

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MID SUFFOLK DEVELOPMENT CONTROL COMMITTEE B** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Wednesday, 15 August 2018 – 09:30

PRESENT:

Councillors: Kathie Guthrie (Chair)
Roy Barker (Vice-Chair)

Councillors:	Michael Burke	Julie Flatman
	Jessica Fleming	Nick Gowrley
	Barry Humphreys MBE	Wendy Marchant
	John Matthissen	Derek Osborne

Ward Members:

Councillors: Jessica Fleming
Derek Osborne

In attendance:

Area Planning Manager (GW)
Planning Lawyer (IDP)
Principal Planning Officer (MR)
Governance Support Officer (RC)

24 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

An apology of absence was received from Councillor Jane Storey.

Councillor Nick Gowrley substituted for Councillor Jane Storey.

25 TO RECEIVE ANY DECLARATIONS OF PECUNIARY OR NON-PECUNIARY INTEREST BY MEMBERS

None declared.

26 DECLARATIONS OF LOBBYING

All Members declared that they had been lobbied.

27 DECLARATIONS OF PERSONAL SITE VISITS

None declared.

28 SA/18/5 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 18 JULY 2018

It was resolved that the Minutes of the meeting from 18 July 2018 were confirmed and signed as a true record.

29 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

None received.

30 SA/18/6 SCHEDULE OF PLANNING APPLICATIONS

In accordance with the Council's procedure for public speaking on planning applications a representation was made as detailed below:

Schedule of Applications

Application Number	Representations From
DC/18/01379	William Sargeant (Botesdale Parish Council) Geoff Short (Rickinghall Parish Council) Antek Lejk (Objector) Sarah Roberts (Agent)
DC/18/01380	Antek Lejk (Objector)

30.1 Item 1

Application Proposal	DC/18/01379 Planning Application- Change of use of rear of building to A5 Hot Food Takeaway. Retention of existing front room for retail use, installation of extract equipment internally, flue through roof and internal alterations to provide sound and fireproofing to party wall.
Site Location	RICKINGHALL INFERIOR – The Newsagent, Bell Hill Cottage, Th Street, Rickinghall Inferior, Diss, Suffolk
Applicant	Mr Y Karakus

30.2 The Case Officer presented the application to the Committee, outlining the proposal, the updated Officer recommendation and layout plan in the late papers, and the late representation before Members from Howes Percival on behalf of Mr Antek Lejk and Ms Victoria Curry objecting to the proposal.

30.3 The Case Officer responded to Members' questions on issues including: the fire safety provision of the proposal and the oversight from building control regulations, and that there was no difference in the fire regulations between A1 use and A5 use.

30.4 The Case Officer updated Members of the Committee that he had been in contact with the Corporate Manager for Environmental Health regarding the windows on the rear on the building that were not displayed on the plans. He clarified that the flue did not go past the window. Insulation to the ceiling of the flying freehold was not incorporated into the scheme, leading to a loss of amenity.

- 30.5 The Chair conferred with the Area Planning Manager and Planning Lawyer present on whether the Committee could continue to debate the application considering the additional information.
- 30.6 Some Members felt that the application should be deferred for seek further information regarding the application. The Chair proposed that Members continue to hear from the public speakers present before continuing to the debate. Councillor John Matthissen seconded the motion.
- 30.7 The motion was carried.
- 30.8 Members considered the representations from Botesdale and Rickinghall Parish Councils, and the Objector.
- 30.9 The Objector responded to Members' questions on issues including: the ownership of the ground floor ceiling, that the submitted plans did not include the ducting from the first floor through to the ground floor.
- 30.10 Members considered the representation from the agent. The agent responded to Members' questions on issues including: possible disturbances caused, and whether there would be any mitigation measures, that the property shared drainage facilities, and the possibility of damp.
- 30.11 The Planning Lawyer referred to the agent's comment that complaints about nuisance arising from the use could be dealt with by Environmental Health, and advised that since a commercial business could rely on a defence of best practical means it was important to assess the acceptability of the use now and not assume that Environmental Health could provide a remedy.
- 30.12 Members considered the representations from the Ward Members.
- 30.13 Members debated the application on issues including: the loss of amenity for the neighbouring properties, that there was no on-site parking available for potential customers and highway safety concerns.
- 30.14 Councillor Barry Humphreys MBE proposed that the application be refused as: the proposal by reason of the lack of information with regards to the impact of the flue, insufficient detail of noise attenuation and fire proofing and the proximity of the neighbouring property with particular reference to the flying freehold is such that the proposal would have an unacceptable material impact on the amenity of adjacent dwellings contrary to Local Plan Policies H16, E12 and paragraphs 12, 47 and 127 of the NPPF.
- 30.15 Councillor Nick Gowrley seconded the motion.
- 30.16 By a unanimous vote

30.17 **RESOLVED**

That the proposal by reason of the lack of information with regards to the impact of the flue, insufficient detail of noise attenuation and fire proofing and the proximity of the neighbouring property with particular reference to the flying freehold is such that the proposal would have an unacceptable material impact on the amenity of adjacent dwellings contrary to Local Plan Policies H16, E12 and paragraphs 12, 47 and 127 of the NPPF.

30.18 A short break was taken between 11:01-11:09 for refreshments.

30.19 Item 2

Application Proposal	DC/18/01380 Planning Application- Change of use of rear of building to A5 Hot Food Takeaway. Retention of existing front room for retail use, installation of extract equipment internally, flue through roof and internal alterations to provide sound and fire proofing to party wall.
Site Location	RICKINGHALL INFERIOR – The Newsagent, Bell Hill Cottage, Th Street, Rickinghall Inferior, Diss, Suffolk
Applicant	Mr Y Karakus

30.20 The Case Officer presented the application to the Committee outlining the late papers before Members including the updated Officer Recommendation.

30.21 Members considered the representation from the Objector. The Objector responded to Members' questions on issues including: the ownership of the roof space and the proposed placement of the flue.

30.22 Members considered the representations from the Ward Members. The Case Officer confirmed that the whole building was designated as being a Grade 2 listed including the extension built in the 1980s.

30.23 Members debated the application on the issues including: possible damage to the listed building and that the flue would go through the modern section of the building.

30.24 Councillor Nick Gowrley proposed that the application be approved as detailed in the updated Officer recommendation in the late papers.

30.25 Councillor Barry Humphreys MBE seconded the proposal

30.26 By a unanimous vote.

30.27 **RESOLVED**

That authority be delegated to Corporate Manager – Growth and Sustainable Planning to grant Listed Building Consent subject to the conditions as set out

below:

- **Time Limit**
- **Approved Plans**
- **Flue to be painted black**
- **Works restricted to those applied for**
- **Details of glass partition to be submitted and agreed**

Informative: Listed Building Consent would be required for any alterations to signage and should be sought prior to the display of any new advertisement(s).

31 SITE INSPECTION

31.1 None requested.

The business of the meeting was concluded at 11.30 am.

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Chair