

APPLICATION NO	2006/1284
APPLICANT	Mr R Smith
DEVELOPMENT	Planning permission to change the use from a butcher's shop (A1) to a mixed use of retail shop (A1), with sale of hot food off the premises (A5) and seating inside for consumption of hot and cold food (A3)
LOCATION	49 High Street, Messingham
PARISH	MESSINGHAM
WARD	Ridge
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council
POLICIES	<p>Humberside Structure Plan: Messingham has been identified as a selected settlement under policy S11.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy S9 (Restaurants and Hot Food Takeaway Establishments) states that proposals for restaurant and hot food takeaway establishments will be permitted in town, district and local centres subject to the following criteria:</p> <ul style="list-style-type: none"> (i) the premises are not located where individually or cumulatively they would have an adverse impact on the occupiers of nearby residential properties by reason of noise and disturbance, litter or on-street parking; (ii) the development must not create a road safety hazard or create traffic congestion, due to it being located on a bend, junction, hill or any other restriction on the public highway; (iii) suitable off or on-street parking is available on or near the premises so as to avoid detriment to road safety or residential amenity; (iv) a suitable fume extraction system and refuse storage area is installed to ensure that the amenity

of nearby residents is protected from the emission of smells and fumes;

- (v) when planning permission is granted for restaurants and hot food takeaway establishments, the council will consider whether it is desirable to impose conditions, including limiting the hours that the premises may remain open, so as to avoid possible loss of amenity to nearby residents resulting from noise and disturbance.

CONSULTATIONS

Highways: No objections.

PARISH COUNCIL

Object to the proposal on grounds of highway safety, and an oversupply of food outlets in the village.

PUBLICITY

One objection has been received objecting to another fast food outlet in Messingham and the associated problems that it will bring, eg rubbish and increased traffic levels.

ASSESSMENT

This application is for the change of use of a disused butcher's shop to a hot and cold food takeaway with seating to allow the consumption of food on the premises. The premises have been closed since 2003 when the previous owner had to retire due to ill health. A previous application for housing on the site was approved but has not been implemented.

The proposal involves the conversion of no.49, which is half of the original butchers' shop, into a hot and cold food takeaway with seating inside to allow for the consumption of food on the premises. The applicant has stated that he proposes to open the premises from 8am 'til 6pm.

The main issue to consider in relation to this application is the impact of the takeaway on surrounding properties.

Policy S9 of the North Lincolnshire Local Plan allows the provision of takeaways provided that they do not cause unreasonable levels of noise and pollution, or high levels of rubbish, and do not result in a significant reduction in highway safety.

The proposal is located in the middle of Messingham High Street, where there is a significant level of on-street car parking by residents of dwellings fronting onto High Street. It is considered that the proposal to change the use of the building into a takeaway will not be a significant traffic generator as the applicant proposes to

open the shop most of the day, closing in the early evening. This allows prospective customers to choose their own time to travel to the shop, rather than in the case of the other takeaways in Messingham which are primarily open in the evenings with limited hours of operation.

With regard to concerns about levels of noise and pollution that would be caused by the proposed change of use, it is considered that any noise generated by the use of the building as a takeaway will be minimal and again, with regard to pollution, these issues can be conditioned so as to mitigate their possible effects on surrounding properties.

The remaining issue of rubbish can be conditioned so that the applicant is responsible for providing a sufficient number of bins both inside and outside the store so as to prevent unnecessary levels of rubbish building up around the proposed hot food takeaway.

The applicant has already stated that as well as using the site for a hot and cold food takeaway the business would also provide seating inside to allow the consumption of food on the premises. The applicant has also stated that he does not intend to function as other takeaways operate within Messingham and would close by 6pm. Any grant of permission could be conditioned so as to prevent any extended opening hours.

In summary it is considered that this proposal is acceptable under policy S9 of the North Lincolnshire Local Plan and as such is recommended for approval.

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 shall be carried out in accordance with the submitted drawings and particulars unless otherwise agreed in writing by the local planning authority in which case the development shall be carried out in accordance with the agreed amended details.

Reason

To ensure that the development is carried out in accordance with the provisions of the Town and Country Planning Act 1990 or any amending legislation.

3.

The building shall not be brought into use until it has been sound insulated in accordance with details to be agreed in writing by the Local Planning Authority beforehand.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

4.

Prior to the commencement of the use hereby permitted, a scheme for the extraction and filtration of cooking odours from the kitchen shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the use commences.

Reason

To protect the amenity of the village and nearby residents in accordance with policy S9 of the North Lincolnshire Local Plan.

5.

The opening hours of the business shall be restricted to 8.30am through to 6.00pm Monday to Saturday, and at no time on Sundays or Public Holidays.

Reason

To protect the amenity of the village and nearby residents in accordance with policy S9 of the North Lincolnshire Local Plan.



TITLE: 2006/ 1284

SCALE: 1:1250



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