

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 AUGUST 2016

DEV/FH/16/022

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/1131/FUL – SOUTHERNWOOD, FORDHAM
ROAD, NEWMARKET**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

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Committee Report

Date 1st June 2016 **Expiry Date:** 31st August 2016

Registered:

Case Charlotte **Recommendation:** Approve

Officer: Waugh

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application DC/16/1131/FUL - (i) 2no buildings to include 11no. apartments and 1no. Office unit (following demolition of existing building) (ii) Freestanding bicycle/bin store

Site: Southernwood, Fordham Road, Newmarket

Applicant: Kings UK

Background:

This application is referred to the Development Control Committee as the Town Council have objected to the development which is contrary to the Officer recommendation of APPROVAL. The application is a major development.

Proposal:

1. Planning permission is sought for the demolition of the existing dwelling with annexe and office and its replacement with two detached buildings in a staggered position with gable ends facing the highway. The buildings would be 2½ storey in height utilising a mixture of materials including render, brick and boarded elevations with a slate and clay tile roof. The buildings would accommodate 11 apartments (10 x 2 bedroom, 1 x 3 bedroom) as well as an office on the ground floor of the south building.
2. Parking is proposed to the front of the site including 16 vehicle parking spaces and a cycle store to accommodate 12 bicycles.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location plan
 - Existing plans
 - Proposed floor plans, elevations and sections
 - Proposed sketch views
 - Site layout plan
 - Tree Survey

- Tree protection measures
- Planning Statement
- Design and Access Statement
- Land Contamination Assessment
- Swept vehicle path

Site Details:

4. The site is located within the Settlement Boundary for Newmarket, to the west of Fordham Road and currently accommodates a large two storey dwelling 'Southernwood' with an annexe and office. The site is within the Conservation Area and the dwelling is considered a building of local interest. The dwelling itself dates from the early 20th century and is designed in a mock Tudor style. It stands centrally within the site with a large forecourt containing a number of trees. 'Tanglewood' sits to the north of the site and is a large detached private dwelling, Kremlin House Stables is to the south with Induna Stables paddocks to the rear.
5. The office use at the site is filled by Kings UK Ltd which provides staff to the equine industry as well as other sectors.

Planning History:

6. DC/15/2112/FUL - Planning Application - (i) Construction of 2no. One Bed apartments, 7no. Two Bed apartments and 1no. Three Bed apartment within 2no. buildings (i) 1no. Office unit (iii) Freestanding bicycle/bin store (iv) Demolition of existing dwelling and apartment – Approved

Consultations:

7. Highway Authority: No objection subject to conditions.
8. Conservation Officer: Whilst identified in the conservation area appraisal as a building of local interest its origin as an early/mid 20th century villa does not preclude its redevelopment should an application for an appropriately designed and detailed replacement be proposed.

The proposed development is of simple contemporary design incorporating a palette of local materials. The two buildings are staggered and face gable end onto Fordham Road, incorporating steep cat-slide roofs reducing the eaves to single storey to adjoining boundaries responding to the wider context of this part of the conservation area.

The proposed demolition and redevelopment of the site is a bold approach particularly as the building has been identified in the conservation area as a building of local interest, however the proposal respects and responds to both the immediate context in terms of scale, massing, site layout, street pattern plot size, materials and detailing. The replacement buildings are therefore considered to both preserve and enhance the character and appearance of the conservation area. No objections from a conservation point of view.

9. Environmental Health (Land Contamination): The risk from contamination is low. No objections.
10. Public Health and Housing: No objections subject to conditions.
11. Environment Agency: No objections.
12. Natural England: No comment.
13. Anglian Water: Newmarket water recycling centre and sewage system has capacity for this development.
14. Historic England: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
15. SCC Development Contributions Manager: The proposal results in a net increase of 9 units and as such, is below the threshold of 10 dwellings which requires contributions.

