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All City Councillors

Dear Councillor

CITY COUNCIL MEETING - 23 JANUARY 2014 - ADDITIONAL INFORMATION

Further to the agenda papers which you should have already received, please find attached the following additional information:

4.1 Petitions for Debate – Keep Clarendon Park Local

An appendix containing officer advice, relating to relevant Planning, Highways and Licensing matters in response to the petition is attached.

Yours sincerely



FOR MONITORING OFFICER
Enc.

Petition for debate by full council: Keep Clarendon Park local

There are three functions of the council that potentially have a role in this proposal, but none of them deals with the issue of whether the operator of a business should be independent or a national retailer.

Planning

The change of use from a bank to a retail shop where, as here, the property has a display window does not need planning permission.

Planning permission would be needed for significant external alterations including new or altered shop front and entrances, an ATM, external ventilation equipment or extensions.

Advertisement consent would be needed for any illuminated signs.

The council would not be able to consider the identity of the individual business in deciding whether such changes are acceptable.

The council has not received applications for any of these changes to the building.

Highways

Because this is permitted development, there is no requirement for Tesco to submit a transport assessment, nor is there a basis for the council to consider the transport implications of the use. If a planning application is submitted for alterations to the building which have traffic or highway impacts, the council can consider the implications of those alterations, but these would not affect the principle of the change of use.

As the new store does not require planning permission, highway issues arising will need to be dealt with retrospectively in response to issues which may emerge through increased patronage. This could include increased enforcement of parking and loading restrictions, consideration of amendments to traffic regulation orders and physical measures such as guard rails or bollards.

Any work required to the highway, such as changes to the vehicular access, would require the agreement of the council as highway authority. It may be possible to agree a voluntary delivery plan to manage the impact of loading and unloading on the highway.

Licensing

A licence would be needed to sell alcohol. If an application is received, it will be dealt with in accordance with the procedure set out in the Licensing Act 2003. This enables any person to make a representation about the application. This includes responsible authorities such as the police, ward councillors and local residents. If a relevant representation is received the application will be determined at a hearing before the

Licensing Committee, where those making representations will have an opportunity to present their case. To be relevant, a representation must relate to one of the licensing objectives, which are:

- Public Safety;
- Prevention of crime and disorder;
- Prevention of public nuisance;
- Protection of children from harm.

The Licensing Committee could grant or refuse the application, or grant it subject to conditions relating to, for example, the hours of operation. The decision must be proportionate and necessary based on the promotion of the licensing objectives.

Demand and the character of an area are not licensing matters. Any appeal against the decision of the Committee would be determined by the magistrates' court.

An application has not been received by the City Council.