

APPLICATION NO	PA/2014/0861
APPLICANT	Mr R Mills, North Lincs Property Holdings Ltd
DEVELOPMENT	Planning permission for a change of use of shop and flat (A1) to restaurant (A3), with installation of new shop front and rear external flue
LOCATION	76-78 High Street, Epworth
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework: Paragraph 14 outlines a presumption in favour of sustainable development.

Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy S5 (Development in Crowle, Epworth, Kirton-in-Lindsey, Frodingham Road and Ashby High Street District Shopping Centres)

Policy S9 (Restaurants and Hot Food Takeaway Establishments)

Policy HE2 (Development in Conservation Areas)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

CONSULTATIONS

Highways: No objection.

Environmental Health: No response received.

TOWN COUNCIL

Object on the following grounds:

- Access to the site is very narrow which would affect delivery access and waste collection/storage.
- There are no additional parking spaces provided for the number of customers that could be provided for.
- The development, particularly noise and fumes from the flue, will have a detrimental impact on the neighbouring residential properties and would be contrary to guidance in paragraphs 186 and 187 of the NPPF.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. Letters of objection have been received raising the following concerns:

- The proposed restaurant will result in noise pollution from music, customers and/or extraction fans.
- The proposal will result in smells affecting neighbours due to the position of the bin storage area.
- Vermin will be attracted by food waste.
- The proposal will result in loss of amenity as a result of noise and disturbance from traffic generated by customers, staff and deliveries.
- The proposal will result in overlooking of neighbouring properties.
- There is no provision for staff or customer smoking which will result in people hanging around the front of the property or in the access at the side.
- There is a lack of visibility from the access when existing onto High Street.
- Parking along this stretch of High Street is an ongoing issue, even into the evening.
- The Wesley Church is opposite 74 High Street, not Mings takeaway which is approximately 60 metres further up the High Street.

ASSESSMENT

The application site is a former retail unit at ground floor and has a self-contained flat at first floor. The property is a two-storey, detached, brick and tile building located within the development boundary of the market town of Epworth. The site is also located within the conservation area for Epworth and within the defined town shopping centre. This is predominantly a commercial area, with some residential properties. The site fronts onto High Street and faces the Wesley Church across the road. 80 High Street to the west is in the process of being converted to a shop and two flats, whilst 74 High Street to the east is a

residential dwelling. There is a mix of different commercial properties in the wider area. The site is accessed directly off High Street to the south and also has right of way over a narrow access to the west running between 78 and 80 High Street. This application seeks planning permission to change the use of the building to a restaurant and to install a new shop front and external flue.

A previous application for this development (PA/2014/0222) was refused on the grounds that it would have an unacceptable impact on the amenities of neighbouring properties. Subsequently the applicant has amended the proposal to reduce the impact on neighbours; these amendments include reducing the opening hours, blocking up windows at first-floor level and restricting the use of the balcony.

The main issues in the determination of this application are:

- **whether the restaurant will be harmful to highway safety in the area;**
- **whether the restaurant will result in loss of amenity to local residents via noise and smell;**
- **whether the restaurant will result in unacceptable loss of privacy for neighbouring properties; and**
- **whether the restaurant would be harmful to the character and appearance of the conservation area;**

The application site is located on the High Street in the defined town shopping centre for Epworth. The site is commercial in nature at present and there is a mix of commercial uses in this area, including a number of restaurants and takeaways. The proposed restaurant, due to its size, could be expected to result in a significant increase in vehicular movements to the property above and beyond what could be expected of the existing retail unit. However, the proposed opening hours (5.30pm to 10pm) are outside of peak hours when many of the commercial premises in the area are closed. The proposal does not provide an area of off-street parking; however there is on-street parking available along High Street. The council's Highways department has been consulted on the application and has raised no objections to the proposed use with regard to on-street parking or highway safety; nor has the Highways department raised concerns with regard to the existing access and visibility. For these reasons it is considered that the proposed use will not result in an unacceptable impact on highway safety in the area.

