

Development Control Committee 7 September 2022

Reserved Matters Application DC/22/0420/RM - Hatchfield Farm, Fordham Road, Newmarket

Date 07.03.2022 **Expiry Date:** 06 June 2021
Registered: (extension of time to be agreed)

Case Officer: Gareth Durrant **Recommendation:** Approve Reserved Matters

Parish: Newmarket **Ward:** Newmarket North

Proposal: Reserved matters application - Submission of details under outline planning permission DC/13/0408/OUT (Granted by the Secretary of State under reference APP/H3510/V/14/2222871) - details of the two vehicle site accesses (Phase 1) and internal spine road (Phase 2)

Site: Hatchfield Farm, Fordham Road, Newmarket

Applicant: Sansovino Developments Ltd.

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

Background:

Outline planning permission was granted for up to 400 dwellings at this site in March 2020. This application seeks approval of matters reserved by condition 2 of the outline planning permission for some parts of the site. These are the areas around the previously approved vehicular accesses and a new road corridor through the site that will form a new distributor road serving the approved housing, the allocated employment site to the north and a proposed school and connection to the two approved accesses. The employment land site and the primary school site are outside of the application site and do not have the benefit of planning permission to date.

The application was referred to the Committee for determination following consideration by the Delegation Panel. The application was referred to Delegation Panel as the recommendation was contrary to the comments received from Newmarket Town Council. Subsequently, one of the local Ward Members, Councillor Karen Soons, also requested that the application be referred to committee.

Proposal:

1. The application seeks approval of the reserved matters arising from a grant of outline planning permission for the erection of up to 400 dwellings at this site. This application relates only to a small part of the site which has achieved outline planning permission but all matters reserved from the outline planning permission are included in this submission for that area. Approvals are therefore sought for the layout, scale, appearance and landscaping of the areas around the previously approved accesses and the proposed distributor road through the site. There are no details of the dwellings or other buildings included in this first submission; these will follow in later separate reserved matters submissions.
2. The proposals have been amended slightly since first submission and have been subjected to public and stakeholder consultations.

Application Supporting Material:

3. The following documents have been submitted to support the application. Some of the information received overlaps with other conditions of the planning permission:
 - Forms and drawings including site location, access drawings road layout and indicative drainage plans.
4. The Council has received separate applications seeking approval of details required by some of the other conditions attached to the outline planning permission.

Site Details:

5. The application site is located on the north east edge of Newmarket, on the eastern side of the A142/Fordham Road close to the A14(T). It lies adjacent to agricultural land to the north and east. To the south is Stanley House Stud. The A142/A14 junction lies approximately 350 metres to the north-west of the site boundary.
6. The site as a whole occupies an area of just under 20 hectares of land. It comprises a large arable field and fronts Fordham Road. The field varies in topography, with a slight rise to the north-west in the direction of the A14 junction.
7. Access to the site is currently taken from the A142/Fordham Road which serves Hatchfield Farm.
8. An existing electricity substation is located in the south-west corner of the site, close to the roundabout junction between Willie Snaith Road and the A142/Fordham Road.
9. On the opposite side of the A142/Fordham Road is the residential area of Studlands Park, and a commercial development comprising of the Studlands Park Industrial Estate, Minton Enterprise Park and a number of retail stores. To the south of this is the George Lambton Playing Fields and the site of the former St Felix school.
10. Land to the south and south-east of the application site is predominantly in use as stud land.
11. The site contains no Listed Buildings or Ancient Monuments and is outside the Newmarket Conservation Area. It contains no Sites of Special Scientific Interest (SSSI's), Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) or County Wildlife Sites (CWS's).

Planning History:

12. Prior to 2009, there was no material planning history relating to the application site.
13. **2010** – Outline planning permission refused for the comprehensive mixed-use development of approximately 67 hectares of land at Hatchfield Farm, comprising inter alia up to 1200 residential dwellings; B1 employment use (up to 36000 square metres); community facilities and a primary school reservation. The decision was taken by the Secretary of State. Planning application F/2009/0713/ESO refers.
14. **2012** – An appeal against the refusal of outline planning permission for the above development was dismissed. The decision was taken by the Secretary of State following receipt of a report and recommendation from a Planning Inspector. A public Inquiry was held in advance of the decision.

