

Membership as from May 2023

Councillor Berry
Councillor Clover
Councillor Drummond (Vice Chair)
Councillor Harvey
Councillor Hood (Chair)
Councillor Hulbert
Councillor Kavanagh
Councillor Nobbs
Councillor Perry

Members = 9

Quorum = 3



Newmarket
T O W N C O U N C I L

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 18th December 2023 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 and ask if anyone present intends to record the meeting.
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 4th December 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 if Newmarket Neighbourhood Plan policies impact on planning applications for consideration**
7. **Planning applications** – West Suffolk Council, weeks commencing 27/11/2023 & 04/12/2023
8. **Planning applications** – Amended and Deferred Plans
 - a) **DC/23/1749/FUL: 34-36 Old Station Road** – deferred to carry out a site visit to the property (15/12/2023)
 - b) **DC/23/1674/VAR: 34 Fitzroy Street, Newmarket** – deferred pending approval of materials being used
 - c) **DC/23/1708/FUL: Long Cottage, Fordham Road** – deferred to carry out a site visit to the property
 - d) **DC/23/0980/FUL: 53 High Street** – deferral due to major differences of the original and amended plans
9. **Planning Appeals** – to discuss any notified appeals and receive any appeal results
10. **Planning applications** – East Cambs
11. **Planning decisions and plans withdrawn** – West Suffolk Council-week commencing 27/11/2023 & 04/12/2023
12. **Delegation Panel decisions** - To discuss any decisions by Delegation Panel
13. **Licensing** – To discuss any Licensing applications
14. **Enforcement** – to receive update information regarding DC/23/1182/FUL 128 High Street
15. **Parking and Transport** – to receive a report from the working group (to follow)
16. **Public Rights of Way** – to discuss the 'Jockey's Lane' PROW (verbal)
17. **Correspondence**
18. **Date of next meeting** – 8th January 2024

Signed: *CE Whitaker*

Cathy Whitaker, Town Clerk

Date: 12th December 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 agreed 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 4th December 2023 at 6.15pm

Attendance:

Councillor R Hood (Chairman)
Councillor J Berry
Councillor A Drummond
Councillor J Harvey

Councillor E Kavanagh
Councillor R Nobbs
Councillor S Perry

Also Present: C Whitaker - Town Clerk, Member of the Press

	Minute	Action by
D/23/12/1	<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 announced that proceedings were being recorded.	
D/23/12/2	<u>Apologies</u> Apologies were received from Cllr Hulbert. Cllr Clover was absent.	
D/23/12/3	<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> Cllrs Hood and Nobbs declared an Other Registerable Interest (ORI) in planning application DC/23/1935/TCA. There were no dispensation requests made.	
D/23/12/4	<u>To Confirm the Minutes of the Meeting Held on 20th November 2023 and any Matters Arising</u> The Chairman presented the minutes of the Development & Planning Committee held on 20th November 2023. An amendment to D/23/11/24 Book Number 95 2023-2023 as: Apologies were received from Cllrs Berry and Drummond. Cllrs Clover and Hood were absent. The following was agreed: <u>D/23/12/4.01 Resolved</u> That the minutes of the Development & Planning Committee held on 20th November 2023 be adopted and signed as a true record by the Chairman of the Development & Planning Committee. Matters arising: • Book Number 96 2023-2024 - D/23/11/28: Cycling on shared footpaths and signage – this is an agenda item for D&P Committee on 18/12/2023.	

Book Number 102 2023 - 2024

- Book Number 98 2023-2024 - D/23/11/31/1: Application DC/23/0580/FUL 45 Bury Road – to be followed up for update.

D/23/12/5 Public Open Session

A member of the public spoke to item 17 Exning Road Verge Parking, urging Council to accept the recommendations of the Town Clerk to appeal against SCC street furniture licence refusal, to persevere with this matter to prevent damage of the grass verges and to urge Flagship Homes to revisit its decision regarding the Council's previous request to remove old garages at Icewell Hill to create more parking for nearby residents of the area.

The Chairman proposed that item 17 Exning Road Verge Parking be brought forward and the following was agreed:

D/23/12/5.01 Resolved

That item 17 Exning Road Verge Parking be brought forward.

D/23/12/6 Exning Road Verge Parking

A report on the rejection to the SCC application for a licence to install bollards was discussed and the following was agreed:

D/23/12/6 Recommendation

That a response of appeal is sent to SCC as follows:

This is a SCC owned verge, maintained currently by WSC. We have been liaising with WSC grounds maintenance team regarding grass cutting in this area and have reduced our plan to only install bollards down the slip-road side of the verge to enable easier access to the mowers. WSC has acknowledged that there will be some strimming to do around the bollards. In addition, going forward this may be an area of grass that NTC decides to take on the maintenance of in 2024/25.

This is a grass verge where there should be no parking. There is adequate parking at the end of the road behind the Icewell Hill flats: residents and visitors currently are choosing not to park there so that they can be closer to their homes. SCC has suggested we consider installing double yellow lines instead of bollards: this would not stop people parking there physically, there is only limited patrol in the area by CP officers during office hours (much of the problem arises overnight/early morning), double yellows would also just move the problem on.

There are Health & Safety concerns regarding wet, slippery and icy grass surface. The Town Council is trying to protect a SCC asset in this area.

Letters will be sent to the any identified properties requesting that guests do not park on the grass verges.

To add to standard parking planning response statement that “this is a clear indication that there is a lack of parking and this should be evidence for future planning applications”.

D/23/12/7 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

Policy 1 – Traditional Features and Materials for Developments within the Conservation Area and Policy 14 - Trees

D/23/12/8 Planning Applications

Week Commencing 13/11/2023 & 20/11/2023

D/23/12/8/1 DC/23/1880/TCA - Trees in a conservation area notification - one Acacia (A1 on plan) re-pollard to previous pollarding points; one Holly (H1 on plan) reduce height by 1-2 metre away from property - 45 Rous Road Newmarket Suffolk.

D/23/12/8.01 Resolved

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

D/23/12/8/2 DC/23/1708/FUL - Planning application - a. two dwellings to rear of Long Cottage, following demolition of stable blocks; b. part demolition of office building to provide vehicular access to rear; c. home office building incidental to use of Long Cottage; d. associated landscaping - Long Cottage Fordham Road Newmarket Suffolk.

