

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 3 December 2014 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Chairman Chris Barker

Michael Anderson	David Gathercole
Bill Bishop	Warwick Hirst
John Bloodworth	Rachel Hood
David Bowman	Tim Huggan
Rona Burt	Carol Lynch
Simon Cole	Bill Sadler
Roger Dicker	Eddie Stewart

1. **Apologies for Absence**

Apologies for absence were received from Councillors Andy Drummond, Geoffrey Jaggard, Tony Simmons and Tony Wheble.

2. **Substitutes**

Councillor Rachel Hood attended the meeting as substitute for Councillor Andy Drummond. Councillor Bill Sadler attended the meeting as substitute for Councillor Geoffrey Jaggard.

3. **Minutes**

The minutes of the meeting held on 5 November 2014 were unanimously accepted by the Committee as an accurate record and signed by the Chairman.

4. **Planning Application DC/14/0585/OUT - Meddler Stud, Bury Road, Kentford (Report No: DEV/FH/14/001)**

The Lawyer explained that Councillor Roger 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 Roger 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 5 November 2014, as Members were 'minded to refuse' planning permission, contrary to the Officer recommendation, as they were concerned that the proposal would result in:

1. Prematurity with regard to the Local Plan.
2. Adverse impact on infrastructure provision in the village.
3. Detrimental impact on the operation of the training yard, due to use of land for housing.

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

1. Letter from the Planning Agent dated 1 December 2014
This letter was in response to Working Paper 7 which contained updated planning policy consultation correspondence from the Planning Service Manager. The Agent stated that there were significant unresolved objections to the emerging equine development management policies. In the Agent's opinion, these objections challenged that both policies were positively prepared, justified or consistent with National Policies. Therefore, these Policies accorded limited weight at present. The Agent also raised concern that the planning policy position had moved more towards a refusal of planning permission in that the development proposals were contrary to the Horseracing Policies contained within the adopted and emerging Local Plan. The Agent stated that there had been no material change in circumstances which could reasonably support such a dramatic shift in policy interpretation.

The Agent wished Members to be advised that the applicant considered a refusal of the application on policy grounds, to be unjustified and should the application be refused, an appeal would be lodged, with a claim for costs.

2. E-mail from racehorse trainer, Julian Poulton, dated 3 December 2014
Mr Poulton was of the opinion that Meddler Stud should be for equine use only and that no houses should be allowed to be built upon it.

The Case Officer referred to each of the proposed reasons for refusal, which were set out within Report No DEV/FH/14/001, under Section D (Prematurity), Section E (Infrastructure) and Section F (use of land for housing would be detrimental to the operation of the training yard).

The Case Officer explained that it would be difficult for the Council to defend a refusal of planning permission on these proposed reasons, given the weight of evidence demonstrating the development proposals would not be harmful in these respects and the absence of convincing evidence to the contrary.

Members were reminded of the requirements set out in the National Planning Policy Framework for the decision maker to balance the benefits of the proposed development against its dis-benefits and only where those dis-benefits would significantly and demonstrably out-weigh the benefits, should planning permission be refused.

In this case, the weight of evidence was clear that the dis-benefits of the development were significantly outweighed by the benefits of development proceeding and clearly pointed to the grant of planning permission in this case.

Therefore, Officers were recommending that outline planning permission be approved, as set out in Section I of Report No DEV/FH/14/001, subject to conditions and the completion of a S106 agreement.

Members then debated this application and it was moved by Councillor Bill Sadler, seconded by Councillor Mrs Carol Lynch, that the application be refused, contrary to the Officer recommendation, for the reasons that the proposal was contrary to the Council's existing Local Plan (Chapter 12; Policy 12.4) and the emerging Joint Development Management Policies Document (DM48 and DM49).

Officers also requested, that if Members were to refuse this application, for the detailed wording and reasons to be delegated to the Head of Planning and Growth, in consultation with the Chairman and Vice Chairman of the Development Control Committee and with the Portfolio Holder for Planning, Housing and Transport.

With the vote being unanimous, it was resolved that

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reasons:

1. The proposal was contrary to the Council's existing Local Plan (Chapter 12; Policy 12.4) and the emerging Joint Development Management Policies Document (DM48 and DM49).
2. The detailed wording and reasons for refusal be delegated to the Head of Planning and Growth, in consultation with the Chairman and Vice Chairman of the Development Control Committee and with the Portfolio Holder for Planning, Housing and Transport.

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

5. **Planning Application DC/14/1985/ADV - 141/142 St Johns Close, Mildenhall (Report No: DEV/FH/14/002)**

Application for advertisement consent for the display of 3 externally illuminated fascia signs; 1 non-illuminated fascia sign; vinyl images to all glass areas on front elevation.

This application was referred to the Development Control Committee as the applicant was Forest Heath District Council.

No representations had been received in respect of the application and Officers were recommending that it be approved, as set out in paragraph 14. of Report No DEV/FH/14/002.

With the vote being unanimous, it was resolved that

Planning permission be **GRANTED**, subject to the standard advertisement conditions:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to—
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. **Planning Application DC/14/1993/R3LA - 141/142 St Johns Close, Mildenhall (Report No: DEV/FH/14/003)**

Application for external works including renew roof covering, construction of high level cladding panels/fascia, render external walls and construction of fencing (demolition of existing canopy).

The application was referred to the Development Control Committee as the applicant was Forest Heath District Council.

No representations had been received in respect of the application and Officers were recommending that it be approved, as out in paragraph 15. of Report No DEV/FH/14/003.

With the vote being unanimous, it was resolved that

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

1. Time limit – 3 years.
2. Materials as specified on drawings.
3. Compliance with approved drawings.

7. **Urgent Business**

There were no items of Urgent Business raised.

The Meeting concluded at 6.55 pm

Signed by:

Chairman