15. **2020** – Outline planning permission granted for up to 400 dwellings. This is the 'parent' outline permission to the reserved matters currently before the Committee for determination. The planning application was 'called in' by the Secretary of State for his own determination. The planning committee of the then 'Forest Heath District Council' resolved that it would have granted outline planning permission for the proposals had it retained its decision-making powers for the application. As a consequence the Council supported the position of the applicant at the Public Inquiry and recommended to the Secretary of State (via the appointed Planning Inspector) that outline planning permission should be granted.
16. The Secretary of State initially resolved to refuse outline planning permission for the proposals, despite receiving a positive recommendation from his appointed Planning Inspector. A decision letter was duly issued. However this was successfully challenged in the planning courts by the applicant and the first decision of the Secretary of State was quashed on the grounds it was not a legally sound decision. The planning application was returned to the Secretary of State for further consideration and a fresh decision.
17. A second Public Inquiry with a new Planning Inspector was arranged to examine any changes in circumstances that had occurred since the first Inquiry and to examine the issues that had led to the first decision being quashed by the Courts. This was held in 2019. Following receipt of a positive report from his appointed Planning Inspector, the Secretary of State resolved to grant outline planning permission. The decision letter of the Secretary of State was issued in March 2020.
18. The planning permission was subject to a number of controlling conditions. A copy of the full list of planning conditions is included as a Working Paper to this Committee Report (Working Paper 1). This application for approval of reserved matters seeks to comply with the requirements of one of these planning conditions (the reserved matters) for specific parts of the application site. These are areas around the vehicular accesses (phase 1) and a new distributor road connecting the two approved accesses (phase 2). The relevant condition (condition 7 of the outline planning permission) is as follows:

7) Details of the appearance, landscaping, layout, and scale (the reserved matters) within each phase of the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins within that phase. The development shall be carried out in accordance with the approved details.
19. One of the normal reserved matters, means of access, is not included as a requirement of condition 7 of the outline planning permission. This is because 'means of access' was not reserved at the outline planning stage. The two points of vehicular access into the development site from the existing highway were included for submission as part of the outline application and therefore do not (and cannot) fall to be considered at this secondary reserved matters stage.

Consultations:

20. **SCC Highway Authority** – commented that it is satisfied that the reserved matters application is acceptable in highway terms and recommended a number of controlling conditions relating to:
- Timing of the provision of the carriageways to the dwellings.
 - Timing of the provision of the two vehicular accesses onto the highway.
 - Estate road phasing plan for delivery of the estate road.
 - Construction Management Plan.
 - HGV delivery movement plan.
 - Bus stop provision (within the development site).
21. **East Cambridgeshire District Council (Planning Authority)** - did not object to the application but requested the following matters are considered:
- Whether the proposal would have any adverse impact on the horse racing industry.
 - Whether the highway network has the capacity to deal with the additional volume of vehicles that would result from the development. In addition, whether the proposal provided sufficient sustainable methods of transport in order to reduce reliance on motor vehicles.
 - It is noted that the Highways England are not raising any objections to this proposal.
 - It is noted and supported that the design of the spine road appears to leave sufficient space for street tree planting.
22. The West Suffolk **Public Health and Housing** and **Environment** teams responded to the consultation to confirm they did not wish to make any comments.

Representations:

23. **Newmarket Town Council** – commented as follows:
- The Committee requested that the traffic congestion problem be looked at holistically and that Highways England be consulted to look at the A142/A14, j37 junction. The consequence of adding the junctions in these plans will be further congestion, particularly at certain times of the day, and measures will need to be taken to ameliorate this. Thought should also be given as to the effects of the horse crossings in the area on congestion.

- Cycle and pedestrian paths must be integral to the whole scheme.
- This is an entrance to the town and reference to the Newmarket Neighbourhood Plan, Policy No 32, should be considered – any changes in this area must make the best possible attractive town entrance.

24. **Exning Parish Council** – commented as follows:

- Exning Parish Council has concerns regarding the northern access to the development, which is approximately 100 yards from the Bury Road A14 exit slip road and 100 yards from the roundabout (Homebase/Burger King). This area is already severely congested; to put a junction at this point will only add to this congestion. What provision is there for j37 bridge traffic light improvements?

25. **Four letters** were received raising objections and/or comments as follows:

- The plans are unclear and misleading – they do not name roads or show the A14.
- A McDonalds has been built off the roundabout that provides one of the accesses into the development – there is no sign the endlessly deteriorating situation has been added into the highways calculations.
- The other proposed access to the north is not clearly shown on the maps.
- This junction is not far from the A14 slip road. This is dangerous and likely to lead to even greater backups off the slip road that currently exist. This will be exacerbated by the 5 hectares of employment land, the 400 houses and new school.
- The scheme is dangerous and unworkable.
- The queuing traffic into Newmarket town centre along Fordham Road is already significant and there have been many new developments along the route.
- I am opposed to the development of Hatchfield Farm on the basis of traffic in Fordham Road and its effect on the Clock Tower roundabout and also effect on services in Newmarket, such as schools, doctors etc.
- The two access will cause significant disruption to residents and businesses in and around Newmarket.
- The disturbance to traffic flows causes delays in trade.
- Increased risk of accidents from vehicular movements around the access points.