The applicant has provided robust details of the proposed extraction system to be used to remove cooking odours and fumes. This extraction system has been agreed by the council's Environmental Health department both with regard to its ability to combat odour and its noise output. Therefore it is considered that the proposed extraction system will adequately protect neighbours from smells arising from cooking. A bin storage area has been provided in the rear corner of the site and it is considered that this location is acceptable and will not result in unacceptable loss of amenity as a result of food waste being stored there. It should also be noted that these bins will be emptied regularly and that they are located to be as unobtrusive to neighbours as possible. For these reasons it is considered that the proposed change of use will not result in unacceptable loss of amenity to neighbouring properties by virtue of odour pollution.

It has been suggested that the proposed development will result in noise and disturbance to neighbouring properties as a result of music and customers within the building and also as a result of comings and goings of vehicular traffic outside. It should be noted that this is a detached building and the restaurant use is contained within the building envelope with no outdoor eating areas. Restaurants are not particularly noisy uses due to their nature; any music played within the restaurant is unlikely to be loud to allow for conversation and the noise generated by customers using the restaurant is also unlikely to be significant. The applicant has amended the proposed opening hours from the previous submission and the restaurant will now close to customers at 10pm; this is not unreasonable, particularly as there are existing uses within the town centre that operate later into the evening. On this basis it is considered that the use of the building as a restaurant will not have a significant impact on neighbouring properties as a result of noise generation. There will be additional vehicular movements during evening hours as a result of the proposed use; however the frequency of these movements will be limited due to the nature of the use as opposed to a use such as a takeaway where customers do not stay as long. It should also be noted that High Street is a busy main road that serves many commercial properties that are open into the evening. For these reasons it is considered that the proposed use will not result in unacceptable noise and disturbance as a result of vehicular movements along High Street.

74 High Street to the east is a residential property with a private garden area to the rear; whilst 80 High Street to the west incorporates two flats as well as a ground floor retail unit. Amendments have been made to the previous proposal to reduce the impacts of the development on these two properties. These amendments include the removal of first-floor windows from the rear and east-facing side elevations, and restricting the use of the first-floor balcony to maintenance use only. These amendments greatly reduce the impact that the proposed restaurant would have on the privacy of neighbouring properties, particularly no. 74. It should also be noted that the first floor of the property is currently a self-contained flat and that the two windows that are to be removed currently serve a kitchen and bedroom; the flat also has use of the balcony. Therefore the amendments to the scheme not only reduce the impact of the development on the privacy of neighbouring dwellings, they actually represent an improvement over the current situation in terms of overlooking. On this basis it is considered that the proposed development will not result in unacceptable overlooking of, or loss of privacy to neighbouring properties.

Part of the proposed development is to replace the existing shop front and to install a flue to the rear of the property. The replacement shop front will have no significant impact on the character or appearance of the conservation area. Furthermore it is proposed to replace the existing mock Georgian top-hung windows in the front elevation of the building with Victorian-style sliding sash windows; this will be more in keeping with the history of the building and will constitute betterment in terms of its appearance and the character of the conservation area. The proposed flue is located to the rear and will be screened from view from High Street by the two-storey element of the property; as such the flue will not have a harmful impact on the character or appearance of the area.

In addition to the above it should be noted that the proposed development will bring back into use a vacant building and will generate eight full-time and two part-time jobs. This is a significant investment which will have a positive impact on the local economy. These benefits should be given significant weight when determining the application.

In conclusion it is considered that the amendments to the proposal have successfully overcome the previous reason for refusal and the benefits of the proposed development

now far outweigh any impacts. On this basis it is recommended that the proposed development should be supported.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1 of 1, 2 of 2, 1 of 4, 2 of 4 and 4 of 4.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Prior to commencement of the approved use, an extraction system shall be installed and shall be in operation at all times whilst cooking is undertaken. This system shall be fully in accordance with the details set out in paragraphs 4.1 - 4.5 of the submitted Design and Access Statement dated 4th August 2014.

Reason

To protect the amenity of neighbouring residential properties in accordance with policies DS1 and S9 of the North Lincolnshire Local Plan.

4.

The restaurant hereby permitted shall only be open to customers between the hours of 5.30pm and 10pm.

Reason

To protect the amenity of neighbouring residential properties in accordance with policies DS1 and S9 of the North Lincolnshire Local Plan.

5.

