

Planning Applications Committee: 17th January 2013

Updates to reports for consideration.

Application No: 12/01569/VC Aldi, 174-178 Plumstead Road Page: 69

Further correspondence

One of the objectors emailed to say they now had no objection to the proposals, but wanted to point out that the original planning permission and conditions were not be adhered to in relation to road signage.

Response

This matter has already been raised and considered in the committee report, paragraphs 16 and 25 – 29.

Application No: 12/01657/VC Notcutts Garden Centre Page: 99

Further correspondence

The applicant has requested that the existing use is clarified and that this is for a '*for the sale of plants, goods and equipment related to the main use of the site as a Garden Centre*' and that the retail floor space is not changing.

Response

This is correct i.e. it is a 'restricted A1 retail use' - and that the current items on sale are more akin to convenience food products - hence the request by officers for the applicant to regularise this deviation from the original permission by way of the current variation of condition application. The floor space is not changing.

Application No: 12/01819/F 27 Magdalen Street Page: 117

Further representations: Four additional letters of objection and one letter of support have been received, making the following comments:

1) Objection to the newly proposed opening hours. It appears as though the café has become the main reason for opening and the application would be more accurately described as a change of use to A3 use rather than Sui Generis. Opening hours of 23:00 hours are likely to cause disturbance to neighbouring properties, particularly if the outdoor area is used. A closing time of 18:00 hours would be more appropriate to tie in with the shop.

2) Concern raised regarding the arrangements for the collection of food waste given that there is only a weekly council collection and no room for a commercial bin.

- 3) The implementation of the A3 use could lead to other food uses being applied for, which is something the street does not need.
- 4) Internal works have already begun and it is hoped that the consideration of any objections will not be compromised by this fact.
- 5) Concern has been expressed regarding the potential for smell nuisance arising from people smoking in the outdoor seating area and the threat to fire safety and health created by such activities.
- 6) Should the outdoor seating area have to be lit during hours of darkness then the resultant light could disrupt the residential amenity of the neighbouring property and have a negative impact upon sleeping conditions.
- 7) Why is the later opening time required?

Response:

- 1) Paragraphs 12-13 of the committee report address the applicability of the Sui Generis use class assigned to the proposal. The potential impact of noise upon neighbouring properties has been assessed and it is considered that the conditions restricting hours of use of the outdoor area and use/installation of sound producing equipment are sufficient for protecting the amenity of neighbouring properties.
 - 2) Refuse from the café and workshop is to be stored in bins located in the rear ground floor courtyard and daily morning collection will be arranged through a commercial operator.
 - 3) It is important to stress that the permission being sought is for a café/workshop/shop (Class Sui Generis). Planning permission would not allow for the business to operate solely as a café/restaurant (Class A3) and the operation of the premises for any other purpose would require an additional planning application to be made, which would then be assessed on its own merits. Paragraph 14 of the committee report addresses the issue of 'need'.
 - 4) Paragraph 19 of the committee report addresses the internal works that have begun prior to planning permission being granted.
 - 5) It is considered that the proposed 9pm opening restriction upon the outdoor seating area will be sufficient in protecting the amenity of neighbouring properties. The applicant has stated that they would only like to have the option of hosting the occasional evening event, which is why the later opening hours are being sought. It is therefore unlikely that the outdoor area will be used regularly until the hour of 9pm. The small outdoor area is proposed as a seating area and although smoking would be permitted, the area is not set aside exclusively to accommodate such activity. The potential for nuisance caused by cigarette smoke is therefore not considered so great to harm the health or residential amenity of neighbouring properties.
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6) The use restriction of the outdoor area to no later than 9pm is again considered sufficient to protect the amenity of neighbouring properties but a use restriction condition for any external lighting could be imposed upon any permission should members consider this necessary.

7) The applicant has stated that they do not plan on opening until 23:00 hours on every night of the week, but instead only on occasional scheduled events and this is why the opening hours are being sought.

A letter has been received from the Norwich Society expressing support for the building in the proposed use.

Item 7: Performance report

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The updated figures in table 2 for applications received in quarter 3 should read 168. The applications on hand (pending) on the 31st December was 146.