Policy:

26. The Development Plan comprises the policies set out in the Core Strategy adopted May 2010, the policies of the Joint Development Management Policies Document (2015), the policies included in the Site Allocations Local Plan (2019) and the 'Single Issue Review' of Core Strategy Policy CS7. The following policies are directly relevant to the determination of this application for approval of reserved matters.
27. **Core Strategy**
 - **Policy CS3** – Landscape Character and the Historic Environment
 - **Policy CS5** – Design Quality and Local Distinctiveness
28. **Joint Development Management Policies Document**
 - **Policy DM2** – Development Principles and Local Distinctiveness
 - **Policy DM13** – Landscape Features
 - **Policy DM44** – Rights of Way
29. **Site Allocations Local Plan**
 - **Policy SA6(g)** – Housing and mixed use allocations in Newmarket
30. **Single Issue Review**
 - No policies relevant to the reserved matters currently under consideration (layout, scale, appearance and landscaping).

Other Planning Policy:

Supplementary Planning Documents

31. There are no Supplementary Planning Documents relevant to the specific matters under consideration as part of this reserved matters application.

National Policy and Guidance

32. National Planning Policy Framework (2021) with particular reference to chapter 12 'Achieving Well Designed Places'.
33. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

34. The application is a submission of reserved matters seeking compliance with the requirements of condition 7 of outline planning permission DC/13/0408/OUT. The Reserved Matters submission is within the parameters secured by that permission. The principle of the development and a cap on the number of dwellings has already been established by the

outline planning permission and cannot be revisited at this secondary stage. Furthermore, matters controlled by other conditions of the outline planning permission will be addressed separately and do not fall to be considered as part of this reserved matters submission. Of the five matters that can be reserved as part of a submission for outline planning permission details of 'Means of Access' were included and approved as part of the outline submission and do not fall to be considered at this reserved matters stage. Accordingly, the issues to be considered with this submission are narrow and are restricted to 'layout', 'scale', 'appearance' and 'landscaping'.

Policy context

35. The NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
36. It also advises that planning decisions should ensure that developments:
 - 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;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
37. The Framework goes on to reinforce these statements by confirming that planning 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.
38. Core Strategy Spatial Objective H2 aims to provide housing development that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community

safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

39. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals.

Layout

40. Layout is defined in the 2015 General Development Procedure Order as *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*. Layout has been assessed as follows:

- No buildings are proposed in this reserved matters submission. The layout of the road accords with 'adoptable standards' of the highway authority. There are no safety concerns arising from the layout of the new road (behind and connecting the approved accesses). The foot and cycle ways accord with national design guidance. The highway authority has not raised concerns.
- The layout of the distributor road accords generally with the Masterplan adopted by the Council to guide development of this site and the illustrative material accompanying the outline submission.

Scale

41. Scale is defined in the 2015 General Development Procedure Order as *the height, width and length of each building proposed within the development in relation to its surroundings*. Scale has been assessed as follows:

- Other than landscaping as it matures there is no development of scale proposed in the submission. There are no concerns about the scale of the proposed reserved matters.

Appearance

42. Appearance is defined in the 2015 General Development Procedure Order as *the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture*. Appearance has been assessed as follows:

- There are no visual concerns about the layout of the road or the areas around the approved accesses which will be 'typical' in their construction and finished appearance.

Landscaping

43. Landscaping is defined in the 2015 General Development Procedure Order as *the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features;*

44. Landscaping has been assessed as follows:

- The parts of the site included in this submission of reserved matters are tightly drawn to the areas of new roads and their associated foot and cycle ways. Accordingly, the majority of landscaping with the defined 'site' will be hard landscaping of a typical road and cycle way appearance. There are some verges in-between the carriage way and foot/cycle ways albeit these are likely to be grassed only given i) the potential to interfere with driver visibility and ii) the avoidance of a significant future and regular maintenance burden. There is no space for street trees to be provided in the highway verges. These will need to be provided within the development parcels behind the foot/cycle ways, but these areas are outside of the extent of the site included in this submission of reserved matters.
- An advisory note could be added to any reserved matters approval making it clear the Local Planning Authority will be expecting street trees to line the main highway route. There is also opportunity to secure these separately through i) the individual reserved matters submissions abutting the distributor road and ii) condition 1 of the outline planning permission which requires 'design codes' to be submitted and approved.

