

DELEGATED ASSESSMENT

Application no: PA/2021/148

Proposal: Planning permission for the change of use of a two-storey restaurant to a ground floor restaurant and first-floor self-contained flats, plus an erect detached garage to the rear

Location: 144 High Street, Scunthorpe, DN15 6EN

Applicant: Grazyna Czopek

Officer: Emmanuel Hiamey

POLICY

National Planning Policy Framework (NPPF) 2019

Chapter 4. Decision-making

Chapter 6. Building a strong, competitive economy

Chapter 8. Promoting healthy and safe communities

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS4: Changes of Use in Residential Areas

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy H6: Flats above Shops and the Use of Vacant Buildings for Housing

Policy S9: Restaurants and Hot Food Takeaway Establishments

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS14: Retail Development

Policy CS19: Flood Risk

Housing and Employment Land Allocations Development Plan Document

Policy TC-1: Development in North Lincolnshire's Town Centres and District Centres

Supplementary Planning Guidance

Supplementary Planning Document November 2016: Planning for Health and Wellbeing, is to provide supporting information and guidance for planners, developers

and investors on how our environment and the planning decisions we make impact the health and wellbeing of the population.

Developing strong, healthy and vibrant communities is vital to ensuring the well-being of local people. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. The health and well-being of communities cannot be an afterthought. It must begin with the planning process, making the best use of the information that is available. If a community has access to a range of health services, food outlets and well-designed public spaces, it will be healthier, happier and more stable. It is the responsibility of planners, developers and policymakers to ensure all our communities have access to amenities that will enable them to lead healthier lives.

CONSULTATIONS

Environmental Protection Team has no objection to the proposal subject to conditions. They have commented that activities at the ground floor restaurant have the potential to harm the proposed residential property above. No information has been included within the application that demonstrates noise and odour would not harm residential amenities. This department has also recently received noise complaints concerning activities at the restaurant, including noise from people and loud music. Considering the above and in the event planning permission is granted, this department would recommend a condition.

The LLFA Drainage Team has no objections or comments on the proposed development.

Highways have no comments or objections to make on this application subject to informative.

PARISH/TOWN COUNCIL

None

PUBLICITY

The site notice has been posted.

LETTERS OF COMMENT

None

RELEVANT PLANNING HISTORY

6/1975/0021: Permission to make shop front alterations / interior fittings was approved on 20 February 1975

6A/1975/1044: Advertisement Consent to display a shop sign was approved on 20 February 1975.

6/1983/0275: Permission to install a new shopfront was approved on 15 November 1983

6A/1984/1498: Consent to display an externally illuminated fascia and projecting box sign was approved on 21 May 1984

6A/1984/1478: Consent to retain an illuminated sign and projecting box sign was refused on 6 January 1984

6A/1987/1711: Advertisement Consent to display an internally illuminated fascia sign, box sign and advertisement case was approved on 23 September 1987.

6A/1988/1732: Consent to display an internally illuminated fascia sign and a double-sided projecting box sign was approved on 14 January 1988

PA/2008/1019: Planning permission to change the use of a clothing repair centre into an Italian takeaway (A5) was approved on 12 August 2008.

CONSTRAINTS

Development Boundary
SFRA Flood Zone 1

MATERIAL CONSIDERATIONS

Site Description and proposal

Planning permission is sought for the change of use of a two-storey restaurant to a ground-floor restaurant and first-floor self-contained flats, plus erect a detached garage to the rear at 144 High Street, Scunthorpe, DN15 6EN.

As indicated above, the proposal would split the ground floor and first floor into two separate areas. The first-floor flat will use the existing side front entrance to the property (currently not in use) and erect the side steel staircase. The ground-floor restaurant will continue to use the existing main front entrance to the restaurant. The existing layout and usage of the ground floor would be retained. This includes the restaurant area and kitchen.

The proposed first-floor flat will consist of two bedrooms, Lounge, a bathroom, and a dining/kitchen area. The proposal would involve minimal internal alterations to the existing first-floor layout.

The proposal would use the existing foul water and drainage system

As indicated earlier, this proposal includes the erection of a single-storey flat roof garage in the rear yard of the property. The garage would be attached to the existing ground floor extension connected to the main dwelling. The garage would measure 3m by 6m and would be single-storey with a flat roof.

There is existing access to the site and the access arrangements to the site will remain unchanged. There is an allocated rear yard parking space at the site.

Main issues

The main issues to be considered in the assessment of this application are as follows:

- The principle of the development
- Impact on highway safety/parking
- Impact of the proposals on the locality
- Impact of the proposals on Street Scene
- Impact on the amenity of neighbouring residents

Principle of Development

Planning permission is sought for the change of use of a two-storey restaurant to a ground-floor restaurant and first-floor self-contained flats, plus an erect detached garage to the rear. The application site is situated within the development boundary of Scunthorpe.

Chapter 6. Building a strong, competitive economy of the NPPF requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, among other guidance the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.

