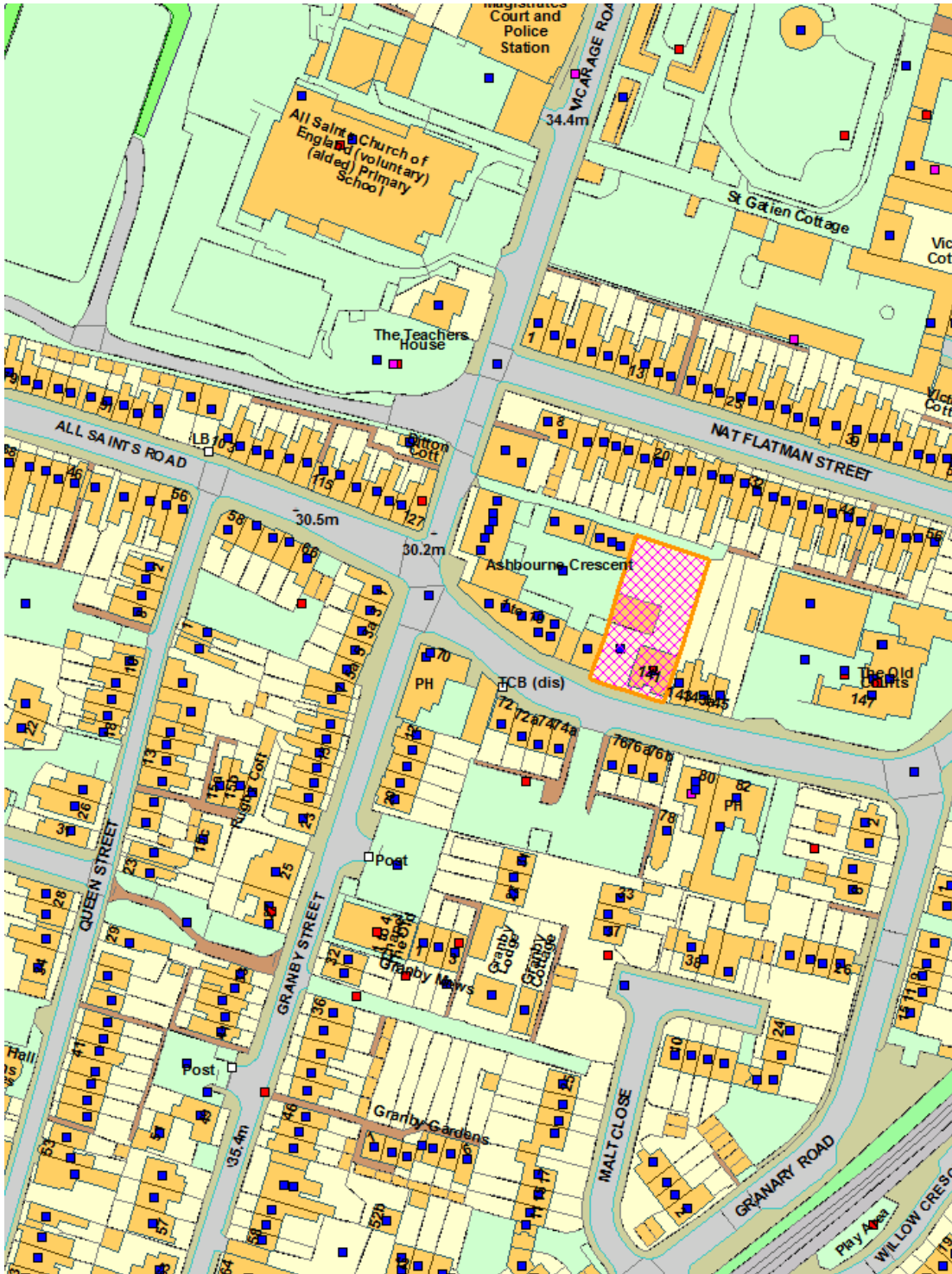
35.It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Outline time limit
2. Reserved matters
3. Approved plans
4. Biodiversity enhancements.
5. Electric charging points.
6. Contaminated land
7. Verification report for contamination
8. Not previously identified contamination
9. Hours of demolition
- 10.Submission of a site construction and management programme.
- 11.Acoustic insulation.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1863/OUT](#)

