

# Forest Heath District Council

**MINUTES** of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on Wednesday 5 November 2014 at 6.00 pm.

## **PRESENT:**

Councillors:

C J Barker (Chairman)	R Dicker
A Drummond (Vice-Chairman)	D W Gathercole
M J Anderson	W Hirst
J M Bloodworth	Mrs C F J Lynch
D W Bowman	W E Sadler
Mrs R E Burt	T Simmons
S Cole	A J Wheble

Also in attendance:

G Durrant, Principal Planning Officer – Major Projects  
J Hooley, Lawyer  
P Kelly, Principal Planning Officer – Major Projects  
M Smith, Place Shaping Manager  
S Turner, FHDC Cabinet Officer/Committee Administrator

## **APOLOGIES**

Apologies for absence were received from Councillors W J Bishop, G Jaggard and E Stewart.

Councillor T J Huggan was also unable to attend the meeting.

## **SUBSTITUTES**

Councillor W E Sadler attended the meeting as substitute for Councillor W J Bishop.

### 197. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 1 October 2014 were unanimously accepted by the Committee as an accurate record and signed by the Chairman.

### 198. **PLANNING APPLICATION DC/14/0585/OUT – MEDDLER STUD, BURY ROAD, KENTFORD (REPORT NO DEV14/141)**

The Lawyer explained that Councillor R Dicker had a disclosable pecuniary interest in this matter, as he was in ownership of the Post Office Stores in Kentford. In this instance, Councillor R Dicker had been granted a dispensation to participate in the discussion, but not to participate in the voting, on this matter.

Application for the creation of a 20-box racehorse training establishment (with associated Trainer's house) and erection of up to 63 dwellings (including 19 affordable units) with associated access arrangements and open space provision (Major Development and Departure from the Development Plan).

This application had been deferred at the Development Control Committee on 1 October 2014, to enable consideration of additional information provided by the planning agent, relating to equine issues.

Representations had been received in respect of the application and these were set out in paragraphs 50. to 55. of the report.

The Case Officer provided additional updates which had been received, since the publication of the agenda:

1. Two e-mails had been received from Mr William Gittus (The Jockey Club), expressing surprise and disappointment with regard to the Officer recommendation of approval for this application. The Officer then read out to the meeting, in full, the content of Mr Gittus's second e-mail, which had been received that afternoon.
2. E-mail correspondence had also been received from a local resident, which raised concerns regarding the safety of Bury Road and also issues with regards to the proposed access. The correspondence also referred to a recent accident which had taken place near to the site. The correspondence also stated that Suffolk County Council had established a local community speedwatch programme and a recent speed survey undertaken in Kentford (at the end of September 2014) had shown that at least 20% of the traffic which had passed through the village, had exceeded the 30mph speed limit, by 5mph.

The Officer confirmed that these specific issues of highway safety had been raised with the Suffolk County Council Highways Engineer, who had since confirmed that the proposed redevelopment of the site raised no significant highways issues and, therefore, had no objection to the scheme on safety grounds, subject to the undertaking of various mitigation works.

Officers were recommending that the application be approved, subject to conditions and the completion of a S106 agreement, as set out in paragraph 257. of Report No DEV14/141.

Councillor Mrs C F L Lynch proposed a motion, duly seconded by Councillor W E Sadler, that the application be 'minded to refuse', contrary to the Officer recommendation, for the following reasons:

1. The application was premature with regard to the adoption of Forest Heath District Council's Local Plan.
2. There was insufficient infrastructure to support further housing.
3. The use of the land for housing would be detrimental to the operation of the training yard.

After further discussion, Councillor S Cole then proposed, duly seconded by Councillor A Drummond, an amendment to the motion, that the application be 'deferred' for the following reasons:

1. Further information to be provided from the equine consultant (Mr T Kernon of Kernon Countryside Consultants Ltd) which led to his conclusions that this planning application would provide a viable racehorse training establishment.
2. To ascertain the views on the viability of a racehorse training establishment, as proposed by this planning application, from the Newmarket Trainers Association and The Jockey Club.
3. Further information to be provided from Suffolk County Council with regard to the expected capacity impact of this planning application on Moulton Primary School.

