

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE) ORDER,
1995**

Planning Refusal

**Register Index No:
F/2009/0713/ESO**

Addressee :

Sellwood Planning Ltd
Stoughton Cross House
Stoughton Cross
Wedmore
Somerset
BS28 4QP

Applicant :

Earl of Derby

Permission is hereby **REFUSED** by Forest Heath District Council as Local Planning Authority for the purposes of the above Act and Orders for development in accordance with the application dated 30 November 2009 and the plans and drawings attached thereto.

DESCRIPTION OF DEVELOPMENT: Comprehensive mixed use development of Hatchfield Farm, comprising up to 1,200 dwellings; up to 36,000 m² of B1 employment floorspace of which not more than 10,000 m² will be office floorspace (B1(a)); Community facilities (up to 1,000m²) of D1 uses; Retail and food and drink uses (up to 300m² of A1, A3, A4 and A5 uses); Park & Ride (up to 100 spaces); Primary School reservation (2 form entry); Two vehicular accesses into the site - improvement of the A142 / Willie Snaith roundabout to provide a fourth (east facing) arm and a new roundabout access on the A142 north of the A142 / Studlands Park Avenue roundabout and the realignment of the A142; A pedestrian / cycle access on to Snailwell Road; Internal footpaths, cycle routes and estate roads; Playing fields and pavilion, children's play space, informal open space, allotments and landscaping; Foul and surface water drainage infrastructure, as amended by plans received 26th February 2010, and by amended Transport Assessment received 16th April 2010. (Major Development and Departure from the Development Plan)

LOCATION: Hatchfield Farm Fordham Road Newmarket

The **REASONS** for the Council's decision to refuse planning permission are:

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Nicola George – Head of Planning

Forest Heath District Council

No.	REASONS
1	The Local Planning Authority is not satisfied that the highway related implications arising from this development will be acceptable. Further work is required to fully assess the implications of this development, particularly upon the A142 / A14 junction, upon Fordham Road, and upon the safety and free flow of vehicular, pedestrian and equine movements on the local highway network generally. In advance of such the Local Planning Authority is unable to conclude that the highway related implications of this proposal will be satisfactory and the proposal is therefore considered prejudicial to matters of highway safety and contrary to the provisions of Planning Policy Guidance Note 13.
2	Until such time as the vehicle and highway related impacts of this development are fully known, the Local Planning Authority is not satisfied how or if the impact of the development upon the horse racing industry within and around Newmarket can be appropriately mitigated. In the absence of this, the Local Planning Authority is of the view that it cannot be considered that the development will not have an adverse impact upon the equine industry, contrary to the requirements of Core Strategy Policy CS1, and contrary also to the provisions of the retained policies within Chapter 12 of the Forest Heath Local Plan.
3	At present insufficient data has been supplied on how bat species use this site. Planning Policy Statement 9 requires that decisions on planning applications must be based on up to date information about the environmental characteristics of the area, including details of the relevant biodiversity resources of the site. The outstanding information is required to properly inform any mitigation strategy and, in the absence of up to date survey data, it is not concluded that the impact of this development upon the biodiversity of this site has been adequately assessed, contrary to the provisions of PPS9, or to those of Core Strategy Policy CS2 which requires areas of biodiversity interest to be protected from harm.
4	The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such, that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy, Policy SS1 of the RSS, or the provisions of PPS1 and PPS3.
5	The Government has confirmed its intention to abolish Regional Spatial Strategies in a letter dated 27th May 2010. In view of this, and in advance of this Authority's forthcoming review of housing figures, it is the opinion of the Council as Local Planning Authority that it would be inappropriate to approve this large scale application at this stage.

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NOTES

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications:	Section 78 Town and Country Planning Act 1990
Listed Building Applications:	Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990
Advertisement Applications:	Section 78 Town and Country Planning Act 1990 Regulation 15 Town and Country Planning (Control of Advertisements) Regulations 1992

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, *or* within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practise

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refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

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