

DELEGATED

**AGENDA NO 6
PLANNING COMMITTEE**

UPDATE REPORT

16 February 2022

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/2474/COU

117 High Street, Norton, TS20 1AA

Application for change of use of part of the rear garden area to provide outdoor seating area to include 1.8m high fence to rear in association with 117 High Street

Expiry Date: 16 February 2022

SUMMARY

Since the original report to members of planning committee there has been further dialogue with the applicant who has agreed following concerns of residents to reduce the maximum number of seats/covers down from 40 to 24.

In addition, an amendment is made to condition 6 (acoustic lobby) as the applicant cannot structurally alter the premises to develop an acoustic lobby, it is therefore recommended that the door(s) to the external area shall therefore be fitted with a self-closing devices to prevent the ingress of smoke and egress of noise.

An amendment is also made to condition 3 to ensure that staff only use the are between 9am and 5pm.

An updated list of those relevant conditions are therefore set out below;

RECOMMENDATION

That planning application 21/2474/COU be approved subject to the previous condition and the following updated conditions:

02 Seating for up to 24 covers

Prior to the development hereby approved being brought into use, final details of the external seating area shall be submitted and approved in writing. The seating area shall be completed in accordance with any agreed details and be retained in accordance with those details for the lifetime of the development.

At all times, the seating area shall be limited to a maximum of 24 covers.

Reason: To define consent as applied for and in the interests of the character and amenity of the surrounding Norton Conservation Area.

03 Operating Hours of External Seating Area

The external seating area hereby approved shall not be open to use by the public outside of the hours of 10:00hrs until 17:00hrs on Mondays to Sunday. No staff shall be present within the seating area outside the hours of 09.00hrs and 17.30 hrs Mondays to Sunday.

Reason: In order to safeguard the residential amenity of the surrounding neighbouring properties during sensitive early morning and evening hours when neighbouring residents can expect a reasonable level of respite.

06 **Self closing door**

Notwithstanding the submitted plans, prior to first occupation and use of the external seating area, the door(s) to the external area shall be fitted with a self-closing device(s) to prevent the ingress of smoke and egress of noise. Self-closing mechanisms shall be retained and maintained to the satisfaction of the Local Planning Authority for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to safeguard the amenities of adjoining residential occupiers.

CONSULTATIONS

1. The following Consultations were notified and any comments received are set out below (in summary):-
2. **Environmental Health Unit** – It is my understanding that the applicant cannot structurally alter the premises to develop an acoustic lobby and has asked that an alternative solution be found. Environmental Health will except that as the hours of operation are to be no later than 17:00Hrs and there is to be no music played externally at any time.

Doors to the external area shall therefore be fitted with a self-closing devices to prevent the ingress of smoke and egress of noise.

Director of Finance, Development and Business Services
Contact Officer Kieran Campbell. Telephone No. 01642 528551

WARD AND WARD COUNCILLORS

Ward	Norton North
Ward Councillor	Councillor S I Nelson LLB(Hons) BA (Hons)
Ward Councillor	Councillor Lisa Evans