

Membership as from June 2022

Councillor Berry
Councillor Clover
Councillor Drummond
Councillor Ferries
Councillor Hall
Councillor Harvey
Councillor Hood (Vice)
Councillor Hulbert
Councillor Jefferys
Councillor Lay (Chair)
Quorum = 3



Newmarket

TOWN COUNCIL

The Memorial Hall, High Street, Newmarket Suffolk CB8 8JP

TEL: 01638 667227

You are hereby summoned to attend a meeting of the
Development and Planning committee
to be held at

Memorial Hall, High Street, Newmarket, CB8 8JP

Monday 17th April at 6.15pm

A G E N D A

The meeting is held in public and the public are encouraged to attend and participate. Just occasionally matters such as contractual or staffing matters do have to be held in the confidential part of the meeting.

Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council, but otherwise may:

- a. film, photograph or make an audio recording of the meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. Report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.

The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting

1. **Chair to read** fire safety notice and announce that proceedings may be filmed or recorded.
2. **Apologies** - To receive and accept apologies for absence
3. **Declaration of interests**
 - a) Councillors are invited to raise any declarations of interest concerning items on the agenda
 - b) To consider any requests for dispensation
4. **Minutes of previous meeting held 3rd April 2023**
 - a) To consider and adopt the minutes, as a true record of the proceedings
 - b) To consider any matters arising
5. **Public participation** – an invitation to members of the public to make representations to Councillors. Resolutions can only be made on items on the agenda
Rules of public participation: no person may speak for longer than 3 minutes in total. The maximum time permitted for this item is 15 minutes. This is the only opportunity during the meeting for members of the public to address Councillors
6. **To consider where Newmarket Neighbourhood Plan policies impact on planning applications for consideration**
7. **Planning applications** – West Suffolk Council, weeks commencing 27/03/2023 & 03/04/2023
8. **Planning applications** – Amended and Deferred Plans
9. **Planning Appeals** – to discuss any notified appeals
10. **Planning applications** – East Cambs
11. **Planning decisions and plans withdrawn** – West Suffolk Council-week commencing 27/03/2023 & 03/04/2023
12. **Delegation Panel decisions** - To discuss any decisions by Delegation Panel
13. **Licensing** – To receive any reports from the NTC Licensing Working Group
14. **Correspondence**
15. **Date of next meeting** – Tuesday 2nd May

Signed:  Cathy Whitaker, Town Clerk

Date: 11th April 2023

To: Chair & Members of D&P Committee, Other Council Members, Press & the Public

Material Planning Considerations	
Site specific issues	• adequacy for turning, loading • availability/capacity of local infrastructure (eg public drainage or water systems) • car parking • deficiencies in community/social facilities (eg spaces in schools) • design, appearance and materials • layout and density of building(s) • road access • traffic generation
Environmental effects	• effect on street scene • hazardous materials, contaminated land • landscaping • light (including overshadowing) • loss of trees • nature conservation & biodiversity issues • noise & disturbance resulting from use • overlooking/loss of privacy • smells and fumes • visual amenity
Listed buildings/conservation areas	• The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings • Effect on archaeological interest
Usage	• Incompatible or unacceptable uses • Desire to retain and promote certain uses e.g. stables in Newmarket.
Previous decisions	• Previous planning decisions, including appeal decisions
Policies	• Statutory provisions contained in planning acts, statutory regulations & planning case law • Central Government planning policy and advice • National Planning Policy Framework (NPPF) • Supplementary planning guidance/documents eg. Affordable Housing SPD, Master plans, development briefs • WSC Local Plan policies • Newmarket Neighbourhood Plan • Newmarket Conservation Area Appraisal (adopted September 2009)
Key principle of the NPPF – presumption in favour of sustainable development. For decision-taking this means granting permission unless: • the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or • <i>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits</i>	
Matters which are not material planning considerations	
<i>Greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.</i>	
Competition (unless in relation to adverse effects on a town centre as a whole)	Moral and religious issues
Breach of private covenants or other private property or access rights, including boundary disputes	Council interests (eg land ownership or contractual matters)
Devaluation of property	Identity or motives of an applicant or occupier
Protection of a private view	Private disputes between neighbours
Impact of construction work	

Parking Guidance for Use Classes C3 and C4: Dwelling houses and houses in multiple occupation

Family houses, or house occupied by up to six residents living together as a single household, or Houses in Multiple Occupation (HMO)¹³, including a household where care is provided for residents.