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DC/18/1863/OUT – Glenroyal, 141 All Saints Road, Newmarket

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Forest Heath
District Council

DEV/FH/19/004

**Development Control Committee
6 February 2019**

**Planning Application DC/18/1167/FUL –
La Grange House, Fordham Road, Newmarket**

Date Registered: 16.07.2018 **Expiry Date:** EoT: 08.02.2019

Case Officer: Ed Fosker **Recommendation:** Refuse

Parish: Newmarket Town Council **Ward:** Severals

Proposal: Planning Application - 1no. dwelling

Site: La Grange House, Fordham Road, Newmarket

Applicant: Mr Worlsey

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is referred to the Development Control Committee after consideration by the Delegation Panel and at the request of Ward Members Councillors Andrew Appleby and Ruth Allen.

The application is recommended for REFUSAL and the Town Council also object.

Proposal:

1. Planning permission is sought for the erection of 1no. three bedroom, single storey flat roofed dwelling and associated access within the grounds of La Grange House. The existing access for the main house is utilised for the proposed dwelling with the driveway positioned behind existing vegetation and the front boundary of the site.
2. The scheme differs from the previous approval (F/2012/0627/FUL which expired on the 11.03.2016) in that the dwelling now has an internal courtyard, smaller curtilage with the existing swimming pool area now being left within the remaining grounds of La grange house and not included within the proposed site. In addition, the western elevation is now straight and therefore is in closer proximity to the large beech tree.

Application Supporting Material:

3. The following documents have been submitted with the application:
 - Site location plan
 - Existing and proposed plans and elevations
 - Tree Survey
 - Proposed and Existing Tree Layout
 - Design & Access Statement

Site Details:

4. The site is within the settlement boundary and Conservation Area of Newmarket, located within the eastern part of the grounds of La Grange House. The property known as La Grange has a large garden, along with a tennis court, pool and pool house. The tennis court and swimming pool are situated behind a mature tree belt and are somewhat segregated from the main dwelling itself.

Planning History:

5.

Reference	Proposal	Status	Decision Date
F/2012/0627/FUL	Erection of a single storey dwelling	Approved	11.03.2013

Consultations:

6. Highway Authority: (Verbal with SB) No objection, subject to condition.

7. Conservation Officer: (Verbal with CJ) – Would not object unless the proposal was likely to have a negative impact on the large Beech Tree which is of very high amenity value within the conservation area.
8. Tree Officer: I have a number of concerns regarding the potential arboricultural impact of the proposed development. The main issue, which is of significant concern, is the conflict between T013 and the new dwelling. The Beech is a very large and prominent specimen, and is of great arboricultural value (being classed as A1 within the arboricultural report). An immediate threat to the tree is the proposed root pruning, which shows a significant incursion within the root protection area (RPA). It is noted that the construction of the existing tennis court is likely to have involved the disturbance of the root system in this area, however, this is likely to have involved shallow excavations in order to accommodate the hard surfacing. Given that the majority of roots are considered to be within 600mm of the surface, I believe that the necessary root pruning in order to accommodate foundations will involve significant root loss. This could impact heavily on both tree health and potentially the structural integrity of the tree.

A medium to long term adverse impact on T013 is likely to arise from significant future pressure due to the conflict between the dwelling and the Beech. The tree is in very close proximity on the western side of the proposed dwelling. This is likely produce significant shading, which will not only be undesirable for the future homeowner due to a restriction of natural light into the home and internal courtyard, but also for the solar panels shown on the submitted drawings. Other conflicts are likely to ensue from leaf fall, which in my opinion, is likely to be a significant (non-legal) nuisance for the future occupier. For these reasons, I believe any planning permission for a new dwelling in this location would result in significant pressure for the removal of a high amenity value tree in the Newmarket Conservation Area, and on this basis, I would like to raise an objection to the planning application.

How the advantages and disadvantages of trees are perceived varies greatly. Pressure arising from aforementioned issues is a common justification for applications for tree works. This potential future pressure may come from both the future occupant of the new dwelling, and any future owners of La Grange. It has been assessed that it would be difficult to resist such pressures in this instance due to the relationship between the proposed dwelling and mature beech.

