

APPLICATION NO	PA/2008/1202
APPLICANT	Penrhyn Properties
DEVELOPMENT	Planning permission to amend condition 4 of PA/2007/1302 to allow the premises to be open from 9am to 11pm Monday to Sunday on a permanent basis
LOCATION	46 High Street, Messingham
PARISH	MESSINGHAM
WARD	Ridge
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Good Practice Guide (applicant company is owned by a member of the council – Cllr N Poole)
POLICIES	Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply. North Lincolnshire Local Plan: Policy DS1 (General Requirements) states that proposed developments should not result in any unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or through the effects of overlooking or overshadowing.
CONSULTATIONS	Highways: No comments received.
PARISH COUNCIL	No objections or comments.
PUBLICITY	Neighbouring properties have been notified. No representations have been received.
ASSESSMENT	The application site is an established tearoom located on the High Street in the centre of Messingham. Neighbouring land uses include a hot-food takeaway to the north and a residential property to the south. A previous planning application (PA/2007/1302) for the change of use of a bedsit to create additional floor space, together with extensions and an extension to the opening hours was granted planning permission on 10 October 2007. A condition was attached to this planning permission which stated that the premises could be open to the public between the following hours unless further

planning permission was applied for and granted to vary these opening hours:

- between 9am and 5pm Monday to Saturday
- between 10.30am and 4.30pm on Sundays

The main issue in determining this application is whether the extension of the opening hours to 11pm Monday to Sunday will result in loss of amenity to neighbouring residential properties.

It should be noted that the temporary condition imposed as part of planning application PA/2007/1302 was to allow the council to reassess the opening hours after one year of planning permission being granted. During the period 10 October 2007 to 12 September 2008 no complaints have been received relating to noise or general disturbance from the tearoom. Furthermore there are three public houses and various hot food takeaways and restaurants within walking distance of the site that have opening hours to 11pm. The tearoom will not be licensed and will be used by the public for functions and by community groups. It is considered that the extension to the opening hours is reasonable as it will not detrimentally impact upon neighbouring properties and a condition will be imposed that prevents the tearoom from being open on public holidays.

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.

No development shall take place until a scheme for soundproofing the building has been submitted to and approved in writing by the Local Planning Authority. The change of use of the bedsit to create an extension to the tearoom shall not be carried out until the scheme has been fully implemented. The measures carried out as part of the scheme shall be retained thereafter.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The premises shall not be open to customers outside the hours of 9am to 11pm Monday to Sunday and not at any time on public holidays.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Before any upgrading or replacement of the cooking odour extraction system takes place, a scheme shall be submitted to and approved in writing by the Local Planning Authority and the scheme shall be fully implemented before any cooking takes place and retained thereafter.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.



Drawing Title: 2008.1202

OS Grid Ref: SE89320436

Drawn by: SJ

Scale: 1:1250

Date: 12/09/2008



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Highways and Planning Service

Service Director,
G Popple

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