

Minutes of Bures Hamlet and Bures St Mary Parish Councils Joint Planning Committee Meeting

**Monday 4th November 2019 at the Garrad Room,
Bures Community Centre, Nayland Road at 7.30pm**

Present: BHPC: Cllrs M Welch, M Baker, C Ellis, D Monk, B Raymond,
R Shackell, K McAndrew
BSMPC: Cllrs G Jackson, J Aries, T Fairbairn, J McCrory,
S Pentney, T Saer, R Warren

In the Chair: Cllr M Welch (Chairman of BHPC) and Cllr G Jackson (Chairman of BSMPC) each acting as Chair for matters relevant to their own parish

Also Present: Mrs J Wright (Clerk) and 14 members of the public

Cllr Jackson took the Chair at this point in the meeting.

1/11/19 APOLOGIES FOR ABSENCE

Apologies received from Cllr Alston and Brice (work commitments).

Apologies accepted by those members present.

Apologies also received from District Cllr M Barrett.

2/11/19 DECLARATION/REGISTER OF INTERESTS/DISPENSATIONS

To declare any 'Pecuniary' or 'Non-pecuniary' interests in respect of items on the agenda. Cllrs Aries, Fairbairn, Jackson, Baker and Monk all declared an interest in Agenda Item 4 and 5 – as having made donations to the KBB Group or Cuckoo Hill Just Giving Page. No Dispensation requests put forward.

3/11/19 PUBLIC FORUM – Questions or Statements from the Public

15 minutes maximum public participation

3 minutes for individual contributions unless longer required

There were 14 members of the public present. 3 members of the public asked to speak. Mrs Frewin stressed the need for a Judicial Review to revoke the 3 approved applications for Plots 1 – 4. She considered BDC had failed to consider the significant harm to the surrounding area. Mr Butcher informed those present that he had sought permission to proceed with a claim for judicial review and had lodged the papers with BDC and Stemar but now respectively asked the parish council to continue with the process to Stage 1. He also raised concerns of site contamination and stressed that the parish council had a 'duty' to preserve its conservation area. Mr Butcher considered that there would be no financial risk to the parish council as costs would be secured through Crowdfunding. Mr Cousins confirmed this statement. He also considered that Buxton Solicitors had suggested that there was a strong case for a successful outcome for the parish council and the community.

Cllr Jackson closed the Public Forum at this point but noted to the members of the public that she may be required to address member's questions with them further in the meeting.

4/11/19 JUDICIAL REVIEW REQUEST

The Chairman presented an outline of the correspondence between KBB, the parish council, BDC and Legal advice following the request to take over the Judicial Review process from Mr Butcher, on behalf of the KBB Group.

- a) Letter sent to the Chief Planning Officer for BDC to consider the irregularities in relation to land ownership and access arrangements noted at the planning committee meeting of the 28th August. The Officer had been satisfied that BDC had reasonably investigated those matters and that members had been presented with factual and accurate information to base their decision making.
- b) KBB was not a legal entity and an individual or other legal entity was needed to be named as Claimant for a JR.
- c) The Chairman and Clerk had thoroughly investigated recent JR cases and whether successful or not. Information had been gained and advice sought. The majority of JR cases were submitted by individuals rather than Parish Councils. These were on proposed developments and commonly questioned the 5year land supply for building and were therefore unlike the built Cuckoo Hill development.
- d) Buxton Solicitors advised that if the parish council took over the JR, the grounds would require rewording and the claimant amended to BSMPC. Grounds suggested to focus on inconsistency in decision making by BDC and failure to discharge duty to preserve and enhance the Conservation Area.
- e) BSMPC not insured for taking on a JR. Therefore cost implications to be considered. To amend grounds and claimant and to proceed to Stage 1 of the Review would require in the region of £7,500.

At this point the Chairman referred to the members present for their input.

Comments raised:

Is JR for both parish councils to take on? No there would be one claimant – BSMPC. What liability is involved for BSMPC? Suggested liability to 2nd Stage of Review – if the parish council loses the case it will be liable for its own costs (in the region of £30,000) and up to £10,000 of the defendant's costs. If the parish council wins then it can recover their costs up to a limit of £35,000.

If JR successful then BDC would review applications but may still uphold its original decision.

BSMPC is able to present further responses at the pending Planning Inquiries and Plots 1-4 may remain part of those Inquiries.

BSMPC remained unsure of which appeals will be considered by the Planning Inspector as the Planning Portal still showed the original listings for the November Inquiry now extended to early 2020.

At this point the Chairman allowed members of the public to join in discussion.

- a) Cost implications for the BSMPC was clarified. To proceed to Stage 1 would be in the region of £5,000 and hopefully at that stage BDC would consider quashing its Plots 1-4 decision.
- b) Members asked if there was an individual who would take on the JR – no interest had been shown. It would require someone who lodged an objection to the approval decision of Plots 1-4 and met the financial criteria as claimant.
- c) The Chairman noted that BHPC would not be asked to vote on this debate however all comments from both parish councils should be included to allow transparency when BSMPC consider the proposal set before them.
- d) It was noted that the parish council could pull out of the JR at the Permissions Stage if inclined to do so.