Standard: Flats and Houses are to be treated the same.

Use	Vehicle	Cycle	PTW	Disabled
	Minimum*	Minimum	Minimum	Minimum
1 bedroom	1 space per dwelling	2 secure covered spaces per dwelling. (Satisfied if garage or secure area is provided within curtilage of dwelling to minimum dimensions)	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated
2 bedrooms	2 spaces per dwelling**			
3 bedrooms	2 spaces per dwelling			
4+ bedrooms	3 spaces per dwelling			
Retirement developments (e.g., warden assisted independent living accommodation)	1 space per dwelling	2 spaces per 8 units (visitors)	2 PTW spaces and 1 space per 2 dwellings for mobility scooters	
Visitor/unallocated	0.25 spaces per dwelling (unallocated)	If no garage or secure area is provided within curtilage of dwelling, then 2 covered & secure spaces per dwelling in a communal area for residents plus 2 spaces^ per 8 dwellings for visitors	1 space + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces)	

¹³ Houses in multiple occupation (Class C4) are defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) as 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom'.

Informative notes:

*Standards exclude garages under 6m x 3m (internal dimension) as a parking space but can include undercroft parking and car ports providing, they have no other current or potential use.

**Reduction in this figure may be considered with robust and degree highway mitigation

^Mobility vehicle spaces should be secure and covered with charging facilities.

Visitor/unallocated vehicle parking can, subject to appropriate design, be located on street.

Unallocated cycle parking for residents to be secure and covered, located in easily accessible locations throughout the development. These guidelines will be applied to all development (including infill developments, extension applications and change of use).

Where grouped, unassigned parking is proposed, more flexible and efficient use of the parking may be achieved than with allocated parking. Subject to discussion with the Highway Authority this may potentially reduce the nominal on-street parking provision standards required by up to 25%.

Where an individual dwelling may require more than two spaces these additional spaces may be provided as part of unallocated on street parking, providing this is designed in.

An allowance will be required for visitor cycle and car parking, refer para 3.2 and 4.5.

Suffolk Guidance for Parking 2019 {excerpt}

Car clubs should be promoted in low provision/car free residential developments and car club spaces provided. Electric vehicle charging infrastructure should also be provided in new developments.

Research was undertaken to derive the residential parking guidance for Suffolk. The research included a questionnaire survey to approximately 9000 dwellings. The results of the survey and the 2001 and 2011 Census data for Suffolk car ownership can be found in Appendix 1.

Electric Vehicle recharging points to be provided to support the use of low emission vehicles. See EV Parking Guidance table within this document for further guidance.

Reductions to the minimum parking guidance

This advisory residential parking guidance is the minimum required; however a range of factors will be taken into account. For main urban areas a reduction to the parking guidance may be considered where a proposal has been designed to be exceptionally sustainable in transport terms and which effectively promotes an overall reduction in the use of high emission vehicles and avoids the provision of car parking adjacent or close to dwellings within the main layout.

Main urban areas are defined as those having frequent and extensive opportunities for public transport and cycling and walking links; close proximity to local services (including accessing education, healthcare, food shopping and employment); and on street parking controls at all times e.g. double yellow lines. Where there is evidence that these factors are in place, local planning authorities may, after consultation with the Highway Authority, bring forward local parking policies to limit the scale of parking in specific areas.

When making their recommendation to local planning authorities considering reduced parking proposals for residential development, the Highway Authority must be:

- able to recommend a condition for suitable cycle storage and secure parking facilities;
- satisfied that servicing vehicles would be able to operate efficiently i.e. not restricted by loading restrictions or road layout;
- able to determine how highly sustainable the location is in terms of proximity to services, shops etc. and public transport (high frequency and wide ranging) and suitable cycling and walking routes;
- made aware of the likelihood of a viable Car Club (the provision of a car club would need to be secured through a Planning Obligation on Condition);
- able to determine the possible impact that a single application may have in setting a precedent in an area;
- satisfied by the availability of visitor parking (off street public car parks may be acceptable for visitor use); and
- satisfied that the likely impact of additional road parking in the vicinity would not cause inconsiderate and unsafe obstructions to the surrounding road or footpath network or add pressure onto an already densely utilised parking network.