D/23/12/8.02 Resolved

The Committee requested an extension to arrange a site visit and to request a missing drainage report. The Committee actively encourages responsible tree management and objects to the felling of healthy trees; noted the Arboricultural Impact Assessment report and supported the comments made – in particular the comment regarding loss of amenity.

D/23/12/8/3 DC/23/1935/TCA - Trees in a conservation area notification - 10 Sycamore (0005, 0007, 0008, 0009, 0010, 0011, 0013, 0014, 0017, 0020 on plan) fell Palace House Palace Street Newmarket Suffolk.

D/23/12/8.03 Resolved

The Committee actively encourages responsible tree management and does not object to this application as the Committee recognised that Sycamore trees are poisonous to horses and requested that more suitable species be planted as replacements. (Cross reference to report on DC/23/1242/TCA)

D/23/12/8/4 DC/23/1915/TCA - Trees in a conservation area notification - one Holly (T38 on plan) fell The Kremlin 1 Bury Road Newmarket Suffolk

D/23/12/7.04 Resolved

The Committee voiced no objections.

D/23/12/9 Amended and Deferred Planning Applications

D/23/12/9/1 DC/23/1783/FUL – Arlington Court, Church Lane – extension agreed to receive the specification of the railings. The holding objection of SCC Highways was noted, and the following was agreed:

D/23/12/9.01 Resolved

The Committee objected to this application for the following reasons:-

Design appearance and materials used – inappropriate to the area, looking like a prison

This is in a Conservation Area; there is a need to protect and enhance the appearance of properties within a Conservation Area and is against Newmarket Neighbourhood Plan Policy 1.

Committee supported the objections of the Highways report and would point out that the design would appear to block off an existing Right of Way.

D/23/12/9/2 DC/23/1749/FUL – 34-36 Old Station Road – deferred for a site visit. This application is now a re-consultation. A site visit has been arranged for 15/12/2023.

D/23/12/9/3 DC/23/1674/VAR – 34 Fitzroy Street – deferred pending approval of materials being used. The requested information has not been received from WSC Planning. This item will be deferred with a further request for an extension. The following was agreed:

D/23/12/9.02 Resolved

As the Committee is still awaiting a response regarding information of the materials being used within the Conservation Area, it cannot form an opinion and lodges a holding objection and a further extension request.

D/23/12/9/4 DC/23/1844/TCA – Sefton Cottage, Snailwell Road – deferred for photos and Tree Officer's report. The Tree Officer will be asked to attend a D&P Committee meeting in the New Year.

The following was agreed:

D/23/12/9.03 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration and a full report. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.

D/23/12/9/5 DC/23/0980/FUL – 53 High Street – deferred due to major differences of the original and amended plans. The following was agreed:

D/23/12/9.04 Resolved

The Committee requested a further extension in order to be able to consider the WSC Planning response to its query regarding the re-consultation plans. At this time the Committee lodges a holding objection until a response has been received.

D/23/12/10 Planning Appeals
None noted.

D/23/12/11 East Cambs Planning Applications

The East Cambs Weekly List for 17/11/2023 & 24/11/2023 were noted.

D/23/12/12 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during week commencing 13/11/2023 & 20/11/2023

Applications	Description	Address	WS Decision	NTC Decision
DC/23/1676/TCA	Trees in a conservation area notification - 21 Lime trees (T1-21 on plan) re-pollarded away from neighbouring properties; 8 Horse chestnuts and Maples (T38-45 on plan) crown lifted to 2.5 metres from ground; one Yew (T66 on plan) crown lifted to clear railings/away from neighbouring property by 3 metres	Memorial Hall 144 High Street Newmarket Suffolk	Approved	No objection
DC/23/1660/HH	Householder planning application - single storey side and rear extension	Wingate Snailwell Road Newmarket Suffolk	Approved	No objection
DC/23/1253/VAR	Planning application - variation of condition 2 (approved plans) of DC/22/1699/FUL to enable amended plans for internal changes to flat 1 and flat 2 and spiral staircase to courtyard	Surrey House 41 High Street Newmarket Suffolk	Approved	Objected (the objection was then resolved with Planning Officer)
NMA(B)/22/1019	Non-material amendment to DC/22/1019/HH - amendment from external first floor level cladding to a smooth cream/beige render	8 Exning Road Newmarket Suffolk	Approved	Comments not Invited
DC/23/1717/TCA	Trees in a conservation area notification - one Conifer (T1 on plan) and one Prunus (T2 on plan) fell	7 Bakers Row Newmarket Suffolk	Approved	No objection
DC/23/1677/TCA	Trees in a conservation area notification - two Birch (T1 and T2 on plan) crown reduction in height by one metre and lateral crown reduction by 0.5 metres	Bill Tutte Memorial Palace Street Newmarket Suffolk	Approved	No objection
DC/23/1591/TPO	TPO 234 (1972) Tree preservation order - four Hornbeam (on plan within A13 on order) clearance from building by up to two metres	14A Depot Road Newmarket Suffolk	Approved	No objection
DC/23/1287/FUL	Planning application - installation of solar panels on roof of garages	Jockey Club Chambers 101 High Street Newmarket Suffolk	Approved	No objection

D/23/12/13 Delegation Panel Decisions

None noted.

D/23/12/14 Licensing

None noted.

D/23/12/15 Accounts

The accounts for month 8 November 2023 were noted.

D/23/12/16 Enforcement

Information regarding DC/23/1182/FUL – 128 High Street was noted, and the following was agreed:

D/23/12/16.01 Resolved

The Committee delegated the Town Clerk to contact WSC enforcement officers to encourage them to visit the property with immediate effect as the owners are in breach of their application details.

D/23/12/17 Short-term Lets (Air B&B)

Cllr Nobbs requested and was granted a dispensation to discuss, but not vote. The WSC report on 38 Mill Hill was noted and the following was agreed:

D/23/12/17.01 Resolved

A letter will be sent to the enforcement team at WSC informing them of a change of use on the property without planning permission as it is operating as a commercial property. Committee to write again to WSC Planning Officer requesting to stop the use of purely commercial properties in residential areas.

D/23/12/18 Correspondence

Queensbury Lodge – The WSC update on Queensbury Lodge was noted.

WSC Local Plan Information – was noted.

D/23/12/19 Date of Next Meeting

Monday 18th December 2023 at the Memorial Hall.

