

**PLANNING COMMITTEE**  
**3 December 2018**

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE  
PUBLICATION OF THE AGENDA AND ERRATA**

**Item Number** 8/1(a) **Page Number** 9

**Parish Council:** The Parish Council is unable to attend and wish to reiterate their comments. **OBJECTs** on the following grounds:

Feltwell Parish Council wish to reiterate its strong opposition to the development of a maximum of 19 houses at 30 Long Lane in Feltwell.

The Parish Council strongly feels that an old building that is steeped in village history should not be demolished to accommodate an access road. This building was once owned by a yeoman of the village by the name of Howard who used to have a lane in the village named after them until that was renamed. Could the applicant consider access via another way if possible?

Access to this new estate will always be hindered as there is a thriving Chinese take away business right next to the planned access road. All through the evening, Long Lane near this development is constantly blocked on one side of the road with cars parking for the take away shop. Where are these cars going to go? Unfortunately, with no other parking available, they will be forced to continue to use Long Lane, and then they will go down onto this estate entrance, causing visibility issues to both cars leaving the estate and using Long Lane itself. Long Lane is a bendy road and this access road will be right on one of the bends. Could the applicant consider putting in a good sized, lighted, parking area that not only can serve as visitor parking to the estate, but also parking for the Chinese take away with an access path leading from the parking area to Long Lane?

The council is already being inundated with parking complaints in our High Street due to being lucky to have a number of busy businesses in one area.

Feltwell Parish Council would also like to raise the query of Stone Curlews. There is currently another planning application in the village that appears to have been put on hold due to these birds, whereas, this one is proceeding. Surely these birds are still an issue whether at this site or the other?

**CORRECTION**

Page 11, 1<sup>st</sup> sentence – should read “Outline permission with all matter reserved except for access for a *maximum* of 19 dwellings is sought.”

**Assistant Director’s comments:** The comments regarding the undesignated heritage asset have been addressed in the report on p 14. With regard to parking, the applicant cannot be made to resolve an existing parking situation related to the Chinese takeaway. Further, the Local Highway Authority raises no objection to the proposal subject to conditions. The comments with regard to the impact of the development on the Stone Curlews are noted. However, Natural England considers that due to the size of the proposed development, coupled with its specific location within the 1.5km constraint zone around the Breckland SPA, the proposal would not have a significant effect on the Breckland SPA or Breckland Farmland SSSI.

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**Third Party:** ONE letter of **OBJECTION** regarding:

- Will cause more traffic problems;
- A safari is not needed for tourism or any other type of animal conservation.

**Assistant Director's comments:** CSNN suggest a lighting condition however this has not been recommended within the schedule of conditions. Given the limited nature of illumination required around the parking area combined with possible disturbance to animals, a lighting condition is deemed unnecessary.

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**Applicant:** Wishes to submit a supporting statement (see below), and points out that contrary to the fourth paragraph under the heading 'Rural Employment' the B&B is tied to the restaurant.

**Parish Council:** Continue to **SUPPORT** the application

**Supporting Statement (summarised)**

The application is for a variation of condition 3 of planning permission 17/00984/F which requests a variation in two parts. The first to enable extended hours on Christmas Eve and New Year's Eve, to which there are no objections; and the second to extend the hours of the courtyard area for an additional two hours, six days a year. There are objections to this element from your officers, the CSNN team and third parties, although the Parish Council raises no objection.

In an email copied to the agent, CSNN state the reason behind their objection is because there is an outstanding noise complaint. This was notified to the applicant by letter on 22/8/18, nearly 15 weeks ago. The letter also stated that the complaint had not been proven. The letter goes on to suggest that when a complaint of this type is received CSNN try to seek the co-operation of all parties in reaching an informal solution. The applicant suggests this hasn't happened in 15 weeks. A booklet was attached to the original letter sent to the applicant titled "CONTROL OF NOISE FROM LICENSED PREMISES". The booklet states "where possible we work to resolve nuisance issues by discussion and negotiation". The applicant called the CSNN team on receipt of the letter but no one was available apart from an Administration Officer. The Officer couldn't really help so the applicant's details were left, but no further contact was received by the applicant from the CSNN team. Only since the planning application has been made has further correspondence been received from the CSNN team, but not to the applicant, to the Planning Officers. The applicant also wrote directly to the Senior CSNN Officer on 18/10/18 outlining his concerns and offering to work to a solution to mitigate any potential noise issues. This correspondence hasn't even been acknowledged or placed on the Councils Planning Portal which I understand it should be to accord with the Councils policy on transparency.

