

Development Control Committee 1 February 2023

Planning Application DC/22/1198/FUL – The Gallops, Old Station Road, Newmarket

Date registered: 5 October 2022 **Expiry date:** 30 November 2022
(EOT 3 February 2023)

Case officer: Savannah Cobbold **Recommendation:** Approve application

Parish: Newmarket Town Council **Ward:** Newmarket East

Proposal: Planning application - removal of the existing timber windows and doors and replace with upvc windows and composite entrance doors

Site: The Gallops, Old Station Road, Newmarket

Applicant: The Gallops, Newmarket

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 was considered at the Delegation Panel on 10 January 2023, following call-in by the Ward Members for Newmarket East; Councillors Rachel Hood and Robert Nobbs. It was decided at the Delegation Panel meeting that the application should be considered by the Development Control Committee

Proposal:

1. The application seeks planning permission to remove all the existing timber windows and doors and to replace these with upvc windows and composite entrance doors.

Application supporting material:

- Application form
- Design and access statement
- Existing and proposed window details
- Sections
- Block plan
- Existing and proposed elevations
- Location plan
- Photos

Site details:

2. The application site sits within the settlement boundary for Newmarket, accessed from Old Station Road. The site comprises a large block of flats which are located within the Conservation Area for Newmarket. There are various TPO trees situated on site as well as listed buildings within the vicinity of the area. The site is set back from the highway.

Planning history:

3.

Reference	Proposal	Status	Decision date
DC/15/0302/TPO	TPO/1988/13 - Tree Preservation Order - crown lift to 5 metres 1 no. Horse Chestnut	Application Granted	13 April 2015
DC/17/1999/TPO	TPO13(1998) Tree Preservation Order - 1no Horse Chestnut (2 on plan T2 on Order) , 4no Limes (3,4,5,6 on plan and T3,T4,T5,T6 on Order) and 1no Oak (8 on plan and T7 on Order) - Works as per tree survey submitted 26/09/2017	Application Granted	27 October 2017
DC/17/2039/TCA	Trees in a Conservation Area Notification - 1no Sycamore (9 on plan) - Remove both rubbing	No Objection	26 October 2017

	branches in crown to West up to 3 metres		
DC/18/2390/TPO	TPO/1988/13 - Tree Preservation Order - T8 on plan (T7 on order) - Oak - Crown lift over road to 5 metres and 2.7m over footpath. Rest of the crown to 2 metres retaining larger branches. Remove stem rubbing on pillar sphere back to first branch union (marked white)	Application Granted	1 February 2019
DC/18/2482/TCA	Trees in a Conservation Area Notification - (i) G7 3no. Ash/Rowan - Lift crown to clear wall by 30 centimetres (ii) T9 Sycamore - Reduce the crown to clear the road edge to give height clearance of 5 metres above ground level	No Objection	21 January 2019
DC/22/1436/TCA	Trees in a conservation area notification - one Eucalyptus (T7 on plan) cut back overhanging limbs to boundary	No Objection	15 September 2022
DC/22/1463/TPO	Tree preservation order TPO 013 (1988) - two Horse Chestnuts (T1 and T2 on plan, T1 and T2 on order) crown lift to 3 metres; four Lime (T3, T4, T5 and T6 on plan, T3, T4, T5 and T6 on order) crown lift to 4 metres above ground level	Application Granted	13 October 2022
F/2008/0454/TPO	Crown reduce by 20% to 2 no. Horse Chestnuts	Application Approved	13 October 2008
F/2007/0997/TPO	1 x Holm Oak tree - reduce crown by 15% as amended by letter received 3rd January 2008.	Approve with Conditions	24 January 2008

Consultations:

4. Newmarket Town Council

The Committee voiced no objections.

Ward Councillor

Councillors Rachel Hood and Robert Nobbs strongly object to this application regarding the provision of UPVC in a conservation area.

Conservation Officer

No objections raised.

Representations:**5. Neighbours**

No representations received.

Policy:

6. 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.

7. 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 DM17 Conservation Areas

Policy DM22 Residential Design

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

8. National Planning Policy Framework (NPPF)

9. 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.