Representations:

16. Newmarket Town Council: Whilst the Town Council had no objection to the previous application, allowing a delegated decision to be issued, the committee has a new make up and objected to the current application on the grounds of it being an overdevelopment of the site, adding to unacceptable traffic congestion, causing damage to existing businesses and street scene.
17. Two representations have been received from local residents raising the following summarised objections:
 - Building will be an eyesore
 - Adjacent historic stable yard houses close to 100 horses
 - Southernwood is a handsome house which fits in
 - Other development on Fordham Road has not been sold
 - Will not be space for parking
 - Birds and wildlife will be at risk
 - Construction noise will cause stress to horses in adjacent stables
 - There is not the space or infrastructure for the development
 - Boundary treatments between site and Tanglewood should be upgraded
 - Building B is closer to Tanglewood than existing buildings – loss of amenity – not addressed
 - Trees on boundary are deciduous so will be overlooked in winter and spring – additional tree required
 - Building B will be dominant given its 'ski-slope' roof rising above the 2 upper storeys
 - Dormer windows should be re-designed to reduce overlooking
 - Lighting should be soft and not flood

- Previously imposed conditions should be used if granted

18. Jockey Club: The site is directly adjacent to two training yards, namely Induna Stables and Kremlin House (Varian) Stables. Combined, these yards have the capacity for over 180 horses.

Induna Stables' trotting ring is directly to the rear of the property and is used every day for the horses to warm up on before accessing the gallops. Consequently, the main concern to this application is the effect it will have on the already congested Fordham Road and the effects it will have on the two neighbouring stable yards.

The Maltings, the enlarged Tesco and more recently the application at Kininvie for 31 retirement units and 26 car parking spaces will all increase vehicle movements on the Fordham Road and put the horses crossing on the Rayes Lane/Fordham junction under particular pressure. Construction close to a trotting ring is not ideal. Horses will have their warm up trot on this facility before going onto the gallops and at this stage of the day are extremely fresh (excitable).

If the above application is successful we would ask that a detailed working method statement is required as a condition:

- ensuring liaison with the two yards mentioned above to minimise risk and disturbance during any noisy demolition or construction works. A restriction on noisy works at certain times of day may be required.
- during construction, all vehicles (including deliveries) access the site via the A14 and then A142 rather than through town.

In addition I would suggest that a contribution via a section 106 towards the planned improvements to the Rayes Lane/ Fordham Road junction is appropriate.

Policy: The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

19. Joint Development Management Policies Document 2015:

- DM1 - Presumption in favour of Sustainable Development
- DM2 - Creating Places
- DM6 - Flooding and Sustainable Drainage
- DM7 - Sustainable Design and Construction
- DM11 - Protected Species
- DM13 - Landscape Features
- DM14 - Safeguarding from Hazards
- DM22 - Residential Design
- DM46 - Parking Standards

20. Forest Heath Core Strategy 2010

- CS1 Spatial Strategy
- CS5 Design & Local Distinctiveness

Other Planning Policy:

21. National Policy and Guidance

- Core Principles
- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design

Officer Comment:

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

- Principle of Development
- Visual Amenity/Impact on Conservation Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

Principle of Development

23. The Core Strategy states that development will be focussed in the towns and primary villages of the District. Policy CS1 confirms Newmarket as a market town due to the range of services and facilities it contains. In addition, the site is within the housing settlement boundary where there is a presumption in favour of residential development, subject to compliance with other policy considerations.

24. Having regard to both the national and local policy position it is considered that the location of the site represents an acceptable position for residential development. The site is not considered of high environmental value and whilst it is within a Conservation Area this is discussed below in detail. As such, subject to compliance with other policies, the principle of re-development is considered acceptable.

25. Furthermore, planning permission was granted last year for the re-development of the site to provide 10 units of accommodation as well as an office. This permission is still capable of being implemented and demonstrates that the principle of development is already established.

Visual Amenity/Impact on Conservation Area

26. The Framework states that the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. Policy DM2 reinforces this view and states that proposals should recognise and address key features and local characteristics and create or maintain a sense of place as well as producing designs which respect the scale, density and massing of the locality.

27. Southernwood has been designated as a Building of Local Interest. Despite this designation, it is unexceptional in appearance. However, it's positioning within the site as a large single dwelling set back in the

spacious plot allows vegetation to dominate the site and this contributes to the overall appearance of the conservation area. The building itself, whilst attractive, is not considered of sufficient architectural merit to warrant refusal of the application on this ground alone.