What is being requested here is an additional 12 hours permitted use of the courtyard per calendar year which equates to 0.2% increase in permitted / approved opening hours, of the exterior courtyard, bounded on all four sides by buildings in the ownership of NoTwenty9, until 11pm on 6 occasions out of 365.

All of the objections from members of the public for this part of the variation relate to music events in the courtyard which, since the grant of the Premises Licence nearly 18 months ago, amount to two occasions. These were a family trio on 6/5/18 4pm-7pm and a steel band on 27/8/18 4pm-7pm. One further event was held on 24/8/18 until 11pm but this was a non-paying private party for my family members and friends so not Patrons. All other music evenings have been held indoors at monthly intervals and from the correspondence from objectors there appears to be no issues with these and in any event my Premises Licence allows me to perform live or recorded music, be it amplified or not, within the curtilage of the premises without the

need for an entertainments licence.

**Conclusion:** The reasoning for describing at length the history behind the CSNN Officers objection is because that is what has prevented the Planning Officers in supporting this part of the variation. The licensed premises, which represents a huge investment for the benefit of the local tourist industry, and employs 36 people locally, one which is held in high esteem by the majority of our guests, but also a premises which was objected to at every single planning application by the same few members of the public who have objected yet again and who add up to just 1.4% of Burnham Market's population which doesn't include tourists or those with second homes. It is not right or fair that when an incident of excess noise is reported and is acted upon that which no response, assistance or advice whatsoever has been received is used to prevent the grant of planning permission.

The applicant fully understands that neighbour amenity is a consideration in any planning decision but so should other factors be such as providing facilities and recreation for the wider community. Of course it is a balance, but the applicant does not that to be able to use a courtyard area, bounded on all four sides by substantial buildings belonging to the same licensed premises, for an additional 12 hours per year to 11pm for the enjoyment of Patrons is unacceptable particularly when advice has been sought in relation to noise control with no response at all.

**Assistant Director's Comments:** The tie between the B&B with the restaurant does not change the fact that the restaurant is not tied to the B&B and is a standalone A3 use.

The vast majority of the supporting statement relates to an ongoing investigation by the CSNN Team. The investigation process is not a consideration for the LPA. Additionally correspondence relating to enquiries of other departments of the Local Authority would not appear on the Planning Portal.

Notwithstanding this, residential amenity is a material consideration. In this regard the restricted use of the outside space was a key consideration in determining the original application for use of the premises as a restaurant and was considered necessary in relation to neighbour amenity given the proximity of residential properties to the premises. In relation to the use of the outside courtyard area past 9pm for live music events, your officers agree with CSNN in relation to the disamenity of neighbour's in relation to outside live music events. In other words it is not purely on the basis of the objection from CSNN that the officer recommendation is to refuse the application.

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**Parish Council:** The Parish Council are unable to attend Planning Committee and therefore wish to reiterate their previous comments and **OBJECT** on the following grounds:

The Parish Council initially discussed the Marshland Arms Pub in November 2017 when the owner contacted us to inform us that the pub was for sale and to ask if the village wished to buy it to become a community pub. At that time the Parish Council decided to advertise the situation to residents on our website and notice board, to inform them that they would need to contact the Borough Council if they wished the pub to be considered as a community asset. We were not informed of any development on this and therefore assumed that no request had been submitted to the Borough Council.

The Parish Council discussed the matter again at their meeting on 12<sup>th</sup> March 2018, following a request from the owner. At this stage the Parish Clerk had not received any feedback from residents on the loss of the pub; therefore the Parish Council confirmed that they were not interested in purchasing and running the pub as a community pub. This statement did not

mean that the Parish Council would automatically support any application for change of use of the pub to a residential dwelling. Councillors were aware of the fact that the pub was up for sale and that more than one expression of interest in purchasing the pub had been received by the owner.

When the application for change of use was discussed by the Parish Council, a decision was made to **OBJECT** to the application as Councillors were concerned that the value as a public amenity was not being realised in the way it was being marketed, and that it was a community asset which should be preserved, especially as the village is currently expanding with 120 new homes being constructed. This is the only pub in the village and some Councillors had received comments from residents expressing disappointment at the loss of the pub.