- e) Assurances from David Cousins and Kenn Butcher were given that costs for proceeding forward through to Stage 2 would be honoured by contributions from Crowdfunding and no BSMPC funds would be used.
- f) BSMPC questioned if it had the knowledge and expertise to proceed to Stage 2.

The Chairman then asked if the members had enough information before them to consider the proposal put forward.

She noted to the members that at the previous parish council meeting they had agreed not to proceed with a JR. With the information now before them they were being asked to reconsider that decision. An urgent decision had been required owing to the timescale of procedure for lodging papers with High Court.

It was proposed and seconded to proceed the Judicial Review to Stage 1 and for source of all costs to be met by KBB Crowdfunding. 6 members voted in favour.

At this point Mr Butcher thanked the members for the time given on this matter and duly left the meeting.

5/11/19 SLAUGHTER HOUSE LAND AT CUCKOO HILL, BURES ST MARY

- a) Appeal APP/D3505/W/18/3215428 for the whole site following refusal of Application DC/18/00929 – Planning Inspector advised that the appeal would be heard in January or February 2020.
- b) Appeals APP/D3505/X/19/3221710, 1712, 1857, 1927, 1853 following refusal of Certificates of Lawfulness Plots 1 – 6 - Planning Inspector advised that the appeals would be heard in January or February 2020.
- c) As agreed at the last parish council meeting a letter had been sent to the Chief Planning Officer expressing major concerns regarding reporting of certain information and how this may have affected the decisions of the members at the planning committee meeting of 28th August. The parish council had considered that there were unresolved issues regarding the access to the site and had asked for the applications to be reheard. This request had not been sanctioned. See Minute reference 4/11 (a) above.

6/11/19 KNOWLE HOUSE

Knowle House (formerly Chambers Bus Yard) – a retrospective planning application had been submitted for change of use to Mixed Use of B1, B2, B8 uses (Employment and Residential). BDC Planning Committee date still to be set. BSMPC had raised its objections to the application.

Concerns raised:

- a) B2 category business not recommended for built up areas.
- b) Within a conservation area which should be protected and enhanced.
- c) Noise and fumes

Ambox had agreed to adhere to the working hours set by BDC – Monday to Friday 8.00am to 18.00pm and Saturdays 8.00am to 13.00pm. No Sunday working hours.

Heritage Officer had made a 'no comment' response to the application and had advised the parish council that she would be taking no further action on this matter.

7/11/19 PLANNING APPLICATIONS AND DECISIONS - BURES ST MARY

All applications received and comments made to date as per attached list.

There were no other applications requiring consideration at the meeting.

8/11/19 PLANNING ENFORCEMENT - BURES ST MARY

Plots 5 and 6 The Slaughterhouse and Land Adjacent, Cuckoo Hill – enforcement notices issued by BDC for demolition of both dwellings and garages plus to remove from site all resultant materials and debris arising from the demolition. Appeals submitted by developer with date still to be set by the Planning Inspector.

18/00262/COU Rainbow Field, Arger Fen – the Investigating Officer regularly visiting site. Under Permitted Development Rights the mobile home and shipping container may remain on site temporarily for the duration of the works. Ongoing matter.

Barns at Over Hall – the BDC Heritage and Design Officer was investigating whether the barns at Over Hall should be included on the Buildings at Risk Register. Ongoing matter.

Cllr Jackson handed the Chair to Cllr Welch at this point in the meeting.

On behalf of BHPC Cllr Welch expressed full support to BSMPC in its agreed action to proceed to the 1st stage of a Judicial Review against the granting of planning permission for Plots 1 – 4 Cuckoo Hill by BDC.

9/11/19 LAND TO REAR OF PARSONAGE HILL, BURES HAMLET

Application No. 18/02201/REM – following approval of the revised application work had commenced on site this week for the development of 8 bungalows and 1 house. The developer had written to residents to encourage viewing of the site in early January 2020.

10/11/19 PLANNING APPLICATIONS AND DECISIONS - BURES HAMLET

All applications received and comments made to date as per attached list.
There were no other applications requiring consideration at the meeting.

11/11/19 BRIEF INFORMATION & EXCHANGE FOR NEXT AGENDA ITEMS

Cllr Jackson noted to all present that an Extraordinary Meeting of Bures St Mary Parish Council would be convened within the week to proceed with the proposal agreed at Agenda Item 4. This meeting would be open to the public.
Cllr Jackson proceeded to thank all those present for attending.

12/11/19 DATE OF NEXT MEETING

Joint Planning Committee meeting to be set as required.

The meeting closed at 9.35pm.

Signed:

Chairman

Date