Meeting closed at 7.25pm.

Signed _____ Date _____

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/23/12/6 Recommendation</u>	That a response is sent to SCC as follows: This is a SCC owned verge, maintained currently by WSC. We have been liaising with WSC grounds maintenance team regarding grass cutting in this area and have reduced our plan to only install bollards down the slip-road side of the verge to enable easier access to the mowers. WSC has acknowledged that there will be some strimming to do around the bollards. In addition, going forward this may be an area of grass that NTC decides to take on the maintenance of in 2024/25. This is a grass verge where there should be no parking. There is adequate parking at the end of the road behind the Icewell Hill flats: residents and visitors currently are choosing not to park there so that they can be closer to their

	homes. SCC has suggested we consider installing double yellow lines instead of bollards: this would not stop people parking there physically, there is only limited patrol in the area by CP officers during office hours (much of the problem arises overnight/early morning), double yellows would also just move the problem on' There are Health & Safety concerns regarding wet, slippery and icy grass surface. The Town Council is trying to protect a SCC asset in this area. Letters will be sent to the any identified properties requesting that guests do not park on the grass verges. To add to standard parking planning response statement that "this is a clear indication that there is a lack of parking and this should be evidence for future planning applications".
<u>D/23/12/8.01 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/23/12/8.02 Resolved</u>	The Committee requested an extension to arrange a site visit and to request a missing drainage report. The Committee actively encourages responsible tree management and objects to the felling of healthy trees; noted the Arboricultural Impact Assessment report and supported the comments made – in particular the comment regarding loss of amenity.
<u>D/23/12/8.03 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application as the Committee recognised that Sycamore trees are poisonous to horses and requested that more suitable species be planted as replacements. (Cross reference to report on DC/23/1242/TCA)
<u>D/23/12/8.04 Resolved</u>	The Committee voiced no objections.
<u>D/23/12/9.01 Resolved</u>	The Committee objected to this application for the following reasons:- Design appearance and materials used – inappropriate to the area, looking like a prison This is in a Conservation Area; there is a need to protect and enhance the appearance of properties within a Conservation Area and is against Newmarket Neighbourhood Plan Policy 1. Committee supported the objections of the Highways report and would point out that the design would appear to block off an existing Right of Way.
<u>D/23/12/9.02 Resolved</u>	As the Committee is still awaiting a response regarding information of the materials being used within the Conservation Area, it cannot form an opinion and lodges a holding objection and a further extension request.
<u>D/23/12/9.03 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The

	Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration and a full report. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that a suitable replacement be planted.
<u>D/23/12/9.04 Resolved</u>	The Committee requested a further extension in order to be able to consider the WSC Planning response to its query regarding the re-consultation plans. At this time the Committee lodges a holding objection until a response has been received.
<u>D/23/12/16.01 Resolved</u>	The Committee delegated the Town Clerk to contact WSC enforcement officers to encourage them to visit the property with immediate effect as the owners are in breach of their application details
<u>D/23/12/17.01 Resolved</u>	A letter will be sent to the enforcement team at WSC informing them of a change of use on the property without planning permission as it is operating as a commercial property. Committee to write again to WSC Planning Officer requesting to stop the use of purely commercial properties in residential areas.

Item 7

Development and Planning Committee
Planning Applications – West Suffolk Council

Application	Constraints	Case Officer	Applicant name	Consultation expiry date
<u>DC/23/2004/TCA</u> Trees in a conservation area notification - one Bay (T1 on plan) fell 12 St Marys Square Newmarket Suffolk CB8 0HZ	Conservation Area	Daniel Gospel	Sebastian Kinsman	Thu 04 Jan 2024
<u>DC/23/1995/P3CMA</u> Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 - change of use of first floor offices (commercial, business and service) (class E) to five dwellings (class C3) 40 The Guineas Shopping Centre The Rookery Newmarket Suffolk CB8 8SY		Daniel White	Signal RP 1 Ltd	Thu 04 Jan 2024
<u>DCON(C)/23/0313</u> Application to discharge condition 21 (soft landscaping - minor (trees) and 22 (hard landscaping) of DC/23/0313/FUL Conditions 21 & 22: 5775-01150 – Site Plan External Works 2023_11_17_CDC_Newmarke Newmarket Community Hospital 56 Exning Road Newmarket Suffolk CB8 7JG <i>For noting only, comments not invited.</i>		Amey Yuill	Mr Tony Floyde	Thu 28 Dec 2023
<u>DC/23/1983/TCA</u> Trees in a conservation area notification - one False Acacia (T1 on plan) fell 25 Old Station Road Newmarket Suffolk CB8 8DT		Daniel Gospel	Mr Allan Misson	Thu 28 Dec 2023

Item 7

Development and Planning Committee
Planning Applications – West Suffolk Council

<u>DCON(A)/23/1285</u> Application to discharge condition 3 - arboricultural method statement of application DC/23/1285/HH Bury Lodge 56 Bury Road Newmarket Suffolk CB8 7BT <i>For noting only, comments not invited.</i>	Conservation Area	Tamara Benford-Brown	Mr And Mrs I Chatterton	Sat 30 Dec 2023
<u>DC/23/1985/TPO</u> TPO 04 (2012) Tree preservation order - one Yew (T1 on plan T15 on order) crown lift by 1.5 metres above ground level 1 Arborfield Drive Newmarket Suffolk CB8 7FL		Joseph Cannon	Mrs Jane Taylor	Sat 30 Dec 2023
<u>DC/23/1943/FUL</u> Planning application - a. replacement of facades to five units b. replacement of existing entrance structures Newmarket Retail Park Oaks Drive Newmarket Suffolk		Clare Oliver	Cube Real Estate	Thu 04 Jan 2024

Parish Re-Consultation

Newmarket Town Council
King Edward VII Memorial Hall
High Street
Newmarket
Suffolk
CB8 8JP

Please ask for: Amy Murray

Direct Line: 01284 757366

Application No. DC/23/1749/FUL

Consultation Period

Expires: 20 December 2023

29 November 2023

RE-CONSULTATION IN RESPECT OF A PLANNING PROPOSAL

PROPOSAL Planning application - a. Conversion of basement of No 36 to one dwelling b. Subdivision of ground floor flat of No 36 to two dwellings c. Subdivision of first floor flat of No 36 to two dwellings d. Change of use of second floor of No 34 from retail (Class E) to one dwelling (C3) e. Single storey extension to rear of No 36 and replacement of basement access lobby roof to rear of No 36

LOCATION 34-36 Old Station Road, Newmarket, Suffolk, CB8 8DN

APPLICANT FYK Construction Ltd, FYK Construction Ltd

AGENT Mr Dennis Brocklesby

You have been consulted previously in respect of the application noted above. The following amendments by the applicant/agent have been received:

The description of development has been amended, the red line indicating the site area has been extended and amended plans and supporting documents have been provided by the agent.