Root Protection Area - (as defined in BS 5837:2012) 'layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.' By definition, this shows the importance of encroachment into this area. I respectfully disagree with the stated likelihood of minimal rooting underneath the existing tennis court.

It is the recommendation of the arboricultural consultant that this should be submitted alongside the arboricultural impact assessment. This should not be relied upon as a condition because if this type of construction is not achievable, the arboricultural impact is likely to be significantly increased.

Shading is a highly subjective matter, but it is a common reason for applications for inappropriate tree works and tree removal. I dispute that it is 'within the realms of commonly accepted standards'. How this is perceived varies but I would consider it likely to negatively impact on amenity within the proposed dwelling and therefore contribute to significant future pressure.

9. Environment Team: Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.

10. Public Health and Housing: No objection.

Representations:

11. Ward members:

Councillor Andrew Appleby – Does not see any tree problems and requests the application be brought before committee.

Councillor Ruth Allen – Requests that the application is called in.

12. Town Council: The Committee objected on the proposed location, the layout and density of the building, the appearance and design and materials proposed, highway safety, noise, dust, fumes from the existing neighbouring stables which will impact upon the residential amenity of the proposed dwelling, impact on character or appearance of the area and impact on the community and other services.

13. Neighbours: No representations received.

Policy:

14.

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM17 Conservation Area
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Core Strategy Policy CS5 - Design and Local Distinctiveness

Other Planning Policy:

15. National Planning Policy Framework 2018

Officer Comment:

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

- Principle of Development

- Impact on the Conservation Area
- Trees
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways considerations

Principle of Development

17. The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.
18. The site is located within the Housing Settlement Boundary for Newmarket and is in a position where shops and facilities are in close proximity. As such, the principle of new small scale windfall residential development in this location is considered sustainable and generally acceptable. However, consideration would also need to be given to other adopted policies and the provisions of the National Planning Policy Framework.
19. The proposed development also needs to be considered against policies DM2, DM22 and DM17 of the Development Management Policies Document which seeks to ensure that new development does not result in the loss of residential or visual amenity, their layout and design respects the established pattern and character of development in the locality and the proposal preserves or enhances the surrounding conservation area which will be considered further below.

Impact on the Conservation Area

20. Policy DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should:
- preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area;
 - be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting;
 - retain important natural features such as open spaces, plot divisions, boundary treatments, and trees and hedges, which contribute to the special character of the area;
 - retain important traditional features that contribute to the area's character such as original doors, windows, shop fronts and flint or clunch walls;
 - include fenestration which respects its setting;
 - use materials and building techniques which complement or harmonise with the character of the area; and
 - demonstrate a clear understanding of the significance of the Conservation Area and/or its setting, alongside an assessment of the potential impact of the proposal on that significance. The proposal should

demonstrate how the key characteristics of the character area have been addressed.

21. Whilst the Local Authority's Conservation Officer has raised no concern with regard to the size, scale and design of the proposed dwelling in this location which would in fact be well screened in the existing street scene, they have also stated that if it was considered that the scheme would impact negatively on the large Beech tree and could ultimately lead to pressure to fell, then serious concern would be raised due to the high amenity value that this tree provides to the surrounding conservation area.

Trees

22. The Haydens Tree report details that it is necessary to fell two individual trees and one landscape feature in order to achieve the proposed layout. Additionally, five trees and one landscape feature require minor surgery to permit construction space or access. The alignment of the proposed dwelling nominally intrudes within the Root Protection Areas of one tree and one landscape feature to be retained. This has only minor influence on the Root Protection Areas and as such it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist construction techniques at these locations. The alignment of the proposed new vehicular access encroaches within the Root Protection Areas of eight trees and three landscape features that are to be retained, but given the use of modern "no dig" construction techniques this is not considered to be a substantial issue. The alignment of the proposed parking area nominally intrudes within the Root Protection Areas of one tree to be retained. This has only minor influence on the Root Protection Areas and as such it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist "no dig" construction techniques at this location.
23. Whilst it is not welcomed, the works to the trees and the positioning of the driveway is not considered to be so significant as to recommend refusal. However the close proximity of the large Beech tree to the western side of the proposed dwelling raises many serious concerns.
24. The Beech Tree (detailed as T013) is a very large and prominent category A1 specimen (estimated to be in the region of 200 years old with an expected remaining life expectancy of at least 40 to 80 years) within the site, which offers great amenity benefits not only to the site but also the surrounding conservation area. It is a mature specimen with only minor faults identified including some minor inclusion and one major piece of deadwood to the east aspect of the tree. It appears to be in healthy condition and is considered to be of great arboricultural value.
25. It is clear from the daylight analysis that a significant proportion of sunlight hours would be lost, it is also clear that one elevation is in close proximity to the Beech Tree and the layout of the proposal results in habitable rooms facing the tree. Given the close proximity, the fact that the property is flat roofed with a very modest amount of amenity space including an enclosed courtyard there is likely to be burdensome seasonal nuisance by reason of leaf litter and other detritus leading to increased maintenance costs.

