



EYE TOWN COUNCIL

The Extra Ordinary Planning Committee minutes which met at **7:00 pm** on Thursday 3rd September 2020 as a remote meeting using Zoom.

1.0 Those present and members of the public present

Cllr Berry welcomed those present to the Extra Ordinary Planning Committee meeting for Eye Town Council. The Town Clerk confirmed the Councillor attendance as Ricard Berry (Chair), Johnnie Walker (Vice-Chair), Mike Smith, Joan Mann, Karen Turner, Andrew Evitt, Michael Gibbs, Jane Hudson, Lowel O'Mard and Tunie Brandon

Members of the public present Mark Marconi, Leigh Gardiner, Paul Abbott, Stephen Smith, Sarah Barrett and MSDC Planning Officer Jamie Edwards.

Mark Marconi and Leigh Gardiner requested to speak regarding application DC/20/03541

2.0 Apologies and Approval of Absences

Gary Rowland (non-voting co-opted member)

3.0 Members Declarations of Interests and Consideration of Requests for Dispensations

None received

4.0 Declaration of lobbying

None received

5.0 Site visits made after the date of application.

Cllr Evitt, Cllr Gibbs and Cllr Walker – Queens Head,

6.0 Public Participation

Cllr Berry asked Jamie Edwards to update the meeting on the status of application DC/20/03542. JE advised that BMSDC did not consider that a listed building planning application is required and would therefore only be considering the planning application. JE confirmed that he would be speaking to the agent at the earliest opportunity to withdraw DC/20/03542. Heritage material considerations will still be taken into consideration in evaluating the planning application.

Cllr Berry gave a reminder before he opened the meeting to public participation that this committee is a consultee for any application which will be decided by BMDSC as the local planning authority. ETC tries to make its consultee comments on an informed basis and relevant to the application within a planning framework but no decision will be taken on any application on this agenda here tonight.

Cllr Berry reported that the Council has received a number of direct comments which had been distributed to the Planning Committee by the Clerk. Most are posted on the Planning Portal but the following submissions have not been to date, but have been passed to councillors for consideration. For the sake of transparency these are listed below:

Email from Peter Creswell dated 2nd September 2020
Report from Hucklesby Architects dated 1st September 2020
Email from Gary Rowland dated 3rd September

Cllr Berry outlined the rules for speaking which are three minutes each and the town clerk will tell the speaker when time is running out if this is required.

Cllr Berry took the opportunity to tell members of the public about the voting process. Each councillor has one vote each except the chair who only has a casting vote in the event of a tie. Councillors vote either to support or oppose an application or may abstain. Through the minutes the council would normally offer some reasons for support or opposition

Mark Marconi – has spoken to local residents who wished not to log comments onto the portal so were asked to send comments directly to the Town Clerk.

Mr Marconi gave some background. When he moved to Eye 20 years ago the licencing hours for pubs ended at 11:00 pm and noise nuisance was controlled, especially late-night external noise. He had no cause to complain for the majority for that time, however objects to this retrospective application on four grounds.

1. If due process had been followed would listed building consent have been granted to the structure in its current form?
2. A prior planning application could have meant the possibility that the structure would have had a more appropriate design to meet the temporary COVID requirements and not a permanent structure. No filtration is mentioned in the planning applications which is part of licence requirements.
3. The process adopted could set precedents of riding roughshod over the planning process with ETC and MSDC.
4. The main objection is the environmental impact and harm caused. Since the structure has been in place and open there has been an increase in noise and anti-social behaviour particularly after 10:00 pm. The current licensing hours for the Queens Head has no restrictions on outside activities or noise as have some other premises in MSDC. The anti-social behaviour has necessitated the police being called on several occasions and resulted in harm for residents. No concession has been made for near neighbours for what is effectively a new outside venue.

He believes that pubs should be protected and supported during the pandemic but the issues that residents have experienced since the structure has been open should be taken into account. He believes this is an opportunity to shape the late-night landscape of the town with other licenced venues finishing at 10:00 pm. He has concerns with some of the comments on the portal, suggesting that this level of ASB is acceptable.