The changes are available to view in the planning section of our website for your consideration.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2ZMQ3PDMNV00>

Would you please let me know in writing by 20 December 2023 if you have any observations to make regarding this proposal. Please email your response to planning.help@westsuffolk.gov.uk. Any response should include the application

Townclerk

From: Cobbold, Savannah <savannah.cobbold@westsuffolk.gov.uk>
Sent: 08 December 2023 09:15
To: Townclerk
Cc: White, Daniel
Subject: RE: DC/23/1674/VAR - 34 fitzroy Street Newmarket

Hi Cathy,

Thanks for your email in which I forwarded over to the case officer of the application, Daniel.

He will be in touch soon.

Kind regards,

Savannah

Hello Savannah, I wonder if you could respond to my previous email to you below regarding this application? Our next committee meeting is 18/12/23 – I have put in a holding objection in advance of receiving the information requested.

Cathy

Hello Savannah,

Council considered this application last week and deferred it pending approval of the materials being used by the conservation officer (in respect of windows and doors I think primarily)

Do you have any further info for this so I can put to committee on Monday 4th please?

Many thanks

Regards,

Cathy Whitaker

Clerk to Newmarket Town Council

Cathy Whitaker

From: planning@westsuffolk.gov.uk
Sent: 07 December 2023 16:49
To: Cathy Whitaker
Subject: Comments for Planning Application DC/23/1674/VAR

Comments for Planning Application DC/23/1674/VAR

Dear Sir/Madam,

Mrs C Whitaker (Newmarket Town Council),

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 07/12/2023 4:49 PM from Mrs C Whitaker (Newmarket Town Council).

Application Summary

Address:	34 Fitzroy Street Newmarket Suffolk CB8 0WH
Proposal:	Planning application - variation of condition 1 of DC/22/2027/VAR to allow for use of amended plans for change of use from offices to five self-contained flats including internal alterations and the insertion of new doors and windows with landscaping
Case Officer:	Daniel White

[Click for further information](#)

Customer Details

Name:	Mrs C Whitaker (Newmarket Town Council)
Email:	cathy.whitaker@newmarket.gov.uk
Address:	Memorial Hall, 144 High Street, Newmarket, Suffolk CB8 8JP CB8 8JP

Comments Details

Commenter Type:	Town Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	- Plan queries
Comments:	As the Committee is still awaiting a response regarding information of the material being used within the Conservation Area, it cannot form an opinion and lodges a holding objection and a further extension request.

Kind regards

Townclerk

Subject: FW: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

From: Murray, Amy <Amy.Murray@westsuffolk.gov.uk>
Sent: 11 December 2023 12:54
To: Townclerk <Townclerk@newmarket.gov.uk>
Subject: RE: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Dear Cathy

Thank you for the information. For minor development, we wouldn't necessarily request that this information is submitted to the LPA. The developer will need to seek permission from the relevant body (probably Anglian Water in this case) to connect to a public sewer. The implication here is potentially in relation to trees, which I will flag to Place services who will be assessing the arboricultural impacts on behalf of the Council.

Please let me know if you have any queries.

Best Regards

From: Townclerk <Townclerk@newmarket.gov.uk>
Sent: Monday, December 11, 2023 8:42 AM
To: Murray, Amy <Amy.Murray@westsuffolk.gov.uk>
Subject: FW: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Hi Amy, please see below from Cllr Sue Perry who was the Town Councillor who raised the point that the drainage details appeared to be missing ..
Cathy

From: Councillor Perry <councillorperry@newmarket.gov.uk>
Sent: 06 December 2023 20:24
To: Townclerk <Townclerk@newmarket.gov.uk>
Subject: Re: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Hi Cathy

Thanks for following this up. This is the text:

Existing FW manhole and approximate route. New dwellings to use pumped FW system to connect to existing infrastructure (details tbc by specialist)

It is from an arrow label pointing towards Long Cottage in the proposed site and block and roof plan, CA185-1005 REV 2

BW

Sue

From: Townclerk <Townclerk@newmarket.gov.uk>
Sent: 06 December 2023 09:54

To: Councillor Perry <councillorperry@newmarket.gov.uk>

Subject: FW: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Sue, I think it was you who stated that the drainage report is missing from this application??

Could you confirm what you meant – see below.

Cathy

From: Murray, Amy <Amy.Murray@westsuffolk.gov.uk>

Sent: 06 December 2023 09:47

To: Townclerk <Townclerk@newmarket.gov.uk>

Subject: RE: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Dear Cathy

Thank you for your e-mail. On this occasion I am able to accommodate the extension of time request until 20 December.

With regards to your request for drainage information, please could you provide further details as I am not aware that drainage information has been submitted with this application? Are you referring to the Phase 1 Contamination Report requested by the Council's Environment Team? If so, I understand that the applicant is intending to provide this information in due course. It is also noted that the EA requested surface water drainage details by planning condition during the 2018 planning application (DC/18/1777/OUT), however, this could also be requested by condition in this case. Alternatively, you may be referring to the fact that the western most part of the site is located in flood zone 3? If so, it is not necessary to provide a flood risk assessment because all the relevant parts of the proposal are in flood zone 1 (ie the dwellings and the access).

Please let me know if you have any queries.

Best Regards

From: Townclerk <Townclerk@newmarket.gov.uk>

Sent: Tuesday, December 5, 2023 4:54 PM

To: Murray, Amy <Amy.Murray@westsuffolk.gov.uk>

Cc: Townclerk <Townclerk@newmarket.gov.uk>

Subject: DC/23/1708/FUL - Long Cottage, Fordham Rd, Newmarket

Hello Amy,

With reference to the above application, please could I request an extension for our Committee who wish to arrange a site visit to view this property?

