

<b>APPLICATION NO</b>	<b>PA/2016/1463</b>
<b>APPLICANT</b>	Mr Kenneth J Embleton
<b>DEVELOPMENT</b>	Planning permission to vary condition 3 of PA/2014/0419 to allow for pop-up tapas and pop-up restaurant
<b>LOCATION</b>	27 Low Street, Haxey, DN9 2LA
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor David Rose – significant public interest)  Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** Establishes a presumption in favour of sustainable development that should be seen as a golden thread running through both the plan-making and decision-taking process (paragraphs 6-10).

Core Planning Principles: Section 1 – Building a strong competitive economy; Section 3 – Supporting a prosperous rural economy; Paragraph 28 – Supporting the provision and expansion of tourist and visitor facilities.

**North Lincolnshire Local Plan:** Policy S9 (Restaurants and Hot Food Takeaways) sets out the criteria which restaurants and takeaways have to comply with.

Policy DS1 (General Requirements) sets out the criteria against which all proposals in the development and use of land will be considered.

Policy T2 (Access to Development) – all new development should have a satisfactory access.

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire) supports thriving rural communities through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

Policy CS2 (Delivering More Sustainable Development) – a sequential approach to development will be adopted. Small-scale development within the defined development limits of rural settlements to meet identified local needs will be permitted. All future development will be required to contribute towards achieving sustainable development.

Policy CS3 (Development Limits) seeks to restrict development within defined settlement limits.

## **CONSULTATIONS**

**Highways:** Permission should be temporary for 12 months so the highway authority can monitor the impact on the highway in the area with a record of the number of people attending each event.

**Environmental Protection:** No objection subject to limiting the number of pop-up restaurant/tapas nights to 15 per annum, the maximum number of non-residents attending the pop-up restaurant/tapas nights being limited to 10 persons, restrictions on operating hours and no amplified sound or live entertainment.

## **PARISH COUNCIL**

Haxey Parish Council objects and makes the following comments:

- The commercial use of the property should be limited to the residents and their guests, and the definition of 'premises' means inside and outside.
- The parish council would not like to see the premises open to the general public and them being given access to the facilities.
- The original planning permission granted was for a guest house only (no restaurant).
- The application to vary condition 3 of the original planning permission was for a guest house and no other purpose (including any other purpose within class C1). This was to ensure compliance with policy R14 and policies DS1 and T2.
- The application seeks to allow limited openings; it is a little confusing as they quote between 8-10 per year and later 12 to 15 to vetted parties. How these events will be monitored is not clear and the applicant recognises vetting could only be done within reason. Our main concern must be that if granted the amenity of neighbours now and in the future could not be guaranteed and further extension to opening follow, which was the reason for condition 3 in the first place.

## **PUBLICITY**

Adjoining properties have been notified. Two letters of comment have been received raising the following issues:

- additional noise and disturbance from vehicles and guests
- insufficient car parking on the site
- area already suffers from on-street car parking and inconsiderate car parking
- smells
- loss of privacy.

## ASSESSMENT

This proposal is to vary condition 3 of planning permission PA/2014/0419, which permitted the change of use of the building to a guesthouse, in order to allow for pop-up tapas and a pop-up restaurant. Condition 3 of PA/2014/0419 only allows the building to be used as a guest house and for no other purpose. As a result, in order to use part of the building for a pop-up restaurant/tapas requires planning permission. The pop-up restaurant/pop-up tapas would take place within one room of the existing guesthouse with a maximum of 10 guests that would be pre-booked online. The events would take place in the evenings or afternoons. Members may recall that a previous application (PA/2015/1590) to vary condition 3 of planning permission PA/2014/0419 in order to allow for pop-up tapas and a pop-up restaurant was refused at planning committee against officer recommendation in March 2016. The applicant intended to appeal against this decision but the time to appeal has expired and therefore the applicant has decided to resubmit the application.

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

The existing building is a large detached dwelling set back from the road with car parking provided within the site frontage. The building has been renovated to a high standard and operates as a guesthouse, with the applicant residing on the site. The site is located within the development boundary of Haxey, which is a rural settlement. The site is located between residential properties and opposite the site is a public house. The proposal will be linked to the existing guesthouse use as the pop-ups will take place inside the building. The proposal will therefore provide an additional facility within the area and will support the economic growth of this rural business which is supported within paragraph 28 of the National Planning Policy Framework (NPPF). The proposal also has the opportunity to support the local tourist industry by providing an occasional restaurant type of facility in Haxey. The proposal therefore accords with advice given in the NPPF and policies CS1, CS2 and CS3 of the Core Strategy.