He does not have a problem with the pub, but he does have a problem with the late-night noise.

Leigh Gardiner – his agent Paul Abbot will be making a statement on his behalf. However, he would like to point out that noise is not always from the Queens Head. Other anti-social behaviour takes place in other places which are not the Queens Head. Cllr Berry asked if there were any further points, he wished to raise and Mr Gardiner replied that his agent Paul Abbott would be speaking for him.

Paul Abbot– felt planning matters had been dealt with under the application. The listed building situation has been clearly explained and the application is no longer relevant. Planning matters were on-going and he looked forward with discussions with the Planning Officer who is waiting for comments from Environmental Health. He would welcome hearing what they have to say.

Meeting to be closed for public participation. Formal Planning Agenda as follows: -

7.0 To consider the following applications and appeals for recommendation by delegated decision to Town Council.

Cllr Berry explained that the committee would hear DC/20/03541 first as this had most relevance to those members of the public in attendance.

Date Received	Number of Application	Location	Details	Deadline
19.08.2020	DC/20/02052	Castle Hill Farm, Castle Hill, Thorndon	Erection of 4 poultry houses with associated admin block, store, feed bins and vehicle access	9.9.2020

Cllr Berry stated that the Council has previously made comments as non-statutory consultees. This would be confirmed in our proposal.

A further paper had been circulated to councillors which would form the basis for Eye Town Council's objection. Cllr Berry would like to include redacted emails from members of the public in support of our objections.

It was noted that there have been over 100 objections on the planning portal to this application.

District Councillor Gould has been asked to see if Eye Town Council could have a representative who could speak at the planning committee when this application is heard at BMSDC.

Proposal

Eye Town Council objects to this application

The Council appreciates the contact made on 19th August to be formally consulted on this application. This contact makes it clear that, given the harmful impact of enhanced HGV movements clearly to be incurred by the town, that ETC should have been a formal consultee when the application was first advertised. None the less ETC is pleased to respond in this formally recognised capacity.

The whole matter of traffic in Eye and other surrounding areas is a major concern to the council and the vast majority of residents especially those who live in the town centre. A petition with over 900 signatures (half the adult population of Eye) is to be presented at the next town council meeting and onwards to Suffolk County Council. ETC objected to this application by a unanimous resolution at its meeting on June 17th and this has been posted on the portal under the town clerk's name Mrs Wendy Alcock on page 8 of the portal comments with a posting date of 23rd June.

ETC requests that this be considered as comments submitted under now formal consultee status with the additions below which were passed unanimously at an extra-ordinary meeting of the council on September 3rd.

Long standing councillors cannot remember a subject which has caused so much concern across so many neighbouring parishes, and Eye in particular, as the current levels of HGV traffic growth. Rather than simply repeat the original submission the council is asking the planning committee to balance the economic drivers at the heart of this application with its impact on people's quality of life. It is all very well for traffic professionals (see consultation letter SCC/CON/2363/20) to take a nuanced view of section 109 of the NPPF that the extra levels of traffic will not be 'severe'. ETC submits that this is under researched and that the MLM survey, commissioned by the council, shows this to be the case. The council has been sent a copy of the report produced under the auspice of the Joint Parish Working Group by Stradbroke Parish Council and has considered the contents at this EGM. The council considers this to be a more in-depth and accurate analysis of the real level of traffic generation and ETC supports it. The research cites the MLM Group's report and correctly identifies that given the current baseline of existing traffic safety and amenity issues it is clear that additional HGV movements will severely compound these problems.

There is already an unacceptable situation regarding highway safety and danger to residents and pedestrians, often accompanying young children to school, with HGVs mounting the pavements and scraping buildings. Developments such as these will make the 'residual impacts on the road network' severe on any balanced view. The term severe is not specifically defined in the glossary of the NPPF but the note attached from an Eye resident below demonstrates that the traffic officer's views need moderating. People's safety matters and is a critical planning issue.