Also, there appears to be a drainage report missing from the online portal – could you forward this to me so that I may pass to committee on 18/12/23?

Could the extension run to 20/12/23 please; that is assuming the site visit is done and drainage report have been received.

Regards,

Cathy Whitaker

Clerk to Newmarket Town Council

Townclerk

From: Cobbold, Savannah <savannah.cobbold@westsuffolk.gov.uk>
Sent: 05 December 2023 09:58
To: Townclerk
Subject: RE: 0980/FUL 53 High St Newmarket

Hi Cathy,

Thanks for your email – the original proposal included a passageway from the High Street to Palace Street, however I believe the land behind the site at Palace House is owned by West Suffolk Council. Given this, I believe the scheme would be undeliverable if approved. The scheme has been amended to address this, omitting the passageway and replacing this with an office entrance.

I hope this helps.

Kind regards,

Savannah

Hello Savannah

Having looked at the amended plans, committee is concerned that they appear to have major differences from the original ones with no explanation.

Would it be possible to talk about this please?

My direct line is 01638 661777

Many thanks

Regards,

Cathy Whitaker

Clerk to Newmarket Town Council

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

WEEKLY LIST OF PLANNING APPLICATIONS



(Alphabetically by Parish)

List produced on 8th December 2023

Reference: 23/01091/FUL
Officer: Jasmine Moffat
Location: Ivyrose 17 Pound Close Burwell Cambridge CB25 0EP

Date application valid: 29th November 2023
Parish: Burwell

Proposal: Demolition of an existing garage and the erection of a single storey side extension and associated works

Applicant:
 Mr John Curtis
 Ivyrose
 17 Pound Close
 Burwell
 Cambridge
 CB25 0EP

Agent:
 The Clarke Smith Partnership
 FAO Mr Mike Smith
 16 Mill Lane
 Burwell
 Cambridge
 CB25 0HJ

Grid Reference: 558816 266562

Reference: 23/01325/FUL
Officer: Rachael Forbes
Location: Sunningdale Lodge 10 Collins Hill Fordham Ely Cambridgeshire

Date application valid: 4th December 2023
Parish: Fordham

Proposal: Two storey rear extension, new entrance wall and gates, extend drop kerb, solar panels, EV charge point and internal alterations

Applicant:
 Mr & Mrs S Downey
 C/o Agent

Agent:
 Greg Saberton Design
 Toms Hole Barn
 Branch Bank
 Prickwillow
 Ely
 Cambridgeshire
 CB7 4UR

Grid Reference: 563310 270622**Date application valid:** 5th December 2023

Reference: 23/01336/FUL
Officer: Charlotte Sage
Location: Bonnie-Rock 76 Fordham Road Soham Ely Cambridgeshire

Parish: Soham

Proposal: New bungalow dwelling to land adjacent to 76 Fordham Road

Applicant:
 Debbie Burrige
 Bonnie-Rock
 76 Fordham Road
 Soham
 Ely
 Cambridgeshire
 CB7 5AL

Agent:
 AHP Design Ltd
 FAO Mr Leigh Graves
 Unit 3
 Goodwin Business Park
 Newmarket
 Suffolk
 CB8 7SQ

Grid Reference: 560583 271933

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Decision List

Weeks commencing 27 th & 4 th December	NTC Comments
DC/23/1723/TCA <u>Trees in a conservation area notification - one Sycamore (T1 on plan) fell</u> Sefton Cottage Snailwell Road Newmarket Suffolk CB8 7DJ	 NTC actively encourages responsible tree management and object to the felling of trees. The committee objected to this application and requested that the application be submitted to the Tree Officer for consideration and a full report. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that a suitable replacement be planted.
DCON(A)/23/0313 <u>Application to discharge conditions 11 (construction management strategy) and 19 (arboricultural method statement) of application DC/23/0313/FUL</u> Newmarket Community Hospital 56 Exning Road Newmarket Suffolk CB8 7JG	 NTC comments not invited.
DC/23/1691/FUL <u>Planning application - Change of use of first floor from office to living accommodation and carers bedroom (sui generis), for use in conjunction with the ground floor social care services office</u> Palace Coach House Palace Street Newmarket Suffolk CB8 8EP	 The Committee fully supported the application.
DC/23/1680/HH <u>Householder planning application - a. single storey front extension incorporating alterations to garage b. single and two storey rear extensions c. replacement render d. replacement and alterations to windows e. replace chimney stack (following removal of existing) f. reduce two chimney stacks g. juliet balcony to rear dormer</u> Barkway House 18 Bury Road Newmarket Suffolk CB8 7BT	 The Committee were pleased to see a tree management report and voiced no objections subject to the applicant following the requirements in the Tree Officer's report.

Decision List

DC/23/1641/CLE <u>Application for lawful development certificate for existing use or development - a. use of second floor flat as one self contained dwelling (use class C3) b. use of basement flat as one dwelling (use class C3)</u> Sandiver House 13 St Marys Square Newmarket Suffolk CB8 0HZ	 The Committee objected and requested that the Conservation Officer provides a full report on the listed buildings features and to confirm that they have not been removed or damaged.
DC/23/1593/TPO <u>TPO 012 (1956) tree preservation order - one Pine (T2 on plan) fell</u> 11 Collings Place Newmarket Suffolk CB8 0EX	 NTC actively encourages responsible tree management and objects to the felling of trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration and a full report. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that a suitable replacement be planted.
DC/23/1539/FUL <u>Planning application - four storey hotel comprising 20 rooms following demolition of existing motor garage</u> 8 Park Lane Newmarket Suffolk CB8 8AX	 Delegated Powers were given to the Town Clerk and R. Wood to finalise the wording of the objection. The Committee very strongly objected to this application for the following reasons: It is overdevelopment in a conservation area It would be damaging to the protected view within...

Decision List

...the Newmarket Neighbourhood Plan (NNP) (View BXX, Policy NKT2 Key Views) which looks from Bill Tutte Memorial down Palace Street towards the historic church of All Saints. This four-storey building would clearly be visible. Construction would unacceptably affect the residential amenity of this highly residential area with noise and disturbance. The appearance and size of the proposed building is inappropriate and not in keeping with the conservation area; being in contravention of NNP Policy NKT1 Traditional Features and Materials for Development within the Conservation Area. This location is adjacent to Tregonwell Framptons house (Father of the Turf) and the whole site was part of King James Is palace complex and, as such, is absolutely central to the Conservation Area. It also overlooks the historic Jockey Club Rooms (the HQ of the International Horse Racing Industry). The Town Council supports the SCC Highways objections regarding lack of any parking provision and would also query whether this is in fact an application for a hotel or a HMO.

