

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 6 September 2017 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

Andrew Appleby	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman J.P.	Carol Lynch
Louis Busuttil	Louise Marston
Simon Cole	David Palmer
Roger Dicker	Peter Ridgwell

253. **Chairman's Announcement**

The Chairman informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

254. **Apologies for Absence**

There were no apologies for absence.

255. **Substitutes**

There were no substitutes present at the meeting.

256. **Minutes**

The minutes of the meeting held on 2 August 2017 were unanimously received as a correct record and were signed by the Chairman.

257. **Planning Application DC/16/0866/VAR - Motocross Circuit, Hayland Drove, West Row (Report No: DEV/FH/17/032)**

Variation of Conditions 5 and 6 of F/2001/768 to extend the opening hours (as per Planning Statement submitted with this application) to allow for continued use of land as motocross track on a permanent basis and variations to conditions

This application was referred to the Development Control Committee because the applicant was related to a Forest Heath District Councillor and in light of the Parish Council having raised objections, which were contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 69 of Report No DEV/FH/17/032.

The Committee was advised that in addition to Mildenhall Parish Council, objections had also been received from neighbouring Isleham Marina Parish Council and East Cambridgeshire District Council.

As part of his presentation the Principal Planning Officer made reference to the long and complex planning history of the site.

Two minor inaccuracies were highlighted within the report; a small typographical error in Paragraph 3 and clarification that a reference within Paragraph 60 to a table in Paragraph 44 should have read Paragraph 53.

Members were advised of the following updates since publication of the agenda papers:

- Mildenhall Parish Council had confirmed that they continued to object to the application;
- Isleham Parish Council had provided an image showing the proximity of the application site to the village, in light of which they continued to uphold their objection;
- An Environmental Health Officer from East Cambridgeshire District Council had submitted a further response stating that they did not object to the temporary planning permission recommended subject to monitoring being undertaken;
- Several further representations had been received from residents of Isleham Marina, all of which raised concerns/issues cited in previously received submissions;
- A letter had been received from a holiday let owner in Isleham Marina who raised specific concerns on the perceived detrimental impact the application would have on their business. Within the representation the date of 25 March 2017 was cited as a date on which the disturbance from the motocross circuit was particularly significant. However, the Case Officer advised the Committee that on investigation he had established that the motorcross circuit had not operated on that date, but the neighbouring Mildenhall Stadium had, which was likely to have been the source of the noise in question;
- Correspondence had been received from the solicitors of the neighbouring residential property 'Fenland' (the complex related legal history of which was made reference to in Paragraphs 3 and 4 of the report). They objected to the application on the basis of the Supreme Court's ruling, however, Planning Officers had sought legal advice and were continuing to recommend the application for approval.

Speakers: William Taylor (neighbour) spoke against the application
Cliff Bastick (operator of the motocross circuit) spoke in support of the application

Councillor David Bowman raised questions with regard to the monitoring of the vehicles. The Senior Public Health and Housing Officer present drew attention to conditions 7 and 8 within the report and explained that the test results were undertaken by the track operator. However, the Council would assemble active monitoring in receipt of a complaint.

The Service Manager (Planning – Development) explained that the conditions in question could be expanded to request that the applicant regularly submitted their vehicle test results to the Local Authority.

Councillor Bowman also asked if the Sunday operating hours (as outlined in condition 5) could be amended to start at 10:00 as opposed to 09:00. The Case Officer confirmed that it could be delegated to Officers to discuss this matter with the applicant as it could have a business impact.

Councillor Bowman then moved that the application be approved, inclusive of the amendment to require the regular submission of the vehicle test results to the Council and to request that the Case Officer undertake discussions with the applicant with regard to potentially amending the hours of operation on a Sunday to commence at 10:00 (as opposed to 09:00). This was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 13 voting for the motion and with 1 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

1. Temporary planning permission to March 2019
2. Permission shall be for Mildenhall Moto-Cross Limited only, and shall not enure for the benefit of the land.
3. Development restricted to the use of the land as an off-road motor cycle track only
4. Events and practises on site to be supervised at all times either by Mildenhall Moto-Cross Limited, or by their nominated representative, in accordance with the Auto Cycle Union code of practice and/or handbook
5. The motocross track shall only be used in accordance with the following restrictions
 - (i) All Saturdays and Sundays throughout Sep-May (inclusive), 09:00 - 18:00. Every other Sunday throughout June-Aug (inclusive), 09:00 - 18:00. Three Saturdays can be requested during June-Aug (the date will be previously agreed in writing with the local planning authority and not less than one months prior notice shall be given.) Officers to undertake discussions with the applicant to discuss the possibility of commencing operation on a Sunday at 10:00 as opposed to 09:00.
 - (ii) Tuesday and Thursday practice days 09:00 – 16:00. Jan-Dec.
 - (iii) As per ACU (Auto Cycle Union) and HSE guidance group riders will be restricted to 45 riders for the main track.
 - (iv) On request, as per current approval, sound reports will be supplied to ensure the db levels are kept to a minimum. (i.e. no more than 85db per hour average).