26. Haydens comment that "it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist construction techniques at these locations". The Root Protection Area is - (as defined in BS 5837:2012) 'a layout design tool indicating the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority.' By definition, this shows the importance of encroachment into this area.
27. Together with the loss of sunlight hours, burdensome seasonal nuisance, also the likely heightened perception of risk from falling branches to future occupants due to the size and age of the tree in close proximity to the dwelling, are likely to lead to future pressure to significantly lop or fell the Beech tree. Should this occur, the significant contribution that the tree does and could continue to make to the overall character and appearance of the conservation area would be lost, in conflict with policies DM2, DM13 and DM17 of the Joint Development Management Policies and the provisions of the National Planning Policy Framework 2018 in so far as they seek to maintain local character and require new development to address key features and characteristics of an area.

Impact on Visual Amenity

28. In accordance with policies DM2, DM22 and CS5, the proposal should maintain or create a sense of place and respect the character, scale, density and massing of the locality. Setting aside concern with regard to trees, the design of the property itself raises little concern. However due to the close proximity to the large beech tree which is a very large and prominent category A1 specimen within the site, offering great amenity benefits not only to the site but also the surrounding conservation area, and as discussed the future pressure this trees would face, it is considered that the proposal does not comply with the provisions of the NPPF which emphasises the importance of planning positively for the achievement of high quality design and states that planning decisions should aim to ensure that developments respond to local character and reflect the identity of local surroundings.
29. The NPPF makes it clear in paragraph 124 that 'good design' is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential to achieving this. In this case, it has not been demonstrated that the proposal would comply with this criteria.

Impact on Residential Amenity

30. Due to the single storey nature of the proposed dwelling and the distances of separation involved, there is not likely to be any loss of residential amenity to any neighbouring properties by reason of overlooking or overbearing impact. It is clear from the daylight analysis that a significant proportion of sunlight hours would be lost, it is also clear that one elevation is in close proximity to the Beech Tree and the layout of the proposal results in habitable rooms facing the tree. Given the close proximity, the fact that the property is flat roofed with a very modest amount of amenity space including an enclosed courtyard, not only is

there likely to be a burdensome seasonal nuisance by reason of leaf litter and other detritus, the occupiers of the proposed dwelling itself are likely to experience a significant loss of residential amenity by reason of loss of light, contrary to what is sought to be safeguarded through policy DM2.

31. Policy DM22 states that development should be of high architectural merit, meaning that they are fit for purpose and function well, providing adequate space, light and privacy. Whilst the design of the dwelling raises no concerns, it is the positioning in such close proximity to the large beech tree which would seriously impact on the amount of light available to habitable rooms.

Highways

32. The existing vehicular access off Fordham Road for the main house is utilised for the proposed dwelling with the driveway positioned behind existing shrubs, trees and front boundary of the site. Whilst the positioning of the driveway and works to the trees in this area are not welcomed they are not considered to be so significant as to recommend refusal. Also the Highways Authority have raised no objection to this arrangement which provides three off street parking spaces and turning area, subject to condition to control the provision of this area in compliance with policy DM46.

Other Issues

33. Concerns have been raised by the Town council with regard to noise, dust and fumes from the existing neighbouring stables, impacting upon the residential amenity of the proposed dwelling; however public Health and housing have raised no objection with regard to these issues.