Prior to commencement of the approved use the first-floor windows in the north-facing rear elevation and the east-facing side elevation shall be bricked up in accordance with drawing no. 2 of 4 and shall be retained as such thereafter.

Reason

To protect the amenity of neighbouring residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

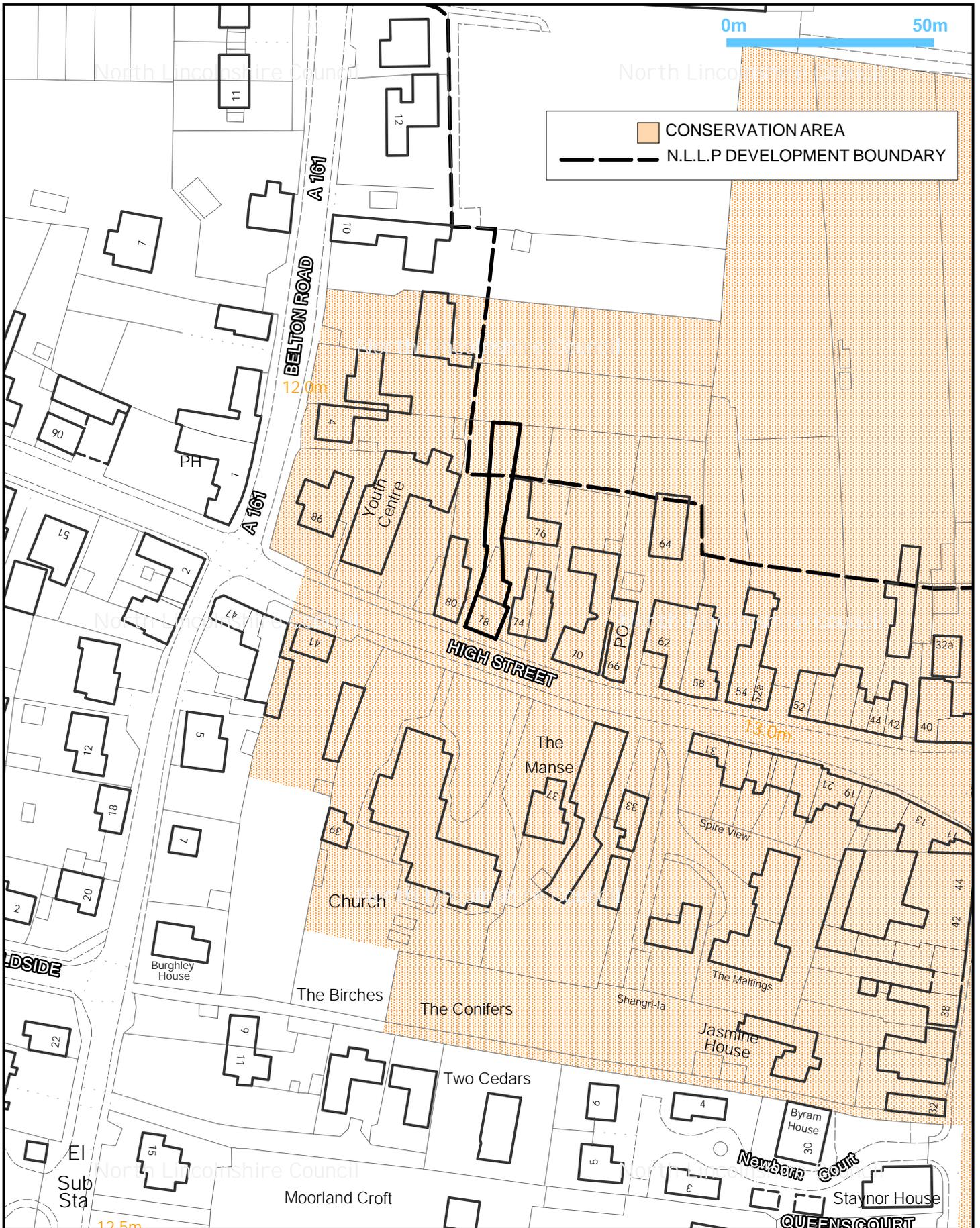
The new windows and shop front in the front elevation of the building shall be constructed of timber and retained as such thereafter.

Reason

To protect the character and appearance of the conservation area in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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