28. The Conservation Area in this location includes a variety of stables and paddocks on the western side of Fordham Road, interspersed with large detached dwellings, which largely fill the Eastern side. Buildings are set back from the road and feature strong boundary treatment, be it fencing, walls or hedging. The area is well treed. There is no dominant building style although the scale of dwellings is largely two storey.
29. The proposed scheme has taken a contemporary approach with two separate buildings on a similar footprint, this has reduced the potential bulk of the development by having two gable ends fronting the highway. This scheme represents an increase in development over that previously approved and this is achieved by extending both buildings on their inner elevations (hence the southern elevation of building B has been extended outwards as has the northern elevation of building A). Whilst this has increased the overall mass of the development it still allows the majority of trees within the site to be retained as well as providing a courtyard area between the two buildings. The material palette proposed combines a mixture of brick, render and boarding which further breaks up the elevations and reduces the bulk of the development whilst still appearing attractive in the street scene. The 2½ storey scale represents a similar height to surrounding buildings due to the use of the roof space for accommodation. The reduced height eaves, which drop to single storey on the side boundaries provides an element of domestic scale which is characteristic of the area. The form proposed means the large area of garden around the building is retained which means the site keeps its spacious nature; part of what contributes to the character of the surrounding area. On this basis, the proposal, whilst accommodating a large number of units, is considered to be acceptable in scale, spacious in nature and appropriate in terms of design, height, materials and footprint.
30. A tree survey has been submitted which identifies a number of trees to be removed as a result of the development. These are largely in the front half of the site and are predominantly category C (low quality) with 2 category B (moderate quality). Overall, whilst their loss is regrettable, these are not the best quality trees and due to their position within the site a good degree of tree cover will be retained. A tree protection plan accompanies the survey and will be conditioned as part of any approval as well as the submission and approval of a landscaping plan to enable additional planting to be agreed. With these conditions it is considered that the impact on the landscape is acceptable and can be mitigated through the use of additional planting and protection of the highest quality trees.

Impact on residential Amenity

31. The Framework states that *good planning should contribute positively to making places better for people*, as well as ensuring a *good standard of*

amenity for all existing and future occupants of land and buildings. Additionally, policy DM2 seeks to ensure new housing developments do not result in the loss of residential amenity.

32. The buildings proposed represent a significant increase in accommodation within the site which in turn will generate a degree of activity and vehicle movements. Boundary treatments at present comprise timber fencing as well as mature landscaping. Whilst this will screen part of the development, views of the upper floors will be visible to neighbouring properties.
33. The northern building (Building B) has replaced the existing two storey annexe/office and sits on a similar footprint. This building will be adjacent to the northern boundary of the site with the eaves height on this elevation reducing to single storey and the roof pitching away from the boundary. The building will be visible from Tanglewood, especially in the winter months due to deciduous trees on the boundary, although the use of a steeply pitched roof has helped to lessen the dominance of the structure. The annexe building is two storey at present and as such, this development has increased the height of the building on this elevation to incorporate a further storey of accommodation. Windows have been positioned on the front and rear elevations where possible, although due to the number of units there is a need to have windows on the side elevations of the buildings. These comprise 4 dormer windows and roof lights on the north elevation of building B and 4 dormer windows and roof lights on the south side of Building A. Trees on the application site as well as on the 'Tanglewood' side of the boundary provide a height of 10-15 metres which will screen some views from the dormer windows but it is likely that a degree of overlooking will be suffered.
34. The southern boundary with Kremlin House Stables also benefits from trees on the boundary with a similar height of 10-15 metres. Adjacent to this boundary the neighbours site has a driveway and parking area which provides a sufficient degree of separation to ensure the building does not appear dominant or result in significant overlooking. Furthermore, conditions will be imposed regarding the installation of lighting and the submission and approval of boundary treatments as requested by neighbours.
35. Concerns have been raised by the adjacent stable yard as well as the Jockey Club about the impact of the development on the equine activities that take place there. Whilst these concerns are understandable and clearly have the potential to impact on the daily routine that takes place within the yards, disturbance throughout construction is not sufficient to warrant refusal of the application. The Jockey Club has requested a detailed working method statement to be submitted which is to be agreed with the adjoining stables and restricts construction access through the town centre. Whilst it is not considered reasonable, due to the scale of the development to restrict access, or potentially to restrict certain times of day for development, a condition has been recommended to ensure that a construction management plan is submitted and approved. This will allow

consideration of the work required during both demolition and construction and any mitigation measures required.