If all the above criteria are satisfied on a site by site basis then the Highways Authority would be more likely to approve of reduced parking proposals.

However, it is not possible to make the assumption that occupiers will be car free; although it may be possible to accept this to some degree where the units are single bed. Furthermore, if the neighbouring streets are controlled by Residents Parking then any new development is prohibited from joining the scheme.

The presumption that occupiers are required to use off road public car parks for parking of their vehicles is not generally supported. The Highways Authority will only consider any identified use of off-road public car parks as a means of resident parking in exceptionally sustainable developments that are located in main urban areas (as defined above). In such cases, the Highway Authority must first be satisfied that the car park/s in question are viable long-term parking options for affected residents and that the development has been designed to be extremely sustainable in transport terms.

To summarise, the key questions the Highways Authority will seek to address when considering proposals for reduced parking are:

- Where might residents park?
- What real harm would these vehicles cause?
- Are the roads heavily regulated in terms of prohibition of parking?
- Are the streets already under significant pressure?



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee Held on Monday 3rd April 2023 at 6.15pm

Attendance:

Councillor J Lay (Chairman)
Councillor J Berry
Councillor A Drummond

Councillor J Harvey
Councillor R Hood
Councillor P Hulbert
Councillor M Jefferys

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr Winter as an observer, 1 Member of the Press and 4 Members of the Public.

	Minute	Action by
D/23/04/1	<u>Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded</u> The Chairman opened the meeting and read out the Fire Notice and that the meeting may be filmed or recorded.	
D/23/04/2	<u>Apologies</u> Apologies were received from Cllrs Clover and Ferries. Cllr Hall was absent.	
D/23/04/3	<u>Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation</u> <i>Cllr Berry joined the meeting</i> Cllr Hood declared an interest in application DC/23/0423/HH. A collective request for dispensation was made and accepted for application DC/23/0450/TCA.	
D/23/04/4	<u>To Confirm the Minutes of the Meeting Held on 20th March 2023 and any Matters Arising</u> Members received the minutes of the Development & Planning Committee held on 20th March 2023 and the following was agreed: <u>D/23/04/4/01 Resolved</u> That the minutes of the Development & Planning Committee held on 20th March 2023 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. Matters arising: Page 4 - D/23/03/31.02 Recommendation – Town Clerk reported that a number of emails had been exchanged with WSC. Cllr Drummond reported that residents were still attempting to remove the posts but a small sign had been discovered warning that	

a byelaw was in place and fines of £500 could be applied. If the byelaw is still in place, then enforcement action will be taken. If not; a request to update the byelaw will be made.

D/23/04/5 Public Open Session

No members of the public wished to speak.

D/23/04/6 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

Policy 14 - Trees and Policy 30 – Shopfronts.

D/23/04/7 Planning Applications

Week Commencing 13/03/2023, and 20/03/2023

D/23/04/7/1 DC/23/0355/HH - Householder planning application - a. pitched roof to rear extension b. insertion of windows to side elevation c. alterations to windows and doors to rear elevation d. two roof lights to rear elevation - 27 Exning Road Newmarket Suffolk.

D/23/04/7.01 Resolved

The Committee objected on the grounds of a possible breach of building regulations and requested that the application be referred to WSC building control.

D/23/04/7/2 DC/23/0425/HH - Householder planning application - a. porch enlargement b. cladding to front and side elevations c. first floor rear extension (following removal of chimney) - 10 Cecil Lodge Close Falmouth Avenue Newmarket Suffolk.

D/23/04/7.02 Resolved

The Committee voiced no objections.

D/23/04/7/3 DC/23/0440/TCA - Trees in a conservation area notification - a. one Robinia (T1 on plan) - remove lowest branch growing over the roof back to secondary stem and overall crown reduction by up to two metres b. six Lime and two Sorbus (G1 on plan) reduce in height to previous pollard points and reduce laterals by up to two metres on the outside - 8 Balaton Place Snailwell Road Newmarket Suffolk.

