



Forest Heath
District Council

DEV/FH/19/007

Development Control Committee 27 March 2019

Planning Application DC/19/0186/FUL – 1 The Avenue, Newmarket

Date Registered:	08.02.2019	Expiry Date:	05.04.2019
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Newmarket Town Council	Ward:	All Saints
Proposal:	Planning Application - Continued use of first and second floors as a large 9no. bedroom HMO (sui generis)		
Site:	1 The Avenue, Newmarket		
Applicant:	Mr Darren Dixon - Forest Heath District Council		

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 before the Development Control Committee as the applicant is Forest Heath District Council.

The Town Council raise no objection and the application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for the continued use of first and second floors as a large 9no. bedroom house of multiple occupation (HMO).
2. The first and second floor of 1 The Avenue is vacant at present.

Site Details:

3. The application site comprises a three storey building located within Newmarket Town Centre Boundary, Housing Settlement Boundary and Conservation Area. The site is situated off the High Street, along The Avenue. 2no. retail units are located at ground floor level.

Planning History:

4.

Reference	Proposal	Status	Decision Date
F/2006/0313/COU	Change of Use from offices to 2 x residential flats at first and second floor.	Approve with Conditions	30.10.2006

Consultations:

5. Environment and Transport – Highways – No objection, subject to condition.
6. Conservation Officer – No objection.
7. Environment Agency – No objection.
8. Environment Team – No objection.
9. Public Health and Housing – No objection.

Representations:

10. Newmarket Town Council - No objection.
11. Neighbours - No representations received.
12. Ward Member - No comments 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:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS5 - Design quality and local distinctiveness

Other Planning Policy:

14. National Planning Policy Framework 2019 (NPPF)

15. The NPPF was revised in February 2019 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 2019 NPPF that full weight can be attached to them in the decision making process.

16. National Planning Practice Guidance

17. Emerging Forest Heath Single Issue Review (SIR)

18. Emerging Newmarket Neighbourhood Plan

Officer Comment:

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

- Principle of Development
- Newmarket Neighbourhood Plan
- Visual Amenity and Character of the Conservation Area

- Residential Amenity
- Highway Safety
- Other Matters

Principle of Development

20. Policy DM35 states that the town centres, as defined on the policies maps, support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following: i. shopping (Use Class A1); ii. financial and professional services (A2); iii. food and drink (A3, A4, A5); iv. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses; v. business (B1) offices; vi. visitor accommodation; and in addition to the main town centre uses above: vii. health facilities and other community uses; viii. residential, A2 or B1 uses on upper floors.
21. Furthermore, the occupation of upper floors can significantly improve the vitality of a town centre through increasing diversity.
22. The ground floor of 1 The Avenue is retail use (Class A1), combining 2no units. The first and second floors previously comprised 2no. flats. The proposed development seeks permission for a large HMO comprising of 9no. units to provide emergency housing accommodation.
23. Policy CS1 states that within the Housing Settlement Boundary, planning permission for residential development will be granted where it is not contrary to other planning policies.
24. The site is located within the Housing Settlement Boundary for Newmarket which is designated a market town and suitable location for future development. As such, the principle of development is acceptable, subject to the impacts of the proposal otherwise being satisfactory.

Newmarket Neighbourhood Plan

25. Newmarket Town Council are in the early stages of drafting a Newmarket Neighbourhood Plan (NNP). This is classified as the 'Pre-submission Newmarket Neighbourhood Plan (PSNNP)'. There are no specific community actions relevant to this proposal and there are no policies directly relevant to this application, as they relate to developments of a larger scale or of a different nature. However, the NNP is still at pre-submission stage and has not been formally submitted to the Local Planning Authority (LPA) or been through the LPA publicity period. Therefore, the emerging neighbourhood plan is a material consideration for the purpose of determining the application, however only limited weight could be given to it.

Visual Amenity and Character of the Conservation Area

26. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

27. Policy DM17 states that proposals within a Conservation Area must preserve or enhance the character of the area.

28. The development utilises the existing building and there are no external alterations proposed. As such, there will be no change to the existing appearance of the building and character of the area.

Residential Amenity

29. To the north, east and west of the site, a mix of town centre uses are located at ground floor level, with residential use occupying a number of first floors. To the south of the site are residential properties. No external alterations are proposed to the building.

30. Given the mix of uses surrounding the site and the nature of the proposed development, it is not considered that there would be an adverse impact on neighbouring amenity by virtue of overlooking or disturbance.

Highway Safety

31. The size of the development and the nature of the use means that such a proposal would ordinarily require some vehicle parking to be provided on site. However, in this particular case, due to the close proximity of bus and rail services, public car parks as well as the provision of shops and medical services, Suffolk County Highways have recommended approval of this application subject to the provision of cycle storage in the absence of any on-site parking. This is due to the sustainable town centre location, noting in any event that as a change of use of the upper floors only, no opportunity exists to provide dedicated car parking on this site anyway. A condition is to be imposed to ensure cycle storage is provided prior to the occupation of the HMO.

Other Matters

32. The application site is located in Flood Zone 3, however given the ground floor remaining unchanged and residential use previously occupying first and second floor, the Environment Agency have confirmed the proposed development would not increase the risk of flooding.

33. 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:

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 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:

Reference No:	Plan Type	Date Received
(-)	Location Plan	01.02.2019
(-)	Block Plan	01.02.2019
(-)	Proposed Floor Plans	08.02.2019
(-)	Planning Statement	07.02.2019
(-)	Application form	01.02.2019

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

- 3 Before the large HMO hereby approved is occupied, details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site cycle storage is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The HMO 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 <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PM7BSTPD LPC00>