

APPLICATION NO	PA/2011/0540
APPLICANT	Mowbrays
DEVELOPMENT	Planning permission to retain a change of use from A1 to A1 (delicatessen) and A3 (café)
LOCATION	35 High Street, Haxey
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy ST2 – the site is located within the development boundary of Haxey which is identified as a minimum growth settlement.

Policy S6 – the change of use of corner shops and shops in small local centres to non-shopping uses will be permitted subject to various criteria being fulfilled.

CONSULTATIONS

Highways: Views awaited.

PARISH COUNCIL

Supports the application but is concerned about the lack of parking, and would not want the café to open on Sundays or Bank Holidays.

PUBLICITY

Advertised by site notice and adjoining properties notified. Eighteen letters of objection have been received raising the following material planning issues:

- overlooking
- increased noise and disturbance
- tables should not be placed outside
- lack of car parking
- parking restrictions should be imposed

- increased traffic, parking and congestion onto the High Street
- increased amenities are not required
- the application should be refused as per PA/2006/1164
- opening hours should be restricted
- increased long-term car parking on the High Street
- increased hazards to highway users
- increased litter
- a takeaway could occur
- smoking outside
- the application site is incorrect
- objection to opening Sundays and Bank Holidays
- the premises have been open late in the evenings
- increased odours

Thirty-two letters of support have been received raising the following issues:

- provides a village service
- sustainable facility
- has not increased parking
- on-street parking related to surrounding uses
- no night-time noise

ASSESSMENT

This proposal is to retain the change of use from a delicatessen to a delicatessen and a café. The applicant submitted an amended site plan on 15 June 2011.

The main issues associated with this case are whether the proposal is acceptable in planning policy terms and, if so, whether the impact on the highway network, the amenity of the locality and the amenity of neighbours is considered to be acceptable in planning terms.

The site is located on the High Street of Haxey. It is a single-storey building with limited car parking on the site frontage. The building was a former butcher's which was vacant for some time. The building is now being used as a delicatessen and a café which is a mixed use of A1 and A3. A planning application for a hot food takeaway has been refused on the

site (PA/2006/1164). However, the development is not for a hot food takeaway but for a café. Planning permission would be required to use the premises for a hot food takeaway.

In planning policy terms the site is located within the development boundary of Haxey which, under policy ST2, is identified as a minimum growth settlement. Under policy S6 the use will not lead to the loss of an A1 use but will create an A3 (restaurant and café) use within the same unit. The café will provide a community use and is a sustainable form of development. The proposal therefore does accord with policy S6 of the North Lincolnshire Local Plan.

Concerns related to opening hours are noted. The applicant has submitted revised opening hours of Monday to Tuesday 10am to 4.30pm, Wednesday to Friday 9am to 4.30pm and Saturdays 10am to 2pm. These hours can be conditioned to secure residents' amenity early in the morning and late in the evening. Planning conditions will also be used to restrict opening on Sundays, Bank and Public Holidays.

Concerns related to additional traffic, congestion, highway hazards and lack of car parking are noted. The site is located close to a number of other amenity facilities in Haxey such as the post office, village hall, public house, some commercial premises and public toilets. The site has limited off-street car parking and on-street parking has increased over the past few years. The use is sustainable and provides a community facility for the residents of Haxey. It is anticipated that many people will walk/cycle to the site rather than use private vehicles. It is accepted that some people will access the site via private vehicle and have to park on the High Street. However, it is not considered that the use itself will create such an increase in on-street parking that a refusal on highway grounds is justified.

Objectors claim an increase in litter has been caused by the use. Planning conditions can be used to ensure that a litter bin is provided within the site for customers to use. Planning conditions can also be used to ensure that no tables or chairs are placed outside the building. This will reduce noise and disturbance and any overlooking to nearby neighbours. In relation to odours, Environmental Health have raised no objections to the proposal.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The premises shall not be open outside the hours of 9am to 4.30pm Monday to Friday and 10am to 2pm on Saturdays, with no opening on Sundays, Bank Holidays and Public Holidays.

Reason

To safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

2.

The premises shall not be used otherwise than as a delicatessen and café and for no other purposes (including any other purpose in Classes A1 and A3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005 (as amended) or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area and the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

Within three months of the date of this permission, details of the siting and design of a litter bin located on the forecourt of the site shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be installed on the site and retained as such at all times.

Reason

In order to safeguard the amenity of the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No tables or chairs shall be placed outside the building for use by customers of Mowbrays at any time.

Reason

In order to safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



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