D/23/04/7.03 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

A member of the public joined the meeting

D/23/04/7/4 DC/23/0442/DE1 - Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - demolition of one open-sided agricultural barn - Hatchfield Farm Fordham Road Newmarket Suffolk.

D/23/04/7.04 Resolved

The Committee voiced no objections.

A collective dispensation was requested for the following application.

D/23/04/7/5 DC/23/0450/TCA - Trees in a conservation area notification – one London Plane (T1 on plan) overall crown reduction by up to three metres - Planting Beds Adj

Clocktower Roundabout High Street Newmarket Suffolk.

D/23/04/7.05 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

Cllr Hood declared an interest in the following applications and let the meeting

D/23/04/7/6 DC/23/0423/HH - Householder planning application - a. single storey front extensions b. render to all elevations c. replacement and alterations to windows c. roof light to kitchen c. one detached summer house d. widening of existing entrance and installation of gates - Chels 51A Bury Road Newmarket Suffolk.

D/23/04/7.06 Resolved

The Committee voiced no objections.

Cllr Hood returned to the meeting.

D/23/04/7/7 DC/23/0473/TCA - Trees in a conservation area notification – one sycamore (red on plan) reduce stem overhanging boundary fence by up to four metres - The Maltings Brewers Lane Newmarket Suffolk.

D/23/04/7.07 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

D/23/04/7/8 DC/23/0374/FUL - Planning application - conversion and extension to provide nine residential units and supporting infrastructure, with retention of ground floor retail unit and external alterations to the existing ground floor shop front - 122 High Street Newmarket Suffolk.

D/23/04/7.08 Resolved

The Committee objected due to the poor public transport services in Newmarket and the design and access statement paras 2.2, 7.1 and 10.6 do not reflect the true situation in Newmarket and will increase the need to use cars. Newmarket already experiences issues with residents parking on grass verges due to the lack of parking facilities. The proposed materials and design are inappropriate for a property in a conservation area and is not in keeping with the Historical High Street. The lapsed SCC Policy on permitted developments in town centres needs to be updated to reflect the current public transport services in Newmarket.

A letter to be sent to SCC regarding the fact that WSC are relying on SCC advice concerning transport and car parking which is inaccurate and inappropriate.

A member of the public joined the meeting

D/23/04/8 Amended and Deferred Planning Applications

None noted.

D/23/04/9 Planning Appeals

APP/F3545/Z/22/3308289 - DC/22/0097/ADV - Application for advertisement consent - a. two non illuminated fascia signs; b. one non illuminated projecting sign; c. bespoke vinyl signs to windows - 98 High Street, Newmarket.

D/23/04/9.01 Resolved

NTC continues to strongly object to this application as the garish signs are inappropriate for a conservation area and not in keeping with the Historic High Street. It contravenes NNP Policy 11.6 and the Committee supports the concerns of the WSC Conservation Officer.

D/23/04/10 East Cambs Planning Applications

None noted.

D/23/04/11 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 13/03/2023 and 20/03/2023