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To: **Recipients of Delegation Panel papers**

Contact Planning Department
Email planning.help@westsuffolk.gov.uk

6 December 2023

Dear all

Delegation Panel - Tuesday 5 December 2023

Following consultation with the members of the Delegation Panel on the above date, the Director (Planning and Growth) has determined that the following decisions will either be delegated to Officers or referred to the Development Control Committee for consideration, as indicated against each item.

Those applications agreed to be delegated are not strategic in their scale or nature and do not raise any significant material planning issues to justify referral for wider discussion at the Development Control Committee.

Those applications agreed to be referred to the Development Control Committee for determination were considered to have significant public interest, raising material planning issues that justify wider discussion and debate.

Any queries in relation to the Delegation Panel meeting and/or the applications should be directed to
planning.help@westsuffolk.gov.uk

Yours sincerely



Julie Baird
Director – Planning & Growth

Delegation Panel list

Time: 5 December 2023
Location: 1.00pm
Via MS Teams
Attended by: Together with Dave Beighton, Sarah Drane, Charlotte Waugh, Greg McGarr, Tamara Benford-Brown, Adam Yancy and Clare Oliver

The Delegation Panel advised the Director (Planning and Growth) of their opinion as to whether these applications should be referred to the Development Control Committee for determination or whether they should otherwise be determined using delegated powers

1.	Application number	DC/23/0773/FUL
	Proposal:	Planning application - one dwelling
	Location:	Garage at Nowell Lodge, Fordham Road, Newmarket
	Case officer:	Clare Oliver
	Parish:	Newmarket Town Council
	Ward:	Newmarket North
	Member comment:	No comments received
	Officer 'minded to' position:	REFUSE
	Recommendation of the Panel:	Delegated Decision
	Reason for DCC referral:	N/A
	Director decision:	Delegated Decision

7.	Application number	DC/23/1593/TPO
	Proposal:	TPO 012 (1956) tree preservation order - one Pine (T2 on plan) fell
	Location:	11 Collings Place, Newmarket
	Case officer:	Adam Yancy
	Parish:	Newmarket Town Council
	Ward:	Newmarket West
	Member comment:	No comments received.
	Officer 'minded to' position:	GRANT
	Recommendation of the Panel:	Delegated Decision
	Reason for DCC referral:	N/A
	Director decision:	Delegated Decision

Officer report - DC/23/0773/FUL

Garage At Nowell Lodge, Fordham Road, Newmarket

Date registered:	8 June 2023	Expiry date:	3 August 2023 (EOT 14 December 2023)
Case officer:	Clare Oliver	Recommendation:	Refuse application
Parish:	Newmarket Town Council	Ward:	Newmarket North

Proposal: Planning application - one dwelling

Applicant: Mr M Rogerson

Background:

The site was included within the application curtilage relating to the demolition of the existing dwelling and construction of 10 apartments at Nowell Lodge (Ref: DC/16/2184/FUL).

The garage conversion to a dwelling did form part of application DC/21/0604/FUL but was removed from the scheme prior to the application being determined.

The matter was presented before the Delegation Panel, whereby it was recommended that this could proceed for determination using delegated powers.

Proposal:

The application relates to the conversion of an existing detached garage to a dwelling at Nowell Lodge, Fordham Road, Newmarket. External changes comprise insertion of fenestration and access door on the northwest elevation and roof light on the northeast roof plane. Internally bedroom accommodation is proposed at first floor with the ground floor presenting open plan kitchen, dining and lounge with separate bathroom.

Site details:

The application site is located on the north eastern side of Fordham Road, Newmarket, which is one of the main access roads leading southwards to the town centre and within the defined Housing Settlement Boundary of Newmarket. The site is located to the south of Nowell Lodge, a modern development of 10 apartments, which has access to Fordham Road via a gated access driveway. The site lies outside of but immediately opposite Newmarket Conservation Area.

Consultations:

Parish Council

The Committee voiced no objections, subject to no effect on the neighbour's right to light (overshadowing) and the potential of it becoming an overdevelopment of the site.

Ward Councillor

No Ward Member comments received.

Conservation Officer

The proposed development is located outside the conservation area and will not affect its setting I therefore have no objections. No conditions required from a conservation point of view.

Private Sector Housing And Environmental Health

I have reviewed the above application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team can confirm I would have NO OBJECTIONS to the proposed development subject to the conditions and informative below being attached to any permission granted.

CONDITIONS

1. The building envelope, glazing and ventilation of the residential dwelling hereby permitted shall be constructed so as to provide appropriate sound attenuation against external noise. The acoustic insulation of the dwelling unit shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', January 2020.

Reason: To protect the amenities of future occupiers of the dwelling, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

2. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays
08:00 to 13.00 Saturdays

And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

3. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

INFORMATIVE

Noise, Vibration and Dust

The principal contractor and any sub-contractors must ensure compliance with current legislation on noise, vibration and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974.

Relevant Codes of Practice set out procedures for dealing with the control of noise and vibration on construction and open sites are contained in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites'.

Development Monitoring Officer

No comments received.

Leisure & Cultural Operational Manager

No comments received.

Environment Team

CONTAMINATED LAND:

Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.

The following advice notes are recommended:

If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

AIR QUALITY:

Paragraph 107 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account' e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for

development should' be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."

Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ' and ensure no deterioration to either air or water quality.

Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge in all new dwellings.

Part S of the Building Regulations requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space. In this case there is an associated space.

We therefore do not require a planning condition requiring EV charging in this instance as this will be enforced by the building regulations, however, should the layout change we would request the opportunity to review the amendments to assess whether they impact the above conclusion.

Environment & Transport - Highways

20.10.2023:

In conjunction with our letter dated 22nd June 2023 we wish to make this further comment:

Existing and future site users may come into conflict with vehicle movements associated with the gates' operation, and the proposed parking arrangement. This may be considered contrary to NPPF 110 b) safe and suitable access to the site can be achieved for all users; As such, the Highway Authority would be unable to recommend a condition for the purposes of loading, unloading, manoeuvring and parking of vehicles.