ETC has received dozens of representations regarding increases in HGV traffic This and the number of objections on the portal shows the depth of public concern. ETC does not have jurisdiction to prevent the traffic situation worsening but BMSDC does. ETC urges the BMSDC planning committee to reject this application and instigate, with other partners, a meaningful dialogue with local parishes about optimum methods of HGV management and control before others similar developments are considered.

Eye Town Council feels that the notes submitted with this comment highlights the personal anguish of many residents and submits that the harm done to people's quality of life, mental health and loss of residential amenity are planning matters and taken with the wealth of similar information already placed on the portal are grounds for rejection of this application.

Proposed Cllr Smith seconded by Cllr Brandon - all in favour

19.08.2020	DC/20/03541	Queens Head 7 Cross St, Eye	Erection of new outdoor bar and servery	9.9.2020
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Cllr Berry opened the discussion stating that he was pleased to see that this application had been prepared and presented quickly after the council had pointed out to Mr Gardiner, the landlord of the Queens Head, in July that one was necessary to cover works already undertaken. This response and the prompt appointment of an architect is welcome. It is clear that the bar as constructed is intended as a permanent structure and councillors should bear this in mind.

Before opening this item to contributions from councillors, whilst this is a planning meeting and concerned primarily with the new outdoor bar, it is clear that with this new fixture that operations have shifted the business of the Queens Head from one almost entirely inside to a mixture of outside and inside activity. The split of this may well alter as the weather changes but at present outside activity is more intense. As well as purely planning considerations this will have an impact on neighbours and this meeting offers an opportunity for opinions to be passed, via these minutes, to the appropriate authorities about operational parameters too. From comments received he felt that if councillors decide not to oppose this application this opportunity should be taken.

On reviewing the planning portal, the overwhelming majority of responders have expressed support for the application. This should be considered but not at the expense of the views of close neighbours who may have different experiences. It would be fair to conclude that there may have been some diminution of residential amenity. In this context it is relevant to consider the comments of Hucklesby Architects submitted on behalf of their clients along with others.

Cllr Berry asked Cllr Walker (as mayor and an immediate neighbour) to begin the discussions.

Cllr Walker – referred to the planning portal with 26 comments received with only one against the application but stated that only two were from people who live close to the Queens Head with one opposed and one in favour. 90% of the complaints received by the Council have been regarding noise issues. Since the outside venue has opened, he has often not been able to open windows because of the noise. As Mayor it is his duty to promote business in the town and for the survival of the pub the outside facility is required. There needs to be a restriction/limit on the noise and hours of operation. Action needs to be taken by the pub to keep the noise to an acceptable level and within acceptable time limits. He has no comments to make about the building but the noise is unfair to local residents.

Cllr Turner – it is clear that the pub cannot survive without the outside bar. It is important for the town to have a pub and hopes the Council supports this application with appropriate conditions. Agrees that noise needs to be looked at. She questions whether the current licensing hours should be allowed to continue.

Cllr Mann – Would like to know what the licensing hours are stating that the hours of opening are not the same as the planning permission in her possession. She has no comments to make about the building itself. She would hate the pub to close but has sympathy with the neighbours who have had to put up with a lot of noise.

Cllr Evitt – Not impacted by noise personally but has had residents complain about noise levels. Ascetically, perhaps different materials could have been used for the bar but as built it fits well within the parameters of the yard. It is next door to an unattractive building so the structure is insignificant in the scheme of things. It has minimal visual impact. He has concerns regarding noise and events that take place and continue late at night but would approve the building. He considered that it may be more appropriate to pass the question of licensing hours to the appropriate authority to determine these by reference to other similar venues and environments.

Cllr Gibbs – was impressed with the changes made and it is an enhancement to the pub. He too is concerned about the noise, hopes that a compromise can be found to restrict the noise possibly by having separate licensing hours for the outside space.