Applications	Description	Address	WS Decision	NTC Decision
DC/23/0295/TCA	Trees in a conservation area notification - one Silver Birch (T1 on plan) fell; three Sycamore (T2, T3 and T4 on plan) overall crown reduction by eight metres to previous pruning points.	The Rectory 5A Fitzroy Street Newmarket Suffolk	Approved	Objected
DC/23/0257/TPO	TPO 02 (1998) - Tree preservation order - one Corsican Pine (T1 on order) fell	106 George Lambton Avenue Newmarket Suffolk	Refused	Objected
DCON(B)/22/0478	Application to discharge conditions 4 (fixed plant or equipment) and 6 (external lighting) of DC/22/0478/FUL	Unit 6 Newmarket Retail Park Oaks Drive Newmarket Suffolk	Approved	No comments Invited
DC/23/0086/TPO	TPO 040 (1989) tree preservation order - one Pine (T1 on plan and T7 on order) fell	25 Exeter Road Newmarket Suffolk	Refused	Objected
DCON(A)/20/0174	Application to discharge condition 14 (travel information pack) and condition 29 (operational waste management strategy) of DC/20/0174/VAR	Development Site Adj South Drive Exning Road Newmarket Suffolk	Approved	No comments Invited
DC/22/1704/FUL	Planning application - a. extension and refurbishment of existing stables with apartment and office on first floor b. two detached dwellings with associated landscaping, garage and parking c. alteration and refurbishment of existing barn to be used for storage d. existing outbuilding refurbished to form new stable block e. enclosed horse walker f. alterations to muck area	Calder Park Stables Hamilton Road Newmarket Suffolk	Approved	No objection
DC/23/0323/TCA	Trees in a conservation area notification - two Sycamore (G1 on plan) fell	The Rectory 5A Fitzroy Street Newmarket Suffolk	Approved	Objected
DC/23/0231/HH	Householder planning application - gravel driveway and access from highway	65 Exning Road Newmarket Suffolk	Approved	No objection
DC/23/0106/VAR	Planning application - variation of condition two of DC/19/0895/FUL to allow use of revised drawings for a. one dwelling with attached annexe b. 1no. staff accommodation pod c. one stable d. open barn e. cycle store f. muck heap g. horse walk and h. improved access	Brickfields Stud Cemetery Hill Newmarket Suffolk	Approved	No objection
DC/23/0114/TPO	TPO 323 (1973) tree preservation order - six Lime (x on plan within G4 on order) pollard to previous pollard points	12 The Hamiltons Newmarket Suffolk	Approved	No objection

DC/22/2130/HH	Householder planning application - a. dropped kerb b. vehicular access	63 Exning Road Newmarket Suffolk	Approved	No objection	
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D/23/04/12 Delegation Panel Decisions

None noted.

D/23/04/13 Licensing

None noted.

D/23/04/14 Correspondence

Letter from Travelodge was noted.

D/23/04/15 Date of Next MeetingMonday 17th April 2023 at the Memorial Hall.

Meeting closed at 7:00pm

Signed _____ Date _____

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/23/04/7.01 Resolved</u>	The Committee objected on the grounds of a possible breach of building regulations and requested that the application be referred to WSC building control.
<u>D/23/04/7.02 Resolved</u>	The Committee voiced no objections.
<u>D/23/04/7.03 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/23/04/7.04 Resolved</u>	The Committee voiced no objections.
<u>D/23/04/7.05 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/23/04/7.06 Resolved</u>	The Committee voiced no objections.
<u>D/23/04/7.07 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/23/04/7.08 Resolved</u>	The Committee objected due to the poor public transport services in Newmarket and the design and access statement paras 2.2, 7.1 and 10.6 do not reflect the true situation in Newmarket and will increase the need to use cars. Newmarket already experiences issues with residents parking on grass verges due to the lack of parking facilities. The proposed materials and design are inappropriate for a property in a conservation area and is not in keeping with the Historical High Street. The lapsed SCC Policy on permitted developments in town centres needs to be updated to reflect the current public transport services in

	Newmarket. A letter to be sent to SCC regarding the fact that WSC are relying on SCC advice concerning transport and car parking which is inaccurate and inappropriate.
<u>D/23/04/9.01 Resolved</u>	NTC continues to strongly object to this application as the garish signs are inappropriate for a conservation area and in not in keeping with the Historic High Street. It contravenes NNP Policy 11.6 and the Committee supports the concerns of the WSC Conservation Officer.

DRAFT

Application	Constraints	Case Officer	Applicant name	Ward Member	Consultation expiry date	Neighbour comment at time of printing
Weeks beginning 27 th Mar 3 rd Apr						
DC/23/0470/FUL <u>Planning application - partial change of use of store rooms of existing library (use Class F1 (d)) to building society (use class E - commercial, business and service)</u> 24 The Guineas Shopping Centre, Newmarket Library The Rookery Newmarket Suffolk CB8 8EQ		Tamara Benford-Brown	Miss Karolina Zielinska	Councillor Rachel Hood Councillor Robert Nobbs	Thu 20 Apr 2023	no
DC/23/0505/HH <u>Householder planning application - single storey side and rear extensions (following demolition of existing conservatory)</u> 84 Drinkwater Close Newmarket Suffolk CB8 0QW		Gregory McGarr	Mr Ian Baldwin	Councillor Andy Drummond Councillor James Lay	Sat 22 Apr 2023	no
DC/23/0561/TCA <u>Trees in a conservation area notification - one Eucalyptus (T1 on plan) overall crown reduction by up to 3.5 metres</u> 2 Rockingham Villas Church Lane Newmarket Suffolk CB8 0HL	Conservation Area	Sarah Drane	Mrs Jeanne Estabel	Councillor Andy Drummond Councillor James Lay	Sat 29 Apr 2023	no

