

RISBY PARISH COUNCIL

Minutes of the planning meeting held on Wednesday 18th January 2017

Councillors present: Ian Turner (Vice-Chairman), Simon Gray, Chris Sutton and Steve Smith

Also present: Joanne Kirk (Clerk), Borough Councillor Susan Glossop and 6 members of the public.

Open Forum

The following issues were discussed during the Open Forum:

a) The planning application for Risby Business Park

1. Acceptance of apologies for absence

Apologies were received from the Chairman Derrick Abrey.

2. Declaration of Interest in items on the agenda

No councillors declared an interest in any items on the agenda.

3. Planning

- a) **DC/16/2793/FUL - Risby Business Park, Newmarket Road, Risby - Plant, tool and equipment hire depot including (i) retention of renovated and reconfigured steel portal frame building for the repair, maintenance and storage for distribution of plant and equipment and office and trade counter use; (ii) retention of existing hard surfaced yard space for cleaning, servicing and storage distribution of plant and equipment and vehicle parking (iii) New steel portal frame building for repair, maintenance and storage of and distribution of plant, tools and equipment and office and trade counter use (iv) Addition hard surfaced yard space for cleaning, servicing and storage and distribution of plant and equipment and vehicle parking area and (v) associated landscaping, acoustic fencing and security fencing - revised scheme of DC/16/0081/FUL**

It was resolved that Risby Parish Council would object to the planning application DC/16/2793/FUL and support the enforcement notice served by St Edmundsbury Borough Council on this site for the following reasons:

B2 usage

GAP is currently using the site for general Industrial use (B2) without applying for planning permission for this change of use. A key operation on the site is the cleaning and maintaining of portable toilet units and toilet portacabins upon their return from hire using compressor washes after their contents have been 'pumped out' using a mobile generator on site. These operations cause a considerable amount of noise, odour and pollution, including pollution of the water course which is affecting the residential amenity of all the neighbouring properties. Although some attempts have been made in the application to mitigate these affects, Risby Parish Council believes that they will not prevent these threats from impacting on residents. Policy DM2, section g(v) of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 states that:

'Proposals for all development should, taking mitigation measures into account, not affect adversely the amenities of adjacent areas by reason of noise, smell, vibration, overshadowing, loss of light, other pollution (including light pollution) or volume or type of vehicular activity generated; and/or residential amenity'

Risby Parish Council has been involved in attempting to resolve the issues caused by this site being used for general industrial use over at least a fifteen year period. Previous industrial uses caused pollution on a regular basis and planning controls did not prove to be effective.

The development of the 2007 Masterplan for the site was the product of a considerable amount of work by St Edmundsbury Council, Risby Business Park and local residents and resulted in a document which ensured that future use of the site became compatible with its location and sustainable in the sense that it would reduce to zero nuisance to the surrounding residential areas. Planning Policy DM2, section 3.4 states:

Masterplans are an essential tool in developing proposals for development with the local communities. Masterplans are detailed and holistic 'blueprints' for the development of a site, prepared by a developer but agreed by the Local Planning Authority, based on a full understanding of the constraints that affect the site, and setting out the provision of physical and social infrastructure amenities, and the progressive implementation and integration of the development with the social and physical fabric of the locality.

Policy DM 3 also states that a Masterplan will 'set out how the development will protect the amenity of nearby areas from noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution or volume or type of vehicular activity generated;'

There seems little point in time and money being spent to produce a Masterplan which balances the needs of the developer with those of the local community with the agreement of the Local Planning Authority, only for it to subsequently be ignored, especially as the Parish Council and residents do not have the same resources in terms of manpower, money and expertise to challenge subsequent planning breaches.

Previous Planning History.

The current site, which is outside the Borough Council's defined settlement area, was acquired by a sister company of GAP (Blackridge Properties Ltd) in August 2015 for £1.4 million from Suffolk Business Park (Holdings) Ltd. It was previously owned by Robin Hurst. On 30th March 1999 application number E/99/1618/P was submitted by Robin Hurst for the "Construction of a Lorry park and/or Storage area (12 trailers)".

This application was REFUSED by St Edmundsbury Borough Council's Director of Planning and Transportation on the grounds that industrial activities in close proximity to residential areas would give rise to a loss of residential amenity.