22.06.2023:

We have considered the relationships between the existing site use and layout with the new proposal. We have deemed it prudent to consider the allocation of parking arrangements as well as the proposed private access arrangements and access gate that is situated 90 degrees to the proposed development. It is therefore our opinion that the risk to all highway users this application is proposing, is unacceptable, with the most vulnerable being placed at the greatest potential risk of serious harm or injury due to many unknown variables. We recommend the following points are addressed please:

- Access gates named 'Nowell Lodge' have not been denoted on the supplied drawing.
- The right hand gate named 'Lodge' obstructs the developments allocated parking at all times when in the open position.
- The arrangement appears to require a complicated series of vehicular movements that would require the driver having to wait for the gates to close

before being able to access the parking space and the reverse manoeuvre when departing.

- How are future residents protected from the gates operation if they are within the swept path radius of the operating gate.
- What will prevent a collision between gate operation and exiting vehicles from the parking space.
- How will this proposal accommodate the safe movement all users.
- Inter-visibility and visibility splays of drivers departing the residential space.

Place Services - Trees

17.08.2023;

As part of this application, an Arboricultural impact assessment, method statement and tree protection plan have been provided. It has stated that there is one category B tree that could have a potential impact on the implementation of the scheme. The arb documents have collectively stated that the footprint of the building will not change and therefore there shouldn't be any impacts to the retained tree on site. This should be strictly abided by throughout the scheme with no storage of materials within the root protection areas of the tree and the AMS submitted followed at all times. With everything submitted in support of this application there is no objection towards the proposal.

Decision Object Support - Subject to Condition(s)) Where permission is granted subject to conditions, the following should apply in relation to trees Protection of trees (non-dischargeable)

During construction of the development hereby permitted, the tree(s) located (Garage At, Nowell Lodge, Fordham Road) shall not be lopped or felled without the written consent of the local planning authority.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area.

During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

Representations:

No representations received.

Policy:

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.

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3 - Landscape character and the historic environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Core Strategy Policy CS12 - Strategic transport improvement and sustainable transport

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

Policy DM46 Parking Standards

Policy DM48 Development Affecting the Horse Racing Industry

Attractive Entrances to the Town

Other planning policy:

The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

Core Strategy policy CS1 defines Newmarket as a market town and recognises the importance of the horse racing industry.

Policy DM1 of the Joint Development Management Policies applies a presumption in favour of sustainable development (where specific circumstances dictate).

The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. The development of the site is thus acceptable in principle.

Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.

Policy DM2 states that proposals will be permitted where there will be no adverse impact on residential amenity.

Policy DM22 states that proposals should create a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming. New dwellings should be of high architectural quality and should function well, providing adequate space, light and privacy.

The National Planning Policy Framework (NPPF) stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development.

The Framework goes on to reinforce this stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. This is supported by similar provisions within DM22 and by the design considerations within the NPPF. The revised NPPF has included considerable elements that relate to the quality of the design of new developments, many of which do not bear scrutiny with reference to this scheme. In particular, Para. 130.

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

The site is situated in a residential suburb to the north of Newmarket. Fordham Road is a primary entrance into the town from the A14 and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions).

The greater extent of Fordham Road, both to the north and south, is characterised strongly by the sylvan character, with trees in profile along the street giving the site a distinctive and valuable character. Fordham Road generally, along much of its length is characterised by large (ie, dwellings of a physical size that is greater than an average dwelling), detached (ie, set alone, not conjoined with other dwellings) dwellings which are set within generous (ie, with a much greater ratio of garden to dwelling, compared with the area generally) plots. Generally within this area these larger dwellings sit respectfully within the largest plots, with considerable stand off distances between plot boundaries and dwellings and within an area where dwellings are generally set back from the road in a broadly consistent manner.

The position and size of the proposal results in a dwelling that would appear cramped and contrived and sited in a way that fails to relate to Nowell Lodge or to the surrounding existing residential development. The dwelling has the impression of being 'forced' into a space which was intended to be used for ancillary domestic garaging. It is noted and respected that this structure already exists but is seen at present as a small scale and discretely sited domestic outbuilding. Its conversion to a dwelling, would change the character of this building and its immediately surrounding area from the aforementioned discretely sited domestic outbuilding to a materially more prominent arrangement. A dwelling in this location, immediately adjacent to the highway in a modest and uncharacteristically small, and visually prominent plot, is considered to be a contrived and awkward development which would detract from the existing spacious character associated with setting of Nowell Lodge and the wider area.

The proposed dwelling appears shoehorned into the otherwise well-planned layout of the approach/access road into Nowell Lodge. The forward siting of the dwelling, tucked tightly into the back edge of the pavement will appear contrived and incongruous and that while this proposal relates only to a change of use, the adverse effects of this proposal upon character are considered to be profound, and materially harmful.

As such, for the reasons cited above the Local Planning Authority are unable to support the proposed scheme as being contrary to the requirements of Policies DM2, DM22 and the design requirements of the NPPF.

Impact upon Amenity

It is considered that the proposal will have no significant adverse impacts on residential amenity arising by loss of light, overlooking or by having any overbearing impacts.

Other Matters

Impact on trees

To the front of the site there is a category B Corsican Pine that is protected by TPO. The Arboricultural documents have collectively stated that the footprint of the building will not change and therefore there should not be any detrimental impacts to the retained tree on site. As such, the effect on this tree is considered to be acceptable, with no concerns about Post Development Resentment arising.

Impact on the Horse Racing Industry

Vision 2 (Newmarket) of the Core Strategy recognises the importance of the horse racing industry to the town and wider District. This is reflected in Policy CS1 which states it will be protected and conserved through the plan period. The Joint Development Management Policies Document contains a number of policies relating to the horse racing industry in Newmarket. One of these, policy DM48, states any development within and around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic etc) will not be permitted unless the benefits of development would significantly outweigh the harm to the horse racing industry.

Given the relatively small scale of the proposed development it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. There is some potential for the construction of development to affect nearby training yards, but this risk is capable of mitigation via construction management techniques reducing potential disturbance to the yards. These measures could be secured by planning condition.