In terms of impact on the amenity of the locality, this will be limited as the pop-up restaurant/tapas will take place inside the existing guesthouse. The property is surrounded by residential properties to the north, east and west. To the south is a public house. Planning conditions are suggested to safeguard residential amenity by controlling the number of pop-up restaurants/tapas in a year, limiting the number of customers to the pop-up restaurants/tapas, controlling operating hours and ensuring that no live entertainment and amplified sound is permitted during the pop-up restaurant/pop-up tapas. In addition a temporary permission is proposed of 18 months to allow a further measure of control which will further safeguard residential amenity and provide an accurate assessment of the impact the proposal has on the amenity of neighbours. The planning conditions require the applicant to keep a log book of the number of pop-up restaurants to be held during the temporary permission period and the number of non-resident guests with names and addresses who attend each individual pop-up restaurant/pop-up tapas that must be available for the council's inspection at any time. This will ensure that the use can be monitored by the council and ensure that the planning conditions are being complied with. These measures should overcome the objections and concerns raised by Haxey Parish Council and neighbours.

In terms of concern from neighbours in relation to odours, the existing kitchen is to be used which is a standard kitchen that can be found in any home and the applicant will not be

producing food on a large scale. As a result a commercial-style extraction system is not required. Environmental Protection have no concerns in relation to odours and have not requested a condition in relation to odours. In relation to loss of privacy, it is not considered that the proposed use of the pop-up restaurant/tapas located inside the existing building will result in loss of privacy to adjoining neighbours. In terms of additional noise and disturbance this is addressed by the conditions proposed in order to safeguard residential amenity. It is not considered that the proposed use taking place inside the building with limitations on the hours of use, number of pop-up restaurants/tapas that can be held and limitations on the number of non-resident guests permitted to the pop-up restaurants/tapas would create demonstrable noise and disturbance to the neighbours. However, the temporary permission proposed will allow an accurate assessment on the impact the proposed use has on neighbours to be ascertained. The proposal will therefore accord with policies S9 and DS1 of the North Lincolnshire Local Plan.

In terms of highway issues, it is anticipated that vehicles will park within the parking area provided within the site frontage. This area of Haxey does have high levels of on-street car parking. As a result, the temporary permission will allow the impact of the proposal on Low Street/High Street to be accurately assessed. A temporary permission of 18 months is proposed as the applicant is unsure exactly when the pop-up restaurants/tapas will commence. If the temporary permission results in an increase in on-street parking to the detriment of the highway network, then this aspect can be reassessed in a future application. The applicant will need to keep a record of the date and time of the pop-up restaurants and the number of guests attending each event in order to support any further application they may apply for. The proposal, subject to a temporary permission, accords with policies T2, S9 and DS1 of the North Lincolnshire Local Plan.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The pop-up restaurant/tapas restaurant hereby permitted shall be discontinued on or before 19 April 2018 unless before that date an application has been made and permission granted by the local planning authority for an extension of the time limit imposed by this condition.

**Reason**

In order to assess the impact of the use on the highway network and the amenity of neighbours in accordance with policies T2 and DS1 of the North Lincolnshire Local Plan.

2.

The number of pop-up restaurants/tapas event nights shall be limited to 15 per annum. The applicant shall keep a log book of the date and time of each pop-up restaurant/pop-up tapas that is held on the site during the temporary permission period which must be made available for inspection by the local planning authority at all times.

**Reason**

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

3.

The pop-up restaurants hereby approved shall be restricted to 8am to 1am on any day. There shall be no deviation from these hours without the prior approval in writing of the local planning authority.

Reason

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

4.

The maximum number of non-residents attending each individual pop-up restaurant/tapas night shall be limited to 10 persons at any time. The applicant shall keep a log book of the number of non-resident guests attending each pop-up restaurant/pop-up tapas that is held on the site, together with their names and addresses, and this must be available for inspection by the local planning authority at all times.

Reason

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

5.