Impact on Highway Safety

36. 16 Vehicular parking spaces are provided to serve the development as well as secure cycle parking for 12 cycles. This amount meets Suffolk County Councils adopted parking standards and no objection is raised on this basis.
37. Concerns have been raised to the intensification of use of the adjacent highway; Fordham Road which is a major thoroughfare. The Highway Authority is satisfied with the access point, subject to improvements, and do not consider the additional traffic movements associated with this development to result in an unacceptable increase to traffic on Fordham Road. Furthermore, traffic lights are now installed close to the application site which provides a safe horse crossing. On this basis, no objections are raised in this regard.

Other Issues

38. The application site is located within Environment Agency flood risk zone 1 where the risk of flooding is extremely unlikely. Surface water will be managed via soakaways and permeable areas as well as existing drainage infrastructure. The County Council Flood engineer has assessed the application and is satisfied with the scheme.
39. The planning application is accompanied by a contamination report. This concludes the site has not been unduly impacted by former land uses. The Council's Contamination Officer has concluded that the risk of contamination is low and has therefore, raised no objections.
40. In accordance with the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 Section 106 contributions are required when the scale of development results in a net increase of 10 residential units or more or a gross floor area of 1,000sq metres or above. In this case, the scheme results in a net increase of 9 dwellings and whilst the proposed floor area is above 1,000sq metres, vacant building credit, as described within the National Planning Policy Guidance (NPPG) states that any existing residential floor space which is to be demolished (whether vacant at present or not) should be deducted from the total. Consequently, the scheme is below the threshold which requires a developer contribution. On this basis, there have been no requests from Suffolk County Council seeking contributions towards infrastructure and whilst The Jockey Club have requested a contribution towards the horse crossing it is not considered appropriate or necessary in this case.

Conclusion:

41. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth, which identifies housing development as a key driver.
42. Newmarket is a Market town that can accommodate growth, as specified within the Council's Core Strategy. The proposed development is within the housing settlement boundary and adjacent to established residential areas. There are a number of positive attributes which lend support to the scheme, not least the efficient re-use of the land which contributes to the housing stock. A satisfactory layout has been demonstrated with the units respecting local character and appearance and achieving good design.
43. It is considered therefore, that the scheme meets the Framework's definition of sustainable development by fulfilling the economic, social and environmental roles. Economic benefits through housing growth, short term jobs and local spending likely to be generated by future residents. Social benefits through the re-use of the current site to create a high quality environment which meets a housing need and is accessible to local services. Environmental benefits through the use of ecological enhancements, landscaping and sustainable construction.
44. Having regard to the Framework and all other material planning considerations, including the extant permission for 10 flats which was granted last year, the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

Recommendation:

45. 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.
 2. Prior to development above ground level, samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority.
 3. Prior to development above ground level, details of the windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the details shall be in the form of elevations drawn to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the replacement windows. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

4. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first occupation of the property.
Thereafter the access shall be retained in its approved form.
5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15.556 P 01 F shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
7. The use shall not commence until the area(s) within the site shown on drawing number 15.556 P01 F for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
8. Prior to commencement of development a construction management plan including a scheme for the mitigation of possible nuisance caused by dust, shall be submitted to and approved in writing by the Local Planning Authority.
9. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
10. No development above ground level shall commence until full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the

development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

11. No development above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
12. The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on plan no. TIP19 244 or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.
13. No development shall be commenced until details of the treatment of the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected. The approved screen walling and/or fencing shall be constructed or erected before the buildings; to which it relates is first occupied.
14. Details of any ventilation systems, to include any proposed noise attenuation, to be submitted to and approved by the local planning authority and installed prior to their use commencing.

15.No individual dwelling hereby approved shall 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 for that dwelling.

16.The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

Documents:

All background documents including application form, 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=O7UAIXPDHD500>