The amendment (for 'deferral') was then put to the vote and with 5 voting for the motion, 7 voting against and with 1 abstention, the Chairman declared the amendment lost.

The original motion (for 'minded to refuse') was then put to the vote and with 8 voting for the motion, 1 voting against and with 4 abstentions, it was resolved that:

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, on the grounds that:

1. The application was premature with regard to the adoption of Forest Heath District Council's Local Plan.
2. There was insufficient infrastructure to support further housing.
3. The use of the land for housing would be detrimental to the operation of the training yard.

The application was therefore **DEFERRED** to enable Officers to prepare a risk assessment report and appropriate formal reasons for refusal for consideration by Members at the next Committee.

Speakers: Mr Andrew Appleby (Newmarket resident) spoke against the application  
Mr William Gittus (Newmarket Horseman's Group) spoke against the application  
Mr Thomas Smith (agent for the applicant) spoke in support of the application

Following the conclusion of the Public Speakers, Councillors W E Sadler and Mrs C F J Lynch, both raised their concerns regarding these arrangements, where the time allowed was now divided between the speakers, if more than one person was registered to speak within a category. Councillor Mrs C F J Lynch explained that she had previously raised these concerns, as she considered the procedure to be entirely unsatisfactory and had asked for this to be reviewed. The Place Shaping Manager confirmed that a six month review of the single

operating procedures, which had been introduced in January 2014, was due and that the public speaking arrangements would be included as part of that review.

199. **PLANNING APPLICATION F/14/1335/FUL – LAND AT FORMER SPERRINKS NURSERY, THE STREET, GAZELEY (REPORT NO DEV14/142)**

Application for a residential development of 20 dwellings (including 6 affordable units).

This application had been referred to the Development Control Committee as it was a proposal for 'major development'. The proposal raised complex planning issues of a District wide importance.

A Member site had been held prior to the meeting.

Representations had been received in respect of the application and these were set out in paragraphs 24. and 25. of the report.

The Case Officer provided additional updates which had been received, since the publication of the agenda:

1. Gazeley Parish Council had stated that their comments on this application (as set out in paragraph 24. of the report), should not be considered as objections. The Case Officer confirmed these comments had been misinterpreted within the report and that the comments had been intended for consideration by the applicant, in hope that amendments would be made to the application.
2. In relation to paragraph 17. of the report, Suffolk County Council had now formally confirmed its comments, as contained within that paragraph.
3. In relation to paragraph 14. of the report, the comments from NHS Suffolk were still awaited.

The Case Officer explained, therefore, that the contributions required for health infrastructure, were unable to be confirmed at this time.

4. Three letters of support had been received, all of which stated that the development would be beneficial for the village.
5. Two letters had been received (from the landowner and from a relative of the landowner), expressing concern regarding the content of paragraph 11. of the report, with regard to the previous horticultural business on the site.

The Case Officer explained that these were the comments of the Planning Inspector in 2008, as part of the appeal at that time. However, it was acknowledged that these comments were not now particularly relevant to this application, but had been included within the report as part of the previous planning history on this site.

Officers were recommending that the application be refused, for the reasons set out in paragraph 202. of Report No DEV14/142.

It was moved by Councillor W Hirst, duly seconded by Councillor A Drummond, that the application be approved, contrary to the Officer recommendation.

The Place Shaping Manager explained that, in line with the Decision Making Protocol adopted in January 2014, the 'minded to' provisions would not be invoked in this instance and that the conditions for this application would be delegated to the Head of Planning and Regulatory Services, in consultation with the Chairman and Vice Chairman of the Development Control Committee and with the Portfolio Holder for Planning, Housing and Transport.

