



Forest Heath
District Council

DEV/FH/17/014

Working Paper 1

Development Control Committee 3 May 2017

Planning Application DC/16/2184/FUL Nowell Lodge, Fordham Road, Newmarket

Date: 31/10/2016 **Expiry Date:** 30/01/2017
Registered: **EOT:** 10/05/2017

Case Officer: Charles Judson **Recommendation:** Approve

Parish: Newmarket **Ward:** Severals

Proposal: 10 No. apartments (demolition of existing dwelling)

Site: Nowell Lodge, Fordham Road, Newmarket

Applicant: Hyperian Homes Ltd – Mr David Godfrey

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:

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Background:

The application is referred to the Development Control Committee because the application is a major development and the Town Council object, however the Officer recommendation is for APPROVAL.

Proposal:

1. Full planning permission is sought for the erection of a building to provide 10 No. apartments over 3 floors consisting of 7 No. two bedroom apartments and 3 No. three bedroom apartments.
2. The application has been amended since submission to provide a revised layout, appearance and scale of development and to provide revised visibility splays.
3. Access to the site would be as existing with 18 No. vehicular parking spaces provided and associated cycle and bin storage on site.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application forms
 - Location Plan
 - Site Plan (Amended 1st April 2017)
 - Proposed floor plans (Amended 1st April 2017)
 - Proposed elevations (Amended 1st April 2017)
 - Proposed roof plan (Amended 13th April 2017)
 - Tree report
 - Design and access statement

Site Details:

5. The site is situated to the north west of Fordham Road, Newmarket and contains a substantial detached dwelling in the arts and crafts style. The building is of brick construction under a pin tile roof. Access to the site onto Fordham Road is to the south-east of the site with a detached garage and driveway providing vehicular parking and turning facilities. A detached bungalow with room in the roof is sited to the north-west and a detached two storey dwelling is sited to the south-east. The site is enclosed to its boundaries by a mixture of 1.8m high fencing and mature landscaping. The site is located within the settlement boundaries and whilst outside of the conservation area, the boundary is immediately adjacent to the south-west of the site.

Planning History:

6. No relevant site history

Consultations:

7. Highway Authority: No objection subject to conditions.
8. Development Implementation and Monitoring Officer: The proposal of 10 apartments would only trigger a s106 for affordable housing, if the floor space exceeds 1,000sqm.
9. Strategy and Enabling Officer: Sought clarification over whether the proposal triggers affordable housing. No comments on basis that the proposal does not exceed 1000sqm in floor area.
10. Environment Agency: The site is situated within Flood Zone 1 and above a principle aquifer and within source protection zone 3. The developer should address risks to controlled waters from contamination at the site. We have no objection to the proposal.
11. Environmental Health (Contaminated Land and Air Quality): No objection. The contaminated land desk study is an appropriate level of assessment and it is agreed that no further investigation and remediation measures are considered necessary. Guidance and policy advises that major developments should be subject to measures to help reduce the impact on local air quality. We therefore suggest a condition to require the provision of electric vehicle charge points within the site.
12. Public Health and Housing: No objection but commented on the layout and means of access to bedrooms. To minimise the impact on residential occupiers in the vicinity during construction conditions are recommended regarding hours of construction and the burning of waste.
13. Conservation Officer: As a building identified as a non designated heritage asset the proposed demolition would prove contrary to policy DM16 involving an unacceptable level of loss of original features. In addition paragraphs 135 and 133 of the NPPF should apply. Comments on the acceptability of the replacement building have not been made as the building is located outside the conservation area.
14. Anglian Water: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Newmarket Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.
15. Tree Officer: The ownership of trees in the highway verge should be checked and concerns raised over trees adjacent to proposed hard surfaces.

16. Suffolk Fire and Rescue: Comments made in respect of Building Regulations and confirmation provided that no additional water supply for the purposes of fire fighting is required.

Representations:

17. Town Council: Object on ground of:

- Overdevelopment due to scale and dominance of buildings
- Impact on the level of traffic on Fornham Road
- Impact on the character, appearance of the area and community
- The appearance and design of the development
- Inadequate parking

Comments on amended plans: No comments received

18. Ward Member (Councillors Andrew Appleby; Ruth Allen; Michael Anderson): No comments received

Comments on amended plans: No comments received

CLlr Lynch: Please report to Committee if officer recommendation is for approval for the following reasons:

- Loss of a prestigious house in a substantial plot
- Does not enhance conservation area
- Changes the character of the street scene
- Increase in traffic and possible parking on highway
- Over development
- Need a mix of housing

Comments on amended plans: No comments received

19. Jockey Club Estates: The site is not directly adjacent to any horseracing industry assets but does have two training yards located opposite side of Fordham Road. The Estates' main concern is in relation to increased vehicles movements on the busy Fordham Road. Any additional movements on an already congested highways network are unwelcome, and I would suggest that, should the application be approved, a section 106 contribution towards improvements to the Rayes Lane/Fordham Road junction is appropriate. In addition, during demolition and construction the applicant should ensure liaison with the two trainers near the site and all construction vehicles should be routed via the A14 and A142 rather than through town.

