

<b>REF NO:</b> 3PL/2017/1219/VAR	<b>RECOMMENDATION:</b> APPROVAL
	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b> MUNDFORD Mundford Green Newsagent (Mundford Fish Bar) Crown Road, Mundford	<b>APPNTYPE:</b> Variation of Cond's <b>POLICY:</b> In Settlemnt Bndry
<b>APPLICANT:</b> Mr Serkan Araz Rumbles Fish Bar 44 High Street	<b>ALLOCATION:</b> N <b>CONS AREA:</b> Y
<b>AGENT:</b> Mr Serkan Araz Rumbles Fish Bar 44 High Street	<b>LB GRADE:</b> N <b>TPO:</b> N
<b>PROPOSAL:</b> Variation of Condition 6 to 3PL/2016/1299/CU - Change of opening hours	

**KEY ISSUES**

- Acceptability regarding the variation of condition 6 of 3PL/2016/1299/CU which relate to opening hours.
- Amenity impact

**DESCRIPTION OF DEVELOPMENT**

The application seeks to vary a previous variation application (3PL/2016/1299/CU) to allow for the the variation of condition 6 of 3PL/2016/1299/CU which relates to opening hours.

Previously permitted opening hours:  
11:00 to 20:00 Monday to Saturday

Revised proposed opening hours:  
11:00 to 21:00 Monday to Saturday  
11:00 to 21:00 Bank Holidays  
Closed on Sundays

**SITE AND LOCATION**

The premises is one and half storey and sits on the corner of Crown Road and St Leonard Street. The dwelling is situated between a Church and residential uses and forms part of the Mundford Conservation Area. A small triangular piece of open space lies to the front/east of the site. The premises has recently changed use to a Fish and Chip shop.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

## **BRECKLAND COUNCIL -OFFICER DELEGATED REPORT- 3PL/2017/1219/VAR**

3PL/2016/1299/CU - Change of use A1 to A5 (fish and chip shop) including extraction unit - Permission

3PL/2017/1250/A- Erection of one front externally illuminated fascia sign and one rear non-illuminated fascia sign - Permission

### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **OBLIGATIONS/CIL**

Not applicable

### **CONSULTATIONS**

#### **MUNDFORD P C**

The Parish Council Strongly object to this and a letter has been sent to the District Councillor expressing the concerns that both the Councillors and residents have made.

#### **HISTORIC BUILDINGS CONSULTANT**

No comment.

#### **ENVIRONMENTAL HEALTH OFFICERS**

Based on the information provided to me at this time I have no objection to the opening times submitted in the email from the applicant dated 23 October 2017.

### **REPRESENTATIONS**

Site notice erected: 06-10-2017

Consultations issued: 03-10-2017

Re-consultation issued: 24-10-2017

12 representations received, one in support.

Objections raised mainly referred to smell, noise, traffic congestion and the granting of the original permission in the first place.

We can't re-visit the scheme as part of a variation condition and Environmental Health will be taking the smell and noise issues up separately with the applicant, via their legislation.

#### **ASSESSMENT NOTES**

This application seeks minor material amendments to a previously approved scheme, reference 3PL/2016/1299/CU. In deciding an application under section 73, the Council may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken. The previously approved opening hours were 11:00 to 20:00 Monday to Saturday. The proposed revised opening hours are 11:00 to 21:00 Monday to Saturday (an increase of 1 hour) and to allow opening on a Bank Holiday 11:00 to 21:00 hours. The premises will remain shut on Sundays.

Condition 6 (opening hours) - Environmental Health were consulted on these revised opening times, no objection was raised and the additional hours are considered acceptable. Whilst noting the objections received from both residents and the Parish Council it is not considered in planning judgement terms that the increase proposed will have a significant adverse impact on amenity, having due regard to Policy DC1.

Environmental Health have picked up on the various complaints and concerns raised by the local residents in respect of noise and odour and these will be dealt outside of the application process. It should be noted that the Environmental Health Legislation covers these issues and should further noise and smell issues arise, complaint should be made to the Environmental Protection Team who will investigate.

In terms of the impact on the Conservation Area, the revised opening hours will not make any further impact and this was fully assessed at the time of the original application, 3PL/2016/1299/CU.

All previous conditions will be re-imposed. It is noted that the noise attenuation scheme condition has not been complied with and our enforcement team will be notified as a result.

In light of the above, the application is recommended for approval.

#### **RECOMMENDATION**

**Planning Permission**

#### **CONDITIONS**

TL11	Material Amendment
3047A	In accordance with submitted plans NEW 2017
3920	Extraction
3920	Noise
3920	Waste storage and collection

**BRECKLAND COUNCIL -OFFICER DELEGATED REPORT- 3PL/2017/1219/VAR**

<b>3920</b>	Hours of opening
<b>3135</b>	No more than 1m high (extraction)
<b>3994</b>	Extraction note
<b>4000</b>	Variation of approved plans
<b>3996</b>	Note - Discharge of Conditions
<b>2001</b>	Application Approved Following Revisions
<b>2014</b>	Criterion E - Planning Apps Where Approved