

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

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