Comments on amended plans: no comments received

20. Wayside, Fordham Road: Comments in terms of noise, parking, residential amenity and traffic/highways. The proposal involves the demolition of an attractive dwelling and replacement with an ugly modern design. With the increase to 10 units there will be an impact on traffic and parking

provision does not seem adequate as it is assumed the residents will have only one car per 2-3 bedroom unit.

Comments on amended plans: No comments received

21. Aldene, Fordham Road: The proposal gives rise to a number of concerns relating to: motor traffic with increased numbers of cars and a lack of parking; noise from the additional vehicles; an increase in bicycles using the footpath; the demolition of Nowell Lodge will change the residential nature of the area and replace a distinctive building with a modern block out of character with the area; questions about the future management of the flats.

Comments on amended plans: No comments received

22. Induna Stables, Fordham Road: Object on grounds of demolition of the existing dwelling which is one of the finest houses in the town; Impact on value of area and the change in character of the road in combination with other applications; Impact on highway network and access to the town with increased traffic volume of Fordham Road requiring mitigation.

Comments on amended plans: No comments received

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:

23. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating places
- Policy DM7 – Sustainable design and construction
- Policy DM17 – Conservation areas
- Policy DM16 – Local heritage assets
- Policy DM22 – Residential design
- Policy DM46 – Parking standards
- Policy DM48 – Development affecting the horse racing industry

24. Forest Heath Core Strategy 2010

- Policy CS1 – Spatial Strategy
- Policy CS3 – Landscape character and the historic environment
- Policy CS5 – Design quality and local distinctiveness
- Policy CS9 – Affordable housing provision

Other Planning Policy:

25. National Planning Policy Framework (2012)

Officer Comment:

26. The issues to be considered in the determination of the application are:
- The principle of development and the loss of an undesignated heritage asset

- Character and appearance and impact on conservation area
 - Residential amenity
 - Highway safety
27. The application site is located within the settlement boundary of Newmarket where the principle of new residential development is acceptable. The proposal would involve the demolition of an existing substantial dwelling considered to be a good example of an arts and crafts style dwelling. The style is typical of the 1920-30's architecture which typically exhibited red brick and tile hung walls, red clay roof tiles, iron casements, leaded lights and oak doors all of which feature at Nowell Lodge.
28. A heritage asset, as defined by the National Planning Policy Framework (NPPF), is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets (such as listed buildings) and undesignated heritage assets identified by the local planning authority, including local listing. Whilst the existing building is not a designated heritage asset, the Conservation Officer considers that the building can be classified as an undesignated heritage asset given its age, style, aesthetic value and group value.
29. As a building identified as an undesignated heritage asset, the proposal, which would result in the complete and irreversible loss of this asset, would be contrary to policy DM16 of the Joint Development Management Policies Document (2015) which seeks to protect such assets. However, the demolition of a building outside of conservation areas is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore no planning application is required because planning permission for the demolition is granted by the Order. On this basis, and in the absence of an Article 4 Direction to remove such permitted development rights, it is considered that the applicant could demolish the dwelling without needing planning permission and the loss of the dwelling is not a matter that can be controlled through this application.
30. On the basis that the site is located within a settlement boundary and the demolition of the dwelling is permitted development it is considered that the principle of the proposed development is acceptable.
31. The proposed development has undergone significant amendment since it was originally submitted. The original proposal was for an apartment block three storeys in height and of a modern appearance with a continuous ridge spanning the width of the building. Officers were of the opinion that the scale, form and mass of the proposed building were not appropriate in this location which is characterised by detached dwellings of varied form but of a domestic scale and appearance. On this basis, amendments were negotiated to break up the overall mass of the building resulting in the amended plans received on 1st April 2017.