Members requested as to whether it would be possible for the conditions on this application to be determined by the Committee, rather than by delegated authority. The Place Shaping Manager then considered this request and confirmed that, at the request of Members, the 'minded to' provisions would be invoked for this application, to allow for Members to be able to determine the conditions which would be attached to this application.

Therefore, with the approval of Councillor W Hirst, his motion was amended that the application be 'minded to be approved', contrary to the Officer recommendation. This motion was then put to the vote and with 5 voting for the motion, 8 voting against and with 1 abstention, the Chairman declared the motion lost.

It was then moved by Councillor Mrs R E Burt, seconded by Councillor S Cole, that the application be refused, for the reasons as set out in paragraph 202. of the report. This motion was then put to the vote and with 8 voting for the motion, 5 voting against and with 1 abstention, it was resolved that

Planning permission be **REFUSED**, for the following reasons:

1. The proposals for the erection of 20 dwellings (including 6 affordable dwellings) at Sperrinks Nursery, The Street, Gazeley are contrary to national policies set out in the National Planning Policy Framework 2012 (the Framework). These state (inter alia) that the planning systems should (inter alia)
  - i) actively manage patterns of growth to make the fullest possible use of public transport, and cycling and focus significant development in locations which are or can be made sustainable,
  - ii) always seek to secure high quality design and address connections between people and places and the integration of new development into the built environment and,
  - iii) where development of agricultural land is necessary, seek to use areas of poorer quality land in preference to that of higher quality.

The proposals also conflict with the adopted Development Plan for the area (comprised of the Core Strategy 2010 (as amended) and the saved policies of the 1995 Local Plan). In particular, the proposals are contrary to saved policies 4.15, 9.1 and 9.2 of the Forest Heath Local Plan (1995) and to policies CS1, CS5, CS6 and CS10 of the Core Strategy (2010). These policies classify Gazeley as a secondary village where nominal

development in the form of infilling within the defined settlement boundary is anticipated, urban extensions are not considered, and developments outside the settlement boundary are restricted to a limited range of uses, excluding speculative housing development (CS2, CS10 and 4.15). The policies also require all new development proposals to be of a high design quality reinforcing local distinctiveness confirming that design failing to enhance the character, appearance and environmental quality of an area will not be acceptable (CS5, 4.15 and 9.2). Furthermore, these Development Plan policies seek to prevent the unacceptable and unjustified loss of the best and most versatile agricultural land (9.1) and existing employment sites (CS6).

In this case, the application proposals are unsustainable, as defined by the Framework, insofar as they would result in an unacceptable form of development at an unsustainable location in the rural area (countryside outside of the defined settlement boundary), contrary to well established settlement boundaries. The development of the site which is poorly connected with and visually contained from the core areas of the village would be particularly harmful to the established character and pattern of existing development in the village. Furthermore the proposed residential development of the site would result in the unjustified and unqualified loss of an established employment site and Grade 2 agricultural land (the best and most versatile), contrary to the aforementioned national and local planning policies.

The Local Planning Authority considers the dis-benefits of this development it has identified, significantly and demonstrably outweigh the benefits such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole). Accordingly, the presumption in favour of sustainable development set out at paragraph 14 of The Framework does not apply to this development.

2. Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to (inter alia) educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of affordable housing provision and infrastructure improvements are required to mitigate the impacts of this development:

- 6(no.) units of affordable housing (30%)
- Developer contributions to be used towards extending the catchment primary school within the nearby village of Moulton.
- Developer contributions towards early years education (pre-school facilities for children aged 2-5)
- Libraries contribution
- Health Contribution (upon receipt of confirmation from the NHS Trust)
- Bus stop improvements (developer contribution)
- Off-site provision of public open space.
- Strategy for maintenance of the on-site public open space.

No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of affordable housing and infrastructure necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Speaker: Mr Robert Eburne (agent for the applicant) spoke in support of the application.

The meeting closed at 7.58 pm.