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Appeal Decision

Site visit made on 9 February 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/F3545/W/22/3291126

2-3 Crown Walk, Newmarket CB8 8NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Murat Yeter of Yeter Properties Holding Ltd against the decision of West Suffolk Council.
 - The application Ref DC/21/2009/FUL, dated 1 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is demolition of existing shop unit, erection of new single storey shop unit with 6 residential flats on 2 storeys above along with external stairs and landings and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Daylight and Sunlight Report¹ and a further revised version² which corrected errors in the first report have been submitted during the appeal process. The reports assess the effect of the development on the light received by the neighbouring properties. In considering whether to accept the reports I have had regard to the "Wheatcroft Principles". Given that the revised report dated 15 June 2022 does not alter the development that has been applied for, I see no reason why accepting it would prejudice any party and as such, I have had regard to the revised report in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area including the setting of the Newmarket Conservation Area (NCA);
 - the effect of the proposal upon the living conditions of neighbouring occupiers, with regard to outlook, privacy and levels of daylight; and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers with particular regard to odour.

¹ Daylight and Sunlight Reports dated 20 January 2022

² Daylight and Sunlight Reports dated 15 June 2022

Reasons

Character and Appearance

4. The appeal site is located outside, but close to, the NCA. From my observations on site the significance of this part of the NCA, lies, in part, in the traditional appearance of the buildings which are two and three stories running along High Street after which development to the rear gradually reduces in scale. This small scale includes more intimate alleyways cutting through the terrace sections along High Street.
5. In the wider area, outside the NCA, there is a mixed character with a variety of property types and sizes including modern infrastructure such as the nearby multi-storey carpark, and older development of a more commercial scale and appearance leading away from the NCA. The immediate context, with the exception of the three-storey/part two-storey block of flats (the Gallery) which the appeal building wraps around, is generally low-level allowing views into and through the NCA.
6. Whilst I cannot be sure they were built at the same time; the appeal building is one of a pair of modern properties linked by a canopy. While sharing an overall design with matching materials including, brick and glazed areas, they are not identical or symmetrical to all elevations but do share a general similar appearance. They contrast with much of the built form they are seen with, which is older in appearance but do not appear discordant given they are of a comparative height with some neighbouring buildings. As a result of the position of the appeal building, its shared scale with similar proportions to the attached building, it currently makes a neutral contribution to the setting of the CA.
7. The proposed development would replace the existing commercial building with a three-storey building with flats on the first and second floors and commercial space on the ground floor. At my site visit, I observed how the Gallery building adjacent is an imposing structure which visually dominates the space around the appeal site even with its stepped roof line. The proposed building would be both taller and wider than the Gallery emphasising its scale and massing within the immediate area which would contrast awkwardly with the primarily smaller-scale development found in the surrounding streetscape. The increase in height would also give this building an incongruously bulky emphasis dominating the Gallery building and views in and out of the surrounding area.
8. Furthermore, the incorporation of zinc cladding on the external elevations would harshly contrast with the brick and render found on the elevations of nearby buildings. This would further draw the eye and highlights the incongruousness of the building in its surroundings. There are some limited examples of zinc being incorporated into surrounding buildings. This includes the shallow sloping roof off the Gallery and the recessed top floor of the hotel to the north. However, these examples are more discrete in the incorporation of zinc and therefore are not directly comparable to the proposed scheme.
9. There is an array of differing roof forms found nearby and the asymmetrical roof form would assist in reducing the mass and height of the proposed building. Nonetheless, the scheme would be taller than much of its surroundings and its roof highly prominent. As such, a condition on materials would unlikely prevent it from appearing as a discordant feature.