No live entertainment or amplified sound shall take place during the pop-up restaurants or pop-up tapas at any time without the prior approval in writing of the local planning authority.

Reason

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

6.

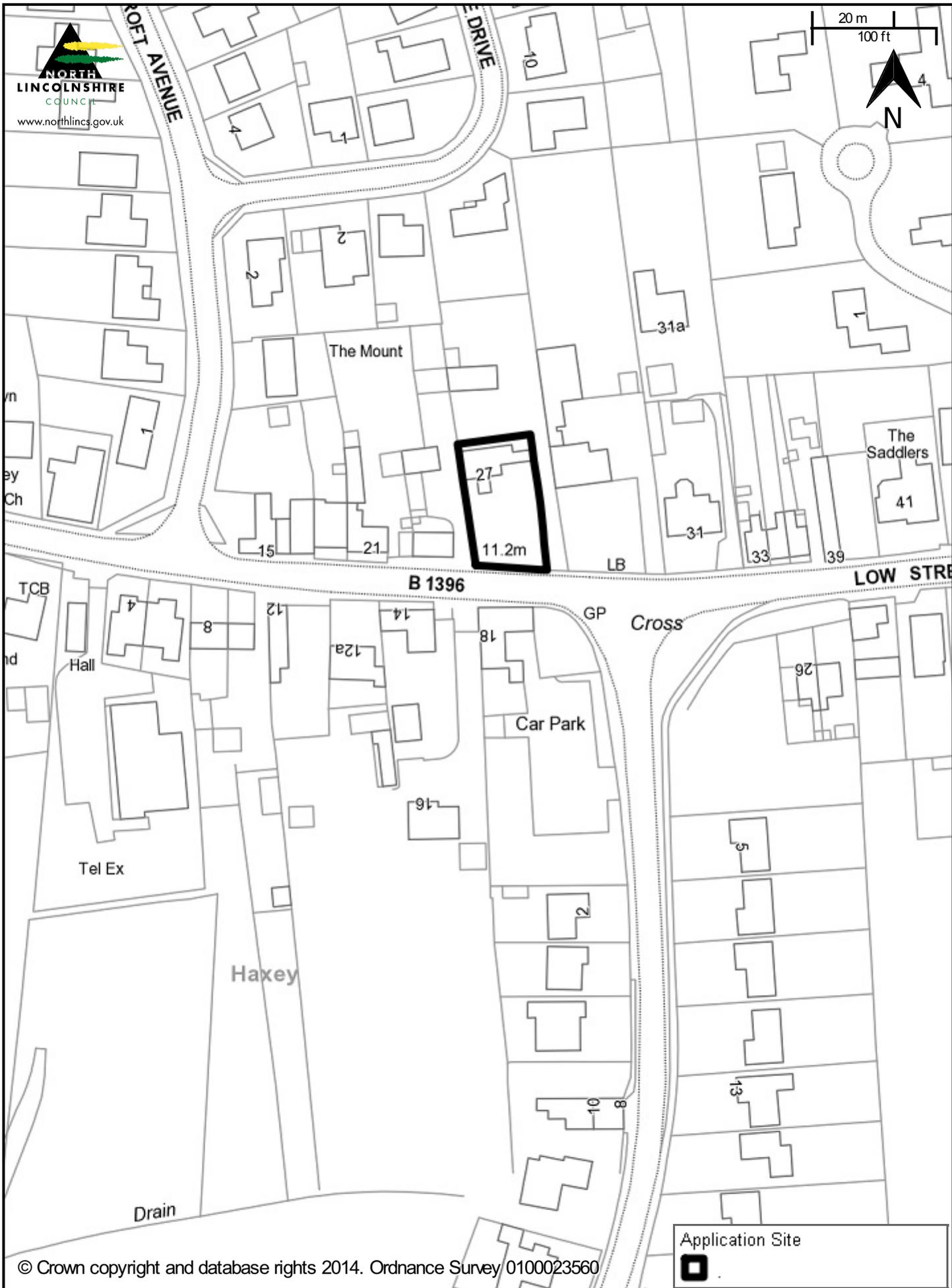
The development hereby permitted shall be carried out in accordance with the following approved plans: N33-01 and N33-02.

Reason

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

**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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Application Site

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Printed on: 28/9/2016 at 13:37 PM