Highways

Suffolk County Council as Local Highway Authority were consulted regarding the parking provision and were initially unable to provide comment due to lack of information being submitted with the application. Upon receipt of further information subsequent comments were received concluding: 'existing and future site users may come into conflict with vehicle movements associated with the gates operation, and the proposed parking arrangement. This may be considered contrary to NPPF 110 b) safe and suitable access to the site can be achieved for all users; As such, the Highway Authority would be unable to recommend a condition for the purposes of loading, unloading, manoeuvring and parking of vehicles.' The outcome of this consultation response, whilst not an objection does weigh against the proposal in the balance of considerations. However, the arrangement currently exists and is not in and of itself considered sufficient to justify a refusal, nor to form part of a wider reason for refusal.

Delegation Panel

This application was presented to the Delegation Panel who concluded that a delegated decision could be made.

Conclusion:

The provision of a dwelling within the settlement boundary of Newmarket is noted and is respected as offering notable weight in support of this proposal. Any conclusion must therefore be a balanced matter. However in respect of the proposed dwelling at the rear of the site, which fills its plot in an uncharacteristic and contrived manner, the proposal is considered to raise significant matters of harm, such that the balance falls clearly in favour of refusal.

Recommendation:

1. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. This is supported by similar provisions within DM22 and by the design considerations within the NPPF.

The site is situated in a residential suburb to the north of Newmarket. Fordham Road is a primary entrance into the town from the A14 and villages and countryside to the north. The greater extent of Fordham Road, both to the north and south, is characterised strongly by the sylvan character, with trees in profile along the street giving the site a distinctive and valuable character. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions) and within an area where dwellings are generally set back from the road in a broadly consistent manner.

The position and size of the proposal results in a dwelling that would appear cramped and contrived and sited in a way that fails to relate to Nowell Lodge or to the surrounding existing residential development. The dwelling has the impression of being 'forced' into a space which was intended to be used for garaging. It is noted and respected that this structure already exists but is seen at present as a small scale and discretely sited domestic outbuilding. Its conversion to a dwelling, would change the character of this building from the aforementioned discretely sited domestic outbuilding to a materially more prominent arrangement. A dwelling in this location, immediately adjacent to the highway in a modest and uncharacteristically small, and visually prominent plot, is considered to be a contrived and awkward development which would detract from the existing spacious character associated with Nowell Lodge and the wider area.

The proposed dwelling appears shoehorned into the otherwise well planned layout of the approach/access road into Nowell Lodge. The forward siting of the dwelling, tucked right into the back edge of the pavement will appear contrived and incongruous and that while this proposal relates only to a change of use, the adverse effects of this proposal upon character are considered to be profound, and materially harmful.

As such, for the reasons cited above the Local Planning Authority are

unable to support the proposed scheme as being contrary to the requirements of Policies DM2, DM22 and the design requirements of the NPPF.

Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application proposals represent a clear departure from the Development Plan and any amendments to the proposals could not address these 'in-principle' objections.

Documents:

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

Case officer:	Clare Oliver	Date: 11/12/2023
Authorising officer:	Dave Beighton	Date: 11 December 2023

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Townclerk

Subject: FW: Severe concerns in relation to the planning application DC/23/1182 128 High Street Newmarket

From: Benford-Brown, Tamara <Tamara.Benford-Brown@westsuffolk.gov.uk>

Sent: 08 December 2023 14:54

To: Townclerk <Townclerk@newmarket.gov.uk>

Cc: Councillor Hood <CouncillorHood@newmarket.gov.uk>; Councillor Harvey <CouncillorHarvey@newmarket.gov.uk>; Drane, Sarah <sarah.drane@westsuffolk.gov.uk>

Subject: RE: Severe concerns in relation to the planning application DC/23/1182 128 High Street Newmarket

Good Afternoon Cathy

Thank you for your email.

Myself and my line manager, Sarah, visited the site last Friday (1 December) and actually managed to speak with the applicants son and their planning agent on the phone while we were there. We discussed the fact that the units have been installed without planning permission and before a decision has been issued and the reasons as to why this has happened. Due to the units being installed in the new elevated position, for the planning application, we need amended plans to accurately reflect this change which I am unfortunately still yet to receive. I have been emailing the agent for plans, specifications and a noise impact assessment since the units were first installed, and again following additional comments from Private Sector Housing & Environmental Health (PSH & EH), I will continue to request these from the agent until they are received. Once received, they will be uploaded to the application with the details updated accordingly where we will be able to progress the application further.

Furthermore, whilst on site, I also took some photos and videos which I have forwarded to enforcement and PSH & EH teams, sharing the same concerns as you have raised. If possible, could you also send through your video too Cathy and I will add this to the file? Unfortunately, I haven't seemed to receive this in your email below.

Following the visit, this week we have referred the complaint to our PSH & EH team for investigation as a noise nuisance under the Environmental Protection Act 1990. Three complainants have been contacted by email and the responsible persons for the noise have also been contacted. The plan is to monitor whether there are any changes over the weekend, if there is not some evening noise, monitoring visits will be arranged next week to assess the noise as a statutory nuisance with a vision to establishing whether a noise abatement notice is justified. Therefore we will know more in regards to this next week following the investigation and advice from the PSH & EH team.

I hope the above helps in terms of an update, please do let me know if there are any further questions or queries.

Kind Regards,

Tamara

Tamara Benford-Brown
Planning Officer
Planning Development

Direct dial: 01284 757133

Email: Tamara.Benford-Brown@westsuffolk.gov.uk

From: Townclerk <Townclerk@newmarket.gov.uk>

Sent: 07 December 2023 17:17

To: Benford-Brown, Tamara <Tamara.Benford-Brown@westsuffolk.gov.uk>

Cc: Councillor Hood <CouncillorHood@newmarket.gov.uk>; Councillor Harvey
<CouncillorHarvey@newmarket.gov.uk>

Subject: RE: Severe concerns in relation to the planning application DC/23/1182 128 High Street Newmarket

Dear Tamara,

This matter was again discussed at Dev and Planning Committee on Monday and the members requested that I contact you to encourage the enforcement team to visit the property with immediate effect as the owners are in breach of their application details.

The property is now open this week and it seems that the owner is just carrying on regardless of all this.

I visited the rear of the property to view the air-con units and the refrigeration unit – I attach a recording of the noise that it makes which is substantial and will be on and off 24 hours a day. The units are dangerously installed also.

Regards,

Cathy