

## **Development Control Committee 6 October 2021**

### **Planning Application DC/21/0706/VAR – Oakfield Surgery, Vicarage Road, Newmarket**

<b>Date registered:</b>	16 April 2021	<b>Expiry date:</b>	16 July 2021(EOT to 08.10.2021)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket East
<b>Proposal:</b>	Planning application - removal of conditions five and six and variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows		
<b>Site:</b>	Oakfield Surgery, Vicarage Road, Newmarket		
<b>Applicant:</b>	Reed		

#### **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:

**This application is presented to Development Control Committee following consideration at Delegation Panel on the 7 September 2021. It was presented to the Delegation Panel due to an objection from the Town Council. The application is recommended for APPROVAL.**

## Proposal:

1. The application proposes the variation of the approved 10 dwellings to allow for the use of UPVC windows instead of wooden windows. To do this the applicant is seeking to vary condition two (approved plans) and remove conditions five and six of permission DC/17/1614/FUL (details of wooden windows).
2. The application originally proposed the use of UPVC doors, however this no longer forms part of the changes.

## Site details:

3. The site is located at the eastern edge of the town within the settlement boundary formerly accommodating a doctor's surgery comprising a two-storey modern building and associated parking. The site is within the Conservation Area and contains several significant protected trees and has an established verdant character. The previous surgery building was modern and understated in terms of appearance and design and was set within the grounds of the site behind a boundary wall. Directly to the east of the site are the Machell House racing stables (Grade II Listed), and to the north and west is residential development. The Rous Memorial Cottages to the west of the site are also Grade II Listed, being former alms-houses dating to 1878, they are two storey although of modest scale and mass forming an open court. The buildings are in the Queen Anne Revival style.
4. An approved development of 10 flatted dwellings is currently being constructed on the site.

## Planning history:

Reference	Proposal	Status	Decision date
DC/17/1614/FUL	Planning Application - 10no. dwellings with associated vehicular access and parking	Application Granted	6 June 2018
DCON(A)/17/1614	Application to discharge conditions 4 (materials), 9 (dust control) and 10 (method statement) of application DC/17/1614/FUL	Application Granted	2 March 2021
DCON(B)/17/1614	Application to discharge condition 12 ( screen wall and fence), 13 (landscaping) and 14 (arboriculture impact	Application Granted	8 April 2021

**Consultations:**

Conservation Officer

5. No objection - the revised window details show dimensions more comparable to timber windows than previous proposals. The proposed windows would therefore more accurately replicate the overall appearance of timber windows and assimilate well into the conservation area.

Public Health and Housing

6. Public Health and Housing would not wish to raise any objections or make any comments with regard to the above planning application for the removal of conditions five and six and the variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows and doors at the development at Oakfield Surgery, Vicarage Road, Newmarket.

**Representations:**

Town Council

7. OBJECT to the proposals. Newmarket Town Council considers that proposals for UPVC windows and doors are inappropriate for this location. This objection is based on the need to preserve and enhance the special character and appearance of the designated conservation area.

**Policy:**

8. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
9. 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:

Core Strategy Policy CS3 - Landscape Character and the Historic Environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM17 Conservation Areas

## **Other planning policy:**

### National Planning Policy Framework (NPPF)

10. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

### Newmarket Neighbourhood Plan

11. Policy NKT1: Traditional Features and Materials for Developments within the Conservation Area

Proposals for new development within the designated conservation area should preserve or enhance the character or appearance of the designated Newmarket Conservation Area. In particular, development proposals should:

- i. complement surrounding buildings which are described in the Conservation Area Appraisal as making a positive contribution to its character or appearance;
- ii. complement any surrounding listed buildings; and
- iii. use appropriate local, vernacular materials insofar as they are appropriate to the proposal concerned.

## **Officer comment:**

12. Having regard to Section 73 of the Town and Country Planning Act 1990 (TCPA), this planning application seeks permission to develop land without compliance with conditions previously attached. In this case, the applicant wishes to remove conditions five and six and vary condition two of planning permission DC/17/1614/FUL to allow the use of UPVC windows and doors.
13. Paragraph (2) of Section 73 of the TCPA 1990 states that;  
  
'...the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'
14. As this application only seeks to remove specific conditions and change the wording of a specific condition relating to the use of wooden windows and the submission of window details, there is no need to reconsider the principle and detail of the application again, unless there has been significant changes in circumstance on site, and/or significant changes to the development plan or national policy.
15. In this case the application only seeks to change windows of the approved building, with all other aspects of the scheme remaining as approved. The proposed UPVC windows have been amended in accordance with the comments of the Conservation Officer who requested alternative windows

closer in appearance to the approved timber windows, which were considered to be an appropriate approach in the original proposals.

16. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
17. The amended UPVC window details set out on drawing OAK 111 show dimensions that better resemble those of the timber windows already approved, which were considered to be acceptable originally. The building is set back from the public highway and the windows will generally be seen 'at a distance' and as a result the difference between the window material will barely be discernible. The Conservation Officer is therefore of the opinion that the new window details are considered to be acceptable. Taking this into account the character and appearance of the Conservation Area will be preserved in accordance with the requirements of Section 72 of the Town and Country Planning (Conservation and Listed Buildings) Act 1990.
18. Newmarket Town Council have objected to the proposals and drawn attention to policy NKT1 of the Newmarket Neighbourhood Plan. This is a development plan policy which needs to be considered in the determination of this application and is reference in this report in the policy section. In most circumstances within a conservation area the use of timber windows and doors is appropriate and considered a more vernacular material. However, in this particular case, the applicants are proposing the use of a high quality UPVC product that is so similar to historic timber fenestration in terms of design, scaling of glazing bars etc., that the difference is not considered to be discernible. The preservation of the character of the conservation area, and the use of materials that are (as amended) appropriate to the new build proposed, is therefore considered to accord with the requirements of Policy NKT1 of the Newmarket Neighbourhood Plan.

### **Conclusion:**

19. The proposed UPVC window details, as amended, preserve the character and appearance of the Conservation Area and accord with the requirements of Core Strategy policy CS5, Joint Development Management Policies DM2 and DM17, Newmarket Neighbourhood Plan Policy NKT 1, and the NPPF (2021) in that regard.

### **Recommendation:**

20. Having regard to the existing planning permission and its conditions, some of which have been discharged, it is recommended that planning permission be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun not later than three 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:

OAK-111 – Window details  
1805-10 Rev C – Site Layout  
1805-11-Rev A  
1805-12 – Elevations  
TIP 18 323 – Tree Survey  
TIP 18 323.1 – Tree Survey  
10-7865-XX-DR-D2000 P4 – Drainage plan  
Location Plan

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

3. The development shall be completed in accordance with the drainage details submitted under condition 3 of permission DC/17/0614/FUL, discharged by DCON(C)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The development shall be completed in accordance with the materials submitted under condition 4 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. The site demolition, preparation and construction works, including deliveries to the site and the removal of excavated materials and waste from the site, shall be carried out between the hours of 08:00 to 18:00 on Mondays to Fridays and between the hours of 08:00 to 13:30 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

6. The acoustic insulation of each dwelling 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 the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: In the interests of the amenity of future occupiers of the dwellings.

7. The development shall be completed in accordance with the dust mitigation details submitted under condition 9 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

8. 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.

Reason: In the interests of water efficiency in accordance with the requirements of Policy DM7 of the Joint Development Management Policies.

9. The development shall be completed in accordance with the screen walls and fences details submitted under condition 12 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

10. The development shall be completed in accordance with the landscaping details submitted under condition 13 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

11. The development shall be completed in accordance with the arboricultural method statement submitted under condition 14 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

12. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No 1805/10 C and shall be made available for use before the occupation of any dwelling. It shall be retained thereafter in its approved form.

Reason: To ensure that accesses are located at an appropriate position in the interest of road safety and/or to avoid multiple accesses which would be detrimental to highway safety.

13. No dwelling shall be occupied until the area(s) within the site shown on drawing no. 1805/10 C for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3, Part 1, Class A, B, C, D and E of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

Reason: To ensure that the satisfactory appearance and amenity of the development/locality is maintained.

15. Before occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Supplementary informative: The applicant is hereby advised that options for complying with this condition are varied and could be any one or more of a number of measures, proportionate, reasonable and relevant to the site in question. These include, but are not limited to, integrated bird boxes, integrated bat boxes, native berry-bearing trees/shrubs, native pollinating plants or wildflower areas, and where adjacent to Green Infrastructure potentially hedgehog domes, hedgehog highways (connecting gardens through small holes in boundary fences) or hibernacula, wildlife pond, and / or compost heaps.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0706/VAR](#)