Chapter 8. Promoting healthy and safe communities of the NPPF, para 93 requires that planning policies should provide social, recreational and cultural facilities and services the community needs. Planning policies should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship) and other local services to enhance sustainability of communities and residential environments. Decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It should ensure that established shops, facilities and services can develop and modernise, and are retained for the benefit of the community and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Policy H6: Flats above Shops and the Use of Vacant Buildings for Housing require that the use of premises above shops for residential uses will be permitted provided that there is no conflict with existing land uses and that there is adequate access and

car parking nearby. Elsewhere the Council will seek to maximise the residential use of both vacant and under-used housing. The conversion of under-used commercial premises in town centres for housing will be permitted provided that there is no conflict with existing land uses, access, parking and environment.

Policy DS4 - Changes of Use in Residential Areas states that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area or residential amenity by noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions. The policy is related to Policy DS3, which seeks to help encourage the growth and development of small businesses but to maintain control over the impact that business activity, carried out at home, can have on the surrounding area.

Policy S9 - Restaurants and Hot Food Takeaway Establishments seeks to protect takeaway food establishments and restaurants because they can add to the quality and attractiveness of existing centres and provide a useful service to shoppers and residents. However, it acknowledges that they can cause a nuisance both in the immediate area of the facility itself, through problems with noise, smell, traffic and litter, as well as further away.

The applicant has confirmed that the first floor of the restaurant is underused. The applicant has indicated that the first floor served as functional rooms and on special occasions complementing the offer of the ground floor restaurant. The main reason for the changes was the result of a reduction in the services provided by the restaurants.

Furthermore, the pandemic has significantly impacted the number of potential clients and has resulted in a significant loss of customers, and the owner decided to convert the first floor into a flat, thus creating an apartment for the family (i.e., occupied by the owner or the proprietor of the restaurant).

Having reviewed the details of the proposal, in accordance with the above policies, it is not uncommon for proprietors of businesses to downsize their business and conversion of business premises to residential accommodation is acceptable in policy terms.

Overall, the principle of the development is acceptable since the proposal would not result in a complete loss of the restaurant. Furthermore, there is no justification to resist the part loss of the restaurant or the change of use of the first-floor restaurant space to a residential dwelling. Additionally, the proposed garage would meet the terms of the policy.

Layout, siting and design.

Policy CS5: Delivering Quality Design in North Lincolnshire sets out the key design principles for all new development in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors and visitors.

Policy DS1 – General Requirements require a high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources and utilities and services.

The existing floor area of the property would be divided internally into two separate areas. There will not be any alterations to the external front elevation of the building. The dwellings will remain within the existing building structure. The number of rooms on the ground floor will remain unchanged and the first floor flat will form an additional bedroom. The flat will use the existing front door to the property and the existing hallway would be shared between all the flats. The apartment on the first floor will use the newly created side external staircase. From above, it does not appear the change of use from a two-storey restaurant to a ground-floor restaurant and first-floor self-contained flats would harm the character of the building and the surrounding area as well as the street scene.

Concerning the garage, it would be a single-storey flat roof garage in the rear yard of the property. The garage would be attached to the existing ground floor extension connected to the main dwelling. The garage would measure 3m by 6m and would be single-storey with a flat roof.

The location of the garage at the rear of the dwelling would not raise any significant planning issues as it would not impact the building and the street scene. The scale of the garage would be modest in size and single-storey and therefore unlikely to dominate the building and the surrounding area. The appearance of the garage would conform to the surrounding area. Overall, the position, scale and design of the garage are acceptable.

Impact on the neighbouring residential amenity

In considering the impact of the proposal on the neighbouring residential amenity, there would not be any changes to the external of the building and therefore would not raise an issue of overbearing, overshadowing and privacy as the existing building would be retained as it stands except for internal alterations. The location, scale and appearance of the proposed garage have also been reviewed and it is judged that it does not cause any loss of daylight or sunlight to the amenities of the adjacent properties.

Highways

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision. There is an existing access arrangement to the site that will remain unchanged.

The proposal is for a one-bedroom flat. There is an allocated rear yard parking space at the site. Furthermore, the applicant seeks to erect a single garage in the rear yard. Highways have been consulted and they have no comments or objections to make on this application subject to informative.

Accordingly, the proposal would comply with policies T2 and T19.

Flood zone

The application site is within SFRA Flood Zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections or comments to the proposed development.

Environmental Protection Team

The Environmental Protection Team has reviewed the potential noise nuisance and odour and has commented that activities at the ground floor restaurant have the potential to harm the proposed residential property above. No information has been included within the application that demonstrates noise and odour would not harm residential amenities. This department has also recently received noise complaints concerning activities at the restaurant, including noise from people and loud music.

Considering the above and in the event planning permission is granted, this department would recommend a condition to be imposed to ensure that the ground floor restaurant remains in the same ownership as the first floor flