

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

PLANNING COMMITTEE

**Minutes from the Meeting of the Planning Committee held on
Thursday, 6th December, 2018 at 10.00 am in the Assembly Room - Town
Hall, Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor Mrs V Spikings (Chairman)
Councillors R Blunt (sub), A Bubb, C J Crofts, G Hipperson, A Morrison,
T Parish and D Tyler

PC1: APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor D Tyler be appointed as Vice-Chairman for the meeting.

PC2: APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bower, Mrs S Buck, Mrs S Fraser, M J Peake, Miss S Sandell, G Wareham, Mrs E Watson, A White and Mrs S Young

PC3: DECLARATIONS OF INTEREST

There were no declarations of interest.

PC4: DECISIONS ON APPLICATIONS

The Committee was invited to determine the application below, which had been adjourned from the meeting held on 3 December 2018 and had been subject to a site inspection held earlier in the day:

18/01796/F

Burnham Market: No. TWENTY 9, 29 Market Place: Variation of Condition 3: planning permission 17/00984/F – Proposed change of use from ground floor retail (A1) and first floor residential (C3) to two storey restaurant (A3) including extension and alterations: Mr T Roberts

The Principal Planner reminded the Committee that currently closing time was either 22:00 or 23:00 on Christmas Eve and New Year's Eve depending on which day of the week they fell. This application sought to enable the restaurant to stay open until 00:30 on Christmas Eve and 01:30 on New Year's Eve which would be in line with their current Premises Licence.

The application also sought to enable the use of the rear courtyard for live music events until 23:00 on six days of the year which equates to an additional 12 hours a year, as currently use of this area had to cease at 21:00.

The Principal Planner added that the main issue to consider was the balance between neighbour amenity and the needs of an existing business.

Officers considered that the request for additional hours on Christmas Eve and New Year's Eve in line with CSNN was acceptable. However, officers considered that the request to enable the use of the outdoor space for live music events for an extra 6 times a year was unreasonable and was likely to result in neighbour disamenity issues of a level to warrant refusal.

The Chairman, Councillor Mrs Spikings asked whether consideration had been given to the use of noise monitors for the outside space. The Senior Community Safety & Neighbourhood Nuisance Officer explained that it could not be used to control people noise. A restriction could be put on for music but all noise needed to be considered. She added that although the outside space was conditioned until 21:00 noise and disturbance had been continuing until 23:00, giving no respite for the neighbours.

Councillor Blunt asked how the 6 days would be managed. The Assistant Director explained that a condition could be imposed to ensure that the Council were informed of when an event was taking place in a timely manner.

The Chairman, Councillor Mrs Spikings asked the Committee to consider whether the outside hours use should cease at 22:30 rather than 23:00. She added that if permission were to be granted for the 6 days she would not like to see further applications coming forward to increase the number of days. She therefore proposed that the use of the rear courtyard for live music events on six days of the year be approved.

Councillor Crofts asked whether this should be a licensing issue rather than a planning issue. He did however think that the request was reasonable and seconded the proposal to allow for live music events to take place on six days of the year.

The Assistant Director advised that there was sometimes a crossover with licensing and explained that there had been a case where a Planning Inspector had upheld planning hours at appeal, which differed from those on a licence. The Statutory Nuisance powers still existed.

The Senior Community Safety & Neighbourhood Nuisance Officer explained that the applicant had a Noise Management Plan in place.

She added that the noise levels which had been submitted were over the recommended guidelines.

Councillor Morrison referred to the importance of monitoring and sanctions.

Councillor Parish stated that he supported the officer recommendation and added that the applicant had not adhered to a previous condition on a Noise Management Plan put in place.

The Chairman, Councillor Mrs Spikings added that the applicant had stated that he had tried to get in touch with officers from CSNN but had been unable to do so, as outlined in the late correspondence.

The Chairman, Councillor Mrs Spikings also referred to the bed and breakfast units currently under construction and added that any loud music would affect his business.

Councillor Crofts asked whether it would be Planning Committee or Licensing Committee who could request that signage be provided reminding customers that it was a residential area.

The Executive Director advised that the Committee could apply a temporary period thereby giving the applicant an opportunity to ensure that there were not any further issues. If this was the case then the temporary permission could be made permanent.

Councillor Tyler stated that a modest request had been made by the applicant and it was clearly a well-run business. He added that if there were any further noise issues then this would impede the bed and breakfast business.

It had been proposed to approve the application allowing the 6 extra events on a 12 month temporary basis; the applicant would be required to give at least one month's notice of any event with a total of 6 events in one year, with the precise wording of the condition to be agreed with the Chairman and Vice-Chairman, and after having been put to the vote was agreed by the Committee.

RESOLVED: That, the application be approved with the extra 6 events being applied for restricted to a temporary period of 12 months, to allow the situation to be monitored. The precise wording of the condition to be agreed, following consultation with the Chairman and Vice-Chairman.

The meeting closed at 12.15 pm