6. Other than to call emergency services or to announce the commencements of a race, no tannoy system shall be used on the site.
7. All vehicles using the track shall comply with current Auto Cycle Union noise regulations.
8. Random testing of individual motorcycles shall be undertaken on all days that the track is in use and test results shall be kept by the track operator and submitted for examination by the Local Planning Authority at regular intervals – to be prescribed.
9. The level of noise emitted from the site shall not exceed Leaq85db over a time period of 1 hour at the boundary of the site.

On conclusion of this item Councillor Louise Marston left the meeting at 6.34pm.

258. Planning Application DC/16/2063/FUL - Land West of Hamilton Road, Newmarket (Report No: DEV/FH/17/033)

Planning Application - Artificial 'uphill training' gallop with lagoon, car park, access and all associated works

This application was referred to the Development Control Committee as it was a significant proposal in connection with the horseracing industry in Newmarket and raised issues of more than local importance.

A Member site visit was held prior to the meeting. Newmarket Town Council raised no objection and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 91 of Report No: DEV/FH/17/033, with delegation being sought within the recommendation for Officers to agree the final wording of the conditions.

The Principal Planning Officer drew attention to a minor typographical error on page 1 of the report where the report's recommendation should have been shown as being for approval, subject to conditions (rather than 'seeking further information').

The Case Officer spoke on the 'planning balance' considered in respect of this application. It was the Officer's opinion that any adverse impacts were outweighed by the benefits brought about by the scheme.

Speaker: Mr Nick Patton (applicant) spoke in support of the application

Councillor Simon Cole spoke at length in opposition to the application. He made specific reference to the archaeological importance of the site and raised concerns in relation to the impact the scheme would have on the landscape.

Councillor David Bowman made reference to the recommendation for four year temporary permission. In his opinion there was no reason to deviate from the three year 'norm' temporary permission usually recommended by Officers for applications. Accordingly, he proposed that the application be approved, as per the Officer recommendation, but with an amendment to change the four year temporary permission to three years. This was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 6 voting for the motion, 4 against and with 3 abstentions it was resolved that

Decision

Planning permission be **GRANTED** subject to the completion of a S106 legal agreement to secure funding for the off-site water supply network mitigation, and subject to the following conditions:

1. 3 year planning permission
2. Materials (final details of construction and finishing to bridge construction and boundary treatments)
3. Construction and Environmental Management Programme (CEMP) to be submitted and agreed. This will include ecological protection measures during construction.
4. Landscaping – full schedule of planting and timetable for implementation to be submitted and agreed prior to commencement of development.
5. Arboricultural method statement and tree protection plan to be submitted and agreed.
6. 10 year management plans for all new and existing habitats including: existing woodland, new woodland, tree belt to the northeast, chalk grassland, new and existing hedgerows to be submitted and agreed
7. Details of habitat creation for chalk grassland, woodland and hedges to be submitted and agreed
8. Construction and site preparation (including deliveries) restricted to between 07:30 and 18:00 hours Mon to Fri, and 08:00 and 13:00 Saturdays.
9. No development shall take place within the whole site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. Completion of off-site water supply network mitigation pre-commencement
11. Off-site highway works (improvements to Hamilton Road / Exning Road) to be submitted and agreed prior to commencement of development
12. All HGV traffic movements subject to a deliveries management plan to be submitted a minimum of 28 days before delivery of any materials
13. Daily disposal of horse waste and secure storage whilst on site
14. Details of proposed de-watering scheme to be submitted to and agreed in writing pre-commencement
15. Details to a Groundwater Monitoring Plan to be submitted to and agreed pre-commencement
16. No investigation boreholes to be undertaken with prior approval of the Local Planning Authority
17. Ecological mitigation to be implemented in full in accordance with agreed details

With Officers being given delegated authority to agree final wording/variation of the above conditions.

259. **Planning Application DC/17/1388/HH - 3 Kingsway, Mildenhall
(Report No: DEV/FH/17/034)**

Councillor Louis Busuttill declared a pecuniary interest in this item and withdrew from the meeting as he was the applicant of the item seeking determination.

Councillors David Bowman, Ruth Bowman and Brian Harvey declared non-pecuniary interests in this item being close personal friends, as well as colleagues, of the applicant.

Householder Planning Application - Two storey side extension

This application was referred to the Development Control Committee in the interests of transparency because the applicant was a Forest Heath District Councillor and a Member of the Development Control Committee.

Mildenhall Parish Council had made comments in support of the application which Officers were recommending for approval, subject to the conditions set out in Paragraph 16 of Report No DEV/FH/17/034.

The Case Officer clarified as part of his presentation that the application site was approximately 10m from the boundary of the Conservation Area.

Councillor Carol Lynch moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 11 voting for the motion and with 2 abstentions, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

1. 01A Time Limit Detailed
2. 14FP Approved Plans

The meeting concluded at 7.11 pm

Signed by:

Chairman