"Permission is hereby REFUSED by the Council as Local Planning Authority for the purpose of the above Act and Orders for development proposed in the application shown above. The reasons for the Council's decision to REFUSE permission are:

The proposal is contrary to the provisions of the St Edmundsbury Borough Council Plan 1998 in that it proposes the expansion of industrial and business activities outside a General Employment Area in close proximity to residential properties giving rise to a loss of residential amenity. Furthermore the site is located in the Countryside where development will not be permitted which does not maintain or improve the rural landscape."

The Parish Council urges the Inspector to consider this current application in the same light as the past refusal on the grounds that there has been no significant change to background of this site and that all the reasons for refusal in 1999 still exist.

Noise pollution

The use of the site for general industrial processes results in significant noise pollution with very regular noise from vehicles, forklift trucks, compressors, generators, pressure washers and staff working outside. This is unacceptable to those people living in houses which are, in some cases, only feet from the site. The noise pollution continues on very regular basis and starts early in a morning and residents report that the noise level is in well in excess of the background traffic noise from the A14.

Residents are subjected to significant noise pollution at the same level as when the site previously operated for general industrial use, with mitigating factors never being adequately controlled or effective in protecting local residents.

Odour pollution

The constant problems with the previous general industrial use which produced dust from the site have now been replaced by considerable odour pollution due to the cleaning of mobile toilets

which is the key process being operated at the site. This use is incompatible with the close proximity of residential housing and is very unlikely to have mitigating factors unless the entire operation were to take place under cover and behind an effective air lock; no such proposal has been made. Throughout the summer nearby residents were unable to use their gardens because of the smell and because of the amount of noise being generated from the site, thus impacting massively on their residential amenity. These odours will also impact on the businesses at Risby Barns including a café with an outdoor seating area and could potentially put the livelihood of these businesses at risk.

Ground pollution

Local residents have observed several occasions when there has been considerable pollution of the ground due to blockages in the sewers and a failure of the operator to operate safe working practices to prevent such pollution. Anglian Water has been called to the site on three separate occasions over the last year, most recently in December 2016, to investigate high levels of pollutions to local waterways and the pond in Welham Lane (see job numbers 53210227, 52344611 and 52216936). On two further occasions effluent was coming out of manhole on the Gap site and running into the pond in Welham Lane. Environmental Health and Anglian Water were both called on these occasions.

It is suggested that the operation of processes, without any significant safeguards, places the integrity of the ground and surface water at risk. The inspector is asked to note that the entire village, and this site, operate on a single sewage pipe.

Hours of work

The site is regularly open outside office hours, for example work was still taking place at 6.56pm on 20th December.

Site owners

Risby Parish Council is of the opinion that successive owners of this site have been, and continue to be, unreliable in their operational controls of the site, and show a lack of due regard for the planning process. There has been a considerable lack of dialogue between the local community and the representatives of the site owners, with only a single hour of dialogue, many months after the problems with the site became apparent.

An example of this lack of reliability is shown by the fact that GAP carried out a noise assessment between Friday afternoon and Monday morning when there was minimal activity on the site.

Site visit

The Parish Council requests that the Planning Inspector makes a visit to the site before reaching a decision so that he can review the information he is given in the context of what is actually happening in Risby. Should a site visit be possible Risby Parish Council asks that they are given the opportunity, along with residents and businesses affected, to present their concerns and update him on the background of the site.

Conclusion

Risby Parish Council considers the key issue is the impact of this development on the residential amenity of neighbouring properties and on other businesses on the site because GAP continues to use the site for general industrial activity (B2), despite no planning permission being given for this and without regard for the impact on residents. Because the Business Park is in a rural setting the impact of any noise impacts on the tranquillity of the area.

The Parish Council strongly objects to any such permission being granted because of the impact on adjoining properties. The very close location of residential properties on three sides of the site makes the location of the site totally incompatible with general industrial (B2) use. The Parish Council would therefore ask the inspector to uphold the enforcement notice and to reject the application for planning permission.

One of the objections made by Carter Jonas is that upholding the appeal will result in the loss of ten jobs. Whilst Risby Parish Council understands that the provision of jobs is important and that the planning process has to balance the needs of different sectors of the community, the Parish Council does not feel this comment is relevant. If GAP had followed the correct planning process and adhered to B1 use as was originally intended, the land would generate more jobs. If Carter Jonas's argument is accepted, the precedent will be set that developers can do whatever they want even if they flout planning law, provided jobs are created. This in itself makes a mockery of the planning system and is unfair to all those people who abide by planning law and more importantly those people who suffer from the results of unauthorised development.

There being no further business the meeting closed at 8.15pm.

Signed (Chairman) Dated