Conclusions

45. This reserved matters for i) Phase 1 (areas around the approved access points) and ii) Phase 2 (the distributor road) relates to only a small but important component part of the overall site which has the benefit of outline planning permission for construction of up to 400 dwellings. The two vehicular access into the site from Fordham Road do not fall to be considered.
46. The layout of the road, its appearance, scale and landscaping have been considered and there are no material concerns arising.
47. It is recommended that the (part) submission of reserved matters pertaining to condition 7 of the outline planning permission are approved.

Other matters

48. A number of third parties have raised issues and concerns about the development of the site which have not been considered as part of the above assessment. These include (but are not necessarily limited to) matters pertaining to the principle of the development happening, access and safety on the existing highway network, traffic congestion/extra traffic and its potential impact upon the town, including upon the horse racing industry. Whilst all of these are important planning issues they were all extensively considered and weighed in the balance by the Secretary of State before he concluded that outline planning permission should be granted for development of the site. These matters (and any other matters pertaining to the principle of the proposed development) cannot be re-opened or reconsidered (including if there is evidence of changed circumstances) at the secondary reserved matters stage. The conditions attached to the outline planning permission continue to apply and remain fully enforceable following later approval of reserved matters applications.
49. The highway authority at Suffolk County Council has confirmed the reserved matters included in this submission are acceptable. They have recommended a number of conditions to be attached to any approval of the reserved matters and these are summarised at paragraph 20 above. Some of the conditions pertain to matters considered as part of the outline planning application so cannot be imposed at the reserved matters stage whilst others are directly relevant to the material included in the reserved matters submission. Planning conditions can be imposed upon reserved matters submissions but in order to pass the tests of lawfulness, any such condition must relate directly to the specific reserved matters included in the submission. The reserved matters stage cannot be used as a 'second go' to impose conditions that should have been attached to an outline planning permission or amend conditions that have already been attached. With the above tests of lawfulness in mind, officers make the following comments about the conditions recommended by the Highway Authority:
- (Recommended condition) Timing of the provision of the carriageways to the dwellings.
 - (Officer Comment) – *This is already a requirement of condition 30 of the outline planning permission.*
 - (Recommended condition) Timing of the provision of the two vehicular accesses onto the highway.
 - (Officer Comment) *This is already a requirement of conditions 21 and 31 of the planning permission.*
 - (Recommended condition) Estate road phasing plan for delivery of the estate road.
 - (Officer Comment) *This recommended condition was not imposed upon the outline planning permission and relates directly to a reserved matter (layout). Whilst the applicant does have the option of providing the*

estate road in full before the dwellings are constructed, the condition would allow for control over phased provision if the developer wished to construct the new estate road in a phased manner. The condition would ensure the parts of the estate road to be provided are suitable for the vehicles intended to use it, including (if required) secondary emergency vehicle access.

- (Recommended condition) Construction Management Plan.
- (Officer Comment) – *Condition 17 of the outline planning permission already provides for a construction method statement. The condition is already in force.*
- (Recommended condition) HGV delivery movement plan.
- (Officer Comment) *This matter is already addressed via the construction method statement requirements of condition 17 of the outline planning permission.*
- (Recommended condition) Bus stop provision (within the development site).
- (Officer Comment) – *This recommended condition relates to the reserved matters (layout). Officers agree it is appropriate to secure details of the locations and specification of bus stops along the route of the distributor road.*

50. It is agreed that conditions recommended to be imposed by the Highway Authority relating to phasing of construction of the estate road and provision of bus stops should be attached to any approval of the reserved matters.

Recommendation:

51. That the reserved matters (submitted in part) are **APPROVED**, subject to the following planning conditions:

1. No development shall be commenced until an estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the housing development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

Reasons: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard. This is a pre-commencement condition because the estate road planning, phasing and delivery is essential to be able to safely access and deliver the remainder of the development.

2. Before the development is commenced details (location/s, specification/s

and timing of delivery) shall be submitted to and approved in writing by the Local Planning Authority showing the proposed bus stop provision. The approved scheme shall be carried out in its entirety and in accordance with the approved details in accordance with the approved timetable.

Reason: To promote and facilitate access to sustainable transport modes and to provide safe and suitable access for all users in accordance with NPPF (July 2021) Para. 110 and Para. 112. This is a pre-commencement condition because the required details relate to off-site works which must be approved and implemented in the early part of the development to ensure means of sustainable travel are provided to encourage use of public transport by occupiers of the development.

Documents:

Working Paper 1 – Conditions attached to the outline planning permission (attached)

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

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>