32. The revised plans propose the erection of 10 apartments comprised of 7 No. two bedroom apartments and 3 No. three bedroom apartments. The development would consist of two main elements. To the north-west the building would be 2.5 storeys in height incorporating rooms in the roof served by dormer windows to the front and rear. This element would be linked via a recessed entrance lobby to a second element to the south-east which would consist of four distinct blocks between 2 and 3 storeys in height. It is considered that the revised proposals represent a more appropriate design solution in this location by breaking up the overall mass of the proposed building and providing a building more sympathetic to the form and scale of other buildings in the vicinity of the site. Furthermore, the site is screened from the roadside by an existing 1.8m high close boarded fence and mature landscaping reducing the visual prominence of the building.
33. The Conservation Officer has not commented on the acceptability of the replacement building as it is located outside of the conservation area however as the site is adjacent to the conservation area regard must still be had to its setting. As advised previously, the loss of the existing building is outside of the control of the Local Planning Authority and with this in mind it is considered that the replacement building would preserve the character and appearance of the area. The replacement building would be of an appropriate scale, form, height, mass, alignment and of a design which respects the areas character and setting. The proposal would retain sufficient separation to the site boundaries to retain a sense of spaciousness which characterises the area and would retain the existing soft landscaping to the front of the site. The proposal would result in a more intensive use of the site but it is considered that this would not undermine the character and appearance of the area bearing in mind the busy nature of Fordham Road. On this basis it is considered that the proposal would preserve the character and appearance of the area in accordance with policy DM17. Conditions should be imposed to require precise details of hard and soft landscaping to be submitted for approval to retain control over these matters.
34. In respect of residential amenity, the replacement building would be sited on a similar footprint to the existing building but would extend the building closer to the boundary to the south-east. Whilst the proposal would be 5m from this boundary at its closest point, it would still retain a distance of 24.5m to the adjacent dwelling. The building would remain the same distance from the neighbouring dwelling to the north-west as existing. The proposal would be clearly visible from the neighbouring dwellings but with regard to the scale and impact of the existing building and the degree of separation to be retained to the neighbouring dwellings, it is not considered that the proposed building would be significantly overbearing or unneighbourly. Furthermore, with windows in the side elevations of the existing dwelling, it is not considered that the side facing windows in the proposed building would give rise to an increase in overlooking which would be significantly harmful to residential amenity.
35. Comments were received from the occupants of the dwellings to the north-west and south-east raising concern at the loss of the existing

dwelling but this issue has been addressed in preceding paragraphs. There was also concern raised by neighbours regarding additional noise implications of the proposal given the increased vehicles which will be using the site but it is not considered by officers that the development is of such intensity that residential amenity would be significantly affected and no objections have been received by public health and housing regarding this issue.

36. Neighbours also commented on the impact on the highway network and comments have been received from Induna Stables and the Jockey Club concerning the need for mitigation to provide improvements to the Rayes Lane/Fordham Road junction. The Highway Authority has however raised no objections to the proposal subject to conditions. The mitigation requested by the Jockey Club has been discussed with the Highway Authority who has confirmed that for a development of 10 dwellings the mitigation requested would not be necessary to make the development acceptable in highway safety or capacity terms. It is considered that the development would not materially affect the horse racing industry in accordance with policy DM48. An amended plan has been submitted to clarify visibility arrangements and clarification has been sought from the Highway Authority that the existing trees in the highway verge can be retained which contribute positively to the character and appearance of the area. The scheme proposes 18 parking spaces which exceed the minimum requirements of the Suffolk Parking Standards and provision is made for sufficient manoeuvring space and cycle parking and bin storage within the site. The proposal is therefore considered to comply with policy DM46.
37. The site contains a number of mature trees, largely restricted towards the edge of the site. The scheme proposes the removal of 4 trees and one hedge, the most significant of which being a category C1 False Acacia however the Tree Officer raises no objections to this removal. Concern was expressed by the Tree Officer regarding the provision of hard surfaces adjacent to existing trees however these hard surfaces will be constructed using a methodology to minimise impact during construction and to allow for continued growth and it is therefore considered that the trees would not be unduly affected by the proposals. This has been discussed with the Tree Officer who has confirmed that such would be acceptable.
38. Policy CS9 of the Core Strategy requires the provision of 33% affordable housing on all schemes of 10 dwellings or more however the Planning Practice Guidance which refers to a written ministerial statement of 28 November 2014 states that affordable housing should not be sought on developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sq m. The proposal complies with these criteria and accordingly, contrary to policy C9 but in accordance with the Planning Practice Guidance, no affordable housing is being sought on this scheme.

Conclusion:

39. 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:

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

1. 3 year commencement.
2. Development to be carried out in accordance with amended plans.
3. Details of materials prior to their first use.
4. Hard and soft landscaping scheme to be provided
5. Water consumption condition to limit to 110 litres per person per day
6. Highway conditions to address visibility splay; provision of parking as shown on plans; provision of bin storage as shown on plans; gates to hang inwards.
7. Restriction on hours of demolition and construction

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=OE7GJ6PDJZ100>