10. The proposed scheme would also see a stair tower positioned within views of Crown Walk cutting across views of the Gallery. The tower would connect to the staircase and walkways of the flats all of which would be seen from within Crown Walk and to a lesser extent High Street and the access road off Exeter Road. Given the proposed materials incorporating sections of glazing and the detached location of the stair tower these elements would give off a somewhat displaced/disjointed appearance from the main building and out of keeping with the character and appearance of the area jarring with the street scene. Whilst a condition could be used to address the glazing element and other materials, this would not prevent the visually prominent stair tower from appearing as a discordant feature in this location.
11. The appeal scheme would retain some connection with the adjacent building through the retention of the canopy and would have a more active frontage adjacent the access road. It would also provide a more discrete bin storage area and a condition could be imposed for innkeeping signage. Nevertheless, I find the main building and associated components including the stair tower, exposed stairs and walkways fail to take into account the layout and function of the area. As a result, the appeal scheme would not be of an appropriate design, appearing cramped and contrived harming the character and appearance of the area and also the setting of the NCA.
12. For the purposes of the Framework, the NCA is a designated heritage asset. Within the overall context, I consider that the proposal would lead to less than substantial harm to the significance of this asset. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
13. The proposed development would deliver benefits associated with the increase and choice in housing accommodation and soft landscaping. There would be a small increase in support for local services and facilities close by from occupiers of the flats having access to sustainable modes of transport. There would also be some temporary economic benefits through support for construction jobs. However, as with the benefits towards energy efficiency, the contribution would be modest given the scale of the proposal. Therefore, in this instance, the public benefits, even when taken collectively, do not outweigh the identified material harm to the designated heritage asset.
14. For the reasons set out above, I conclude that the proposal would harm the character and appearance of the area, including the setting of the NCA. In these regards, it would conflict with Policy CS5 of the Forest Heath Local Development Framework Core Strategy and Policies DM2, DM17 and DM22 of the Joint Development Management Policies Document (JDMPD). Together these seek, amongst other things, development is designed to a high quality, reinforces local distinctiveness and preserves or enhances the character or appearance of the Conservation Area or its setting. It would also be contrary to the Framework, in so far as it seeks new development to be, sympathetic to local character and the protection of heritage assets.

Living Conditions – Neighbouring Occupiers

15. The appeal scheme would not have a significantly greater footprint than the existing building and already shares a close relationship with the Gallery. Notwithstanding this, due to the proximity of the appeal scheme to the Gallery which it partially wraps around, and the increased height including the

- stairwell, the proposed development would dominate outlook from these properties, including windows facing the stairwell and those overlooking Crown Walk.
16. As a result, even taking into consideration how the proposed roof slopes away from the Gallery and open nature of the staircase/walkways, there would be no relief from the development in the outlook from within the rooms of the properties facing the appeal building. The resulting outlook would be restricted and uninviting. As such, the proposal would unacceptably harm living conditions in terms of privacy for existing occupiers.
 17. Having considered the relationship between the appeal building's staircase/walkway and the position of windows on the adjacent block of flats there would be a severely limited separation distance which would result in insufficient levels of privacy for occupants of the existing block of flats. This is because the future occupants would be able to look directly into existing window openings when using the external staircase/walkway,
 18. A revised daylight and sunlight assessment was submitted in support of the proposed development. The assessment has regard to the Building Research Establishment's (BRE) site layout planning for daylight and sunlight: a guide to good practice. With the exception of the window identified with the report as window No 37, which I address below, the assessment indicates that all other domestic windows would meet the criteria of the above guidance. I have no compelling evidence before me to suggest that the assessment is inaccurate or otherwise misleading.
 19. Turning to window 37, the Framework suggests a flexible approach in applying policies or guidance relating to daylight and sunlight. The assessment does not identify the use of the room which is served by window 37 but does set out the vertical sky component test (VSC) which identifies a loss of 22%. Given the value identified, it would in my view have a detrimental effect on existing occupiers. In the absence of evidence to show what room of the flat this window serves I am not persuaded that the appeal scheme would provide satisfactory conditions for the occupiers of the flat that window 37 serves.
 20. Consequently, the proposed development would unacceptably harm living conditions for existing occupiers with regard to outlook, privacy and daylight. It would fail to accord with Policy DM2 of the JDMPD. This, in part, seeks to protect the amenities of adjacent areas from harm to outlook, overlooking, and loss of light. The proposal would also fail to accord with the provisions of the Framework in so far as it relates to providing a high standard of amenity for existing users.
 21. JDMPD Policy DM14 deals with matters of emissions and other forms of pollution as such, in regard to this main issue I find no conflict with the policy with regard to this main issue.