Conclusion:

34. In conclusion, the principle of the development is not considered to be in accordance with both local and national policy and as such, the application is unacceptable and recommended for refusal.

Recommendation:

35. It is recommended that planning permission be **REFUSED** for the following reason:
 1. The position of the large Beech Tree (detailed as T013), which is a prominent category A1 specimen, would lead to a significant loss of sunlight hours that the proposed dwelling would otherwise enjoy and be a burdensome seasonal nuisance due to leaf drop and other detritus. The presence of the Beech tree is also likely to lead to a heightened perception of risk from falling branches to future occupants due to the size and age of the tree in such close proximity to the dwelling. Consequently, these matters are all likely to lead to future pressure to lop or fell the Beech tree. Should this occur, the significant contribution that the tree does and could continue to make to the overall character and appearance of the conservation area would be lost. The proposal would therefore be in conflict with policies DM2, DM13 and DM17 of the Joint Development Management Policies Document 2015, Policy CS5 of the Forest Heath Core

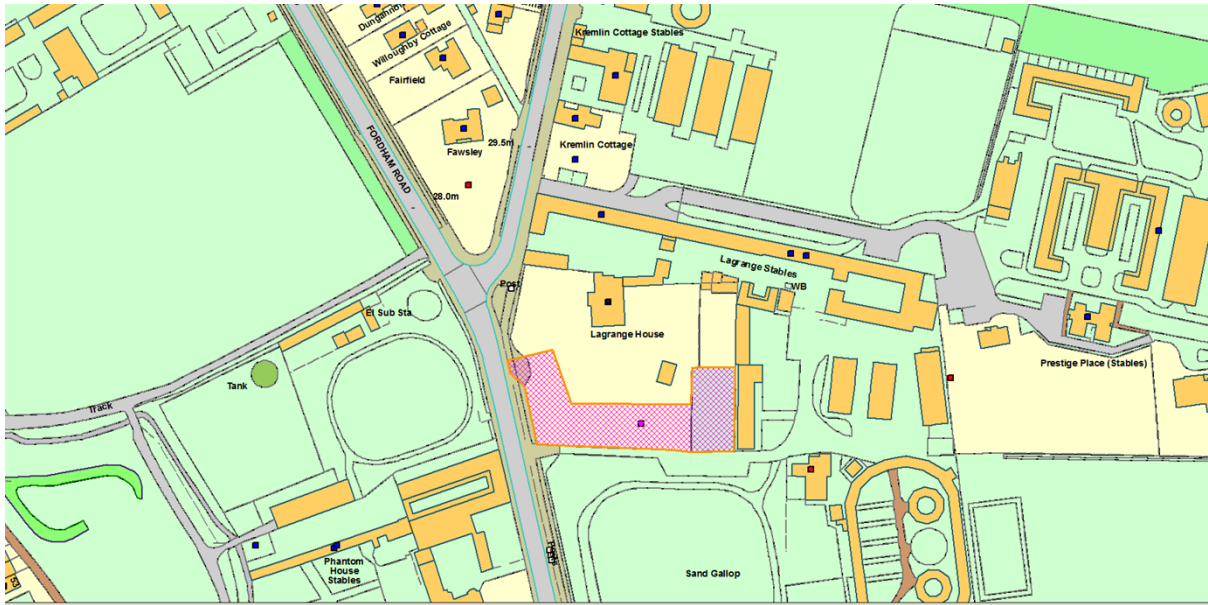
Strategy 2010 and the provisions of the National Planning Policy Framework 2018 which seek to maintain local character and require new development to address key features and characteristics of an area.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PACPE6PDGWR00>

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La Grange House, Fordham Road, Newmarket



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Proposed Site Plan

KWA Architects
Chartered Architects

Crak Farm, High Street
Badrham, Cambridge
CB22 3AG

Tel. 01223 839992
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Date: Jun 2012
Scale: 1:250 @ A2

Drawing no: **1086-P03**

Rev	Date	By	Description
E	26-02-13	DD	Acoustic fencing height added
D	18-02-13	DD	Revised layout

STATUS: PLANNING
DO NOT SCALE - REPORT ANY DISCREPANCIES

Land at La Grange House
Fordham Road
Newmarket
Suffolk

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