

From: Rob Stansfield

Sent: 18 March 2024 17:25

To: Cllr.Caroline Goodrick

Subject: Planning Application ZE23/06955/73

Dear Caroline,

I am contacting you in your rôle as my elected representative on NYC in relation to the above application.

Unfortunately I will not be able to attend the planning meeting on Thursday morning. I had intended to do so but I am afraid something has arisen which will prevent me doing so and which I cannot avoid.

I have objected to the application and my comments have been uploaded to the planning portal.

In addition as my representative on the council I should be grateful if you could consider the following points I wish to make :

1) The Decision Notice dated 24th November 2008 gave consent for a change of use of the property to permit part café / part retail. At consultation the then Forward Planning Officer advised/ required that areas of retail use only were retained in order to safeguard a local shopping facility for the village. A plan is attached to this consent which defined areas for café use, retail use and for mixed use. The relevant condition in this consent prohibited the area designated for retail use from being used for any other use. The current application is for a previous condition (last year) for 'special events' and extended opening hours to be varied to allow an intensification of use by a factor of 500% and the officer's report recommends that this be approved and that a change of use of the retail area protected by the original 2008 consent be allowed. The applicant has not applied for a change of use and I would ask you to raise the question as to whether this application can be allowed to override the conditions in the original change of use consent of 2008. My belief is that it cannot and therefore this application should be refused.

2) in last year's consent (in itself probably flawed for the same reasons as above) extended opening hours were approved to allow 10 extended openings for 'special events' subject to there being no more than 1 per month. The Reason given by the case officer for this condition was to protect neighbouring residential properties' amenity etc (SP20). We now have an application for variation of this condition to allow an intensification of ' special' events ' by a factor of 500% and the same case officer gives the same Reason for recommending a limitation at a new 500% increase!

I would suggest that this is not logical and the reasoning is irrational.

3) There is a history of breach of planning conditions at this property which the planners at the time were very slow to recognise. There would appear to be an existing breach relating to use of the

protected retail area and I would suggest that this is a further reason why this application cannot be approved.

4) I would suggest that both the Highway consultee and the EHO have given purely subjective responses in their "no objection" replies.

Highways have not commented at all on the impact on free and safe passage over the private access road (case officer's description in his report). This is an unadopted road with public rights of way over for both pedestrians and vehicles - it is also the access to all the fronting residential properties. The NYC as Highway Authority has a statutory duty to ensure safe and free passage over it. I consider the Highway's comments to be inadequate bearing in mind that this application if approved will have a vastly increased adverse impact on residents' amenity not to mention safety. There are already some very dangerous vehicle manoeuvres taking place regularly.

I am forwarding some photographs separately to you which I believe illustrate the real problems residents suffer on a daily basis. I believe the comment has been made by others that given the owners' aspirations this business has outgrown this property.

The EHO's statements are purely subjective and she cannot possibly know what type of food will be cooked in the future or how cooked.

5) The condition recommended by the case officer effectively giving permission for deliveries to the property to commence from 04.00 hours with the reason given for the condition to be to protect our amenity and to comply with policy SP20 is patently irrational and illogical. Potentially with 'special events' winding down from 22.30 hours and deliveries commencing at 04.00 hours we may get about 5 hours undisturbed sleep! I know you have tried to get to the bottom of how this condition arose last year without success - I too have tried - the case officer advised me it was at the request of a planning committee member! Irrationality is one of the grounds for Judicial Review.

I am sorry this is lengthy but I wished to make my own personal comments to you as my elected councillor.

With very best wishes

Rob Stansfield

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Sent from my iPad