Cllr Hudson – Feels strongly that the bar should remain, and licensing hours and noise should be looked at.

Cllr Brandon – has no issue with the building and stated that not all the noise is just coming from the pub. However the noise is not fair on the residents next to the pub and licensing hours should be looked at.

Cllr O'Mard – the issue with noise could be extenuated because of the relief of coming out of lockdown. There needs to be some control so that residents can be comfortable that they have respite from the level of noise. The licensing revision would be the best way to go. He also raised the matter of were the toilet facilities at the pub sufficient for the number of customers generated by the additional space.

Cllr Smith – agreed that the noise is not only the Queens Head and could be generated by other venues. Young people are making noise in the other open areas and then move into the town. He has also received complaints about the rubbish outside the SCC building which stems from the pub. It would be helpful if this is removed as this area is part of the public highway and within a conservation area.

Cllr Berry – Feels the Hucklesby Architects report conclusions are well-drafted and asked if Councillors had any objections to these being included in our recommendations where they are relevant. No objections were made. He also spoke about the issue of parking outside the pub. This did offer access for less able people to enter the pub Cllr Evitt noted that that loss of parking outside the new library has had an impact on the town and that parking in the town centre is in short supply.

Jamie Edwards – Felt that this was a good exercise for him to observe. He had witnessed a high level of support for the building but understands the issue of noise. The current license agreement as he understands it lasts until 00.30 Mon-Thurs and Fri-Sun 1:30 am.

Proposal

That Eye Town Council supports this application DC/20/03541 for the construction of an outdoor bar.

The reasons for this are:

- **It involves no alteration to the listed building and has limited impact on its setting being located adjacent to the southern boundary**
- **It is in the shadow of a much larger SCC building which itself makes the southern boundary highly unattractive. This structure could be said to soften the view**
- **It is clearly necessary for the commercial functioning of the Queens Head in the current circumstances**

The Council have a number of concerns about the current control exercised over the external courtyard and the diminution in residential amenity sustained by some residents and made clear in their comments both on the portal and at this meeting. The committee would like the following taken into account by the relevant section of BMSDC to control noise and other emissions and balance the quality of life rightly to be expected by neighbours with the running of a town centre business.

The council requests that:

- **Items 1-4 of the conclusion in the objection from Hucklesby Architects be considered, where relevant, as conditions**
- **Amendments to the license be considered to end outdoor service at 10.00 and the whole premises be vacated by 11:00 from Sunday to Thursday and to end outdoor service at 11:00 and for premises to be vacated by 11:30 on Fridays and Saturdays. License extensions to be considered for Bank Holidays and special pre-planned events.**
- **The storage and refuse area should be tidied up given the conservation area status**
- **Parking in the area in front of the former advice centre be allowed to continue at least temporarily as parking is limited in Eye and this provides access for less able people**
- **A review of conditions be undertaken after 6 months.**

Proposed by Cllr Walker seconded by Cllr Hudson – 8 support, 1 abstention – proposal carried.

19.08.2020	DC/20/03542	Queens Head 7 Cross St, Eye	Listed building consent for erection of new outdoor bar and servery	9.9.2020
Application to be withdrawn.				

24.08.2020	DC/20/03401	11 Victoria Hill, Eye	Erection of two storey and single storey rear extension. Alterations to extend roof pitch over existing side extension	14.9.2020
<p>Cllr Evitt – Believes this is an elegant solution. No objections have been logged on the planning portal. He would support this application as it improves the elevation of the property removing the existing flat roof.</p> <p>Cllr Walker agreed with Cllr Evitt he considers it to be a much nicer plan than the existing extension.</p> <p>Propose that Eye Town Council supports this application as it improves the appearance of the elevation of the building.</p> <p>Proposed by Cllr Evitt, seconded by Cllr Walker - all in favour.</p>				

Meeting closed at 20:10.

10.0 Next meeting Monday 14th September @ 06:30 pm