Officer comment:

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

- Principle of Development
- Impact on character and appearance of the area
- Impact on conservation area
- Impact on residential amenity
- Other matters

Principle of development:

11. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

12. Policy CS1 of the Forest Heath Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.

13. Development such as the provision of replacement windows will need to be in accordance with policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and to ensure that there is not an adverse impact upon residential amenity. Along with CS5, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

14. In this case, the proposal seeks to replace all windows on this building from timber to upvc. The existing and proposed details show that the replacement windows will be of similar style to those currently at the property by proposing a sash style window. The proposed windows are an updated version of the existing and will maintain a very similar appearance to the existing. The proposed windows are considered to provide a more energy efficient solution to residents also.

15. Given this, the principle of the development is considered acceptable.

Impact on character and appearance of the area

16. 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 landscape and utilising the characteristics of the locality to create buildings and space and strong sense of place and distinctiveness.

17. Replacing all windows on the building is considered to minorly change the appearance of the building within the street scene, however these are on a near like for like basis and of a similar style to the existing windows, albeit

with a different material/finish. All windows on the building are proposed to be replaced, including the dormer windows so taking this into consideration, on balance, no harm is considered to arise upon the character and appearance of the area in line with policies DM2 and DM22.

Impact on conservation area

18. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
19. Policy DM17 states that proposals within, adjacent to or visible from a Conservation Area should preserve or enhance the character and appearance of the Conservation Area. The site is located within the Conservation Area for Newmarket.
20. The introduction of upvc windows is always regrettable from a conservation point of view not least due to the visual impact of their insertion. The existing windows are however poorly detailed and, notwithstanding their material, lack the refined and elegant detailing of what would be expected of a traditionally detailed sash window. The harm caused by the provision of the upvc windows therefore is minimised due to the starting point particularly as the building is not prominently located so as to provide pronounced views from the public highway for example. On the basis that the replacement windows will match the arrangement of the existing to include small paned sashes and comparable section details in terms of size the conservation officer raises no objections from a conservation point of view.
21. However, it was noted that some of the details provided appeared to conflict with others for example a drawing labelled typical vertical sliding window does not illustrate glazing bars. The agent confirmed that the drawing being referred to should have been superseded, which has now taken place and officers are satisfied that the drawings are now an accurate representation.
22. Noting that the existing windows lack the refinement and quality of detail as usually expected within a Conservation Area, the proposed windows are of a similar style, incorporating a sash window design, and therefore the harm caused by the provision of upvc is minimised. Given this, Officers consider the scheme in line with the requirements of policies DM2 and DM17.
23. Officers are content therefore, and in this light, that the details submitted accurately reflect the works proposed.

Impact on residential amenity

24. Noting the context of the application, and the fact that proposal seeks to replace windows and doors, no impact upon residential amenity is expected to arise.

Other matters

25. It is noted that the property is near a very busy area of the training grounds, which is used by high numbers of race horses every morning. Thoroughbred racehorses are extremely sensitive and sudden banging or hammering noises can frighten them and cause them to potentially unseat their riders.
26. Jockey Club Estates have, on this basis, recommended that works to the windows and doors on the sides of the building that face the training grounds should not start until after 11am daily and that works to windows and doors on the sides of buildings that face away from the training grounds can start before 11am. The principle of this has been agreed by the agent and it has been further advised that the applicant intends to employ a contractor that has worked on this building previously and are therefore aware of the working/timing parameters. It has been agreed by the agent that restrictions on the times when work can take place will therefore form a condition as part of any approval.

Conclusion:

27. In conclusion, the principle and detail of the development is considered to be acceptable noting the type of window proposed, being similar in appearance to the existing, and as explained above is considered in compliance with relevant development plan policies including policies DM2 and DM17 and the National Planning Policy Framework.

Recommendation:

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

1. Time limit

The development hereby permitted shall be commenced no 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. Approved plans

Plan Type	Reference	Dated Received
Location plan	072253/01	6 July 2022
Existing elevations	072233/02	6 July 2022
Proposed elevations	072253/03	6 July 2022
Block plan	072253/04	5 August 2022
Sections	072253/06	6 October 2022
Window elevations	072253/05	6 October 2022
Application form		6 July 2022

3. Timing of works

All works, including the erection and removal of scaffolding, on the north-west and south-east elevations of the building facing the training grounds, shall not start until after 11am.

Reason: In the interests of horse/rider safety and welfare.

Documents:

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

[DC/22/1198/FUL](#)