Living Conditions – Future occupiers

22. There is already existing residential accommodation in closer proximity to the odour-generating equipment than the appeal site, and I have not been provided with any evidence of complaints which demonstrate there is an ongoing issue with odour in the area.

23. From my observations on site and the evidence and the policies put before me there is little to demonstrate why a condition requiring a scheme to provide adequate mitigation would not be acceptable in this case. I also note the Council's Environmental Health Officer has not raised an objection nor has a condition on odour mitigation been recommended.
24. For the above reasons and subject to a condition, were the appeal to be allowed subject to satisfactory mitigation on odour, the proposal would provide appropriate living conditions for future residential occupiers with respect to odour. Consequently, the proposal would accord with Policies DM2 and DM14 of the JDMPD which, amongst other things, requires no unacceptable impacts arising from the development on air quality or smells unless there is appropriate mitigation. The proposal would also accord with the provisions of the Framework in so far as it relates to providing a high standard of amenity for future users.

Other Matters

25. The proposal would enable the delivery of an additional six residential units adding to the Council's housing mix within an area least likely to flood. The proposed building would be of a modern internal design to reflect the needs of retailers and incorporate a number of energy efficiency measures. Subject to an appropriate condition, the scheme could also incorporate a green roof section.
26. There would also be social and economic benefits associated with employment during construction and from the replacement commercial element of the scheme as well as future occupants buoying up the local economy. This is a brownfield site within walking distance of local services and facilities and where there is good access to public transport. I attach moderate weight to these benefits. However, given limited scale of the scheme such benefits would be small.
27. From my observations on site, the surrounding area is presently viewed from a number of premises within a busy pedestrian and motorised area. I therefore attached little weight to any additional surveillance of the surrounding area that would occur from future occupiers.
28. I have not been provided with any evidence that the appeal scheme is the only way to overcome the building's current condition.

Conclusion

29. Whilst I have found no harm would result from the appeal scheme to future occupiers of the flats, the proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
30. For the above reasons, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR

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Decision List

Weeks commencing 27 th March & 3 rd April	NTC Comments
DC/23/0288/TCA <u>Trees in conservation area notification - one larch, several box and laurel (G1 blue area on plan), one Pine, several box, holly and yew (G2 yellow area on plan), one Cherry (H1 - Red area) three Cherry (G3 - White area on plan) fell; Conifer Hedge (H3 -Orange area) Privet hedging (H4 - Green area on plan) and mixed hedge (H1 red area and H2 Purple area) remove</u> Mesnil Warren 40 Bury Road Newmarket Suffolk CB8 7BT	 NTC no objections
DC/23/0168/HH <u>Householder planning application - single storey rear extension (following demolition of existing outbuilding)</u> 1 Freshfields Newmarket Suffolk CB8 0EH	 NTC no objections
DC/23/0442/DE1 <u>Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - demolition of one open-sided agricultural barn</u> Hatchfield Farm Fordham Road Newmarket Suffolk CB8 7XL	 NTC no objections
DC/23/0158/HH <u>Householder planning application - a. single storey side extension and replacement roof over existing garage b. two storey rear extension</u> Yarrowdale 16 King Edward VII Road Newmarket Suffolk CB8 0EU	 NTC voiced no objections subject to the balcony not overlooking other properties
DC/22/1503/HAZ <u>Hazardous substances consent - storage of 40 tonnes of liquefied petroleum gas at six locations around the site</u> Rowley Mile Racecourse Newmarket Suffolk CB8 0TF	 The Committee voiced no objections subject to the approval of the relevant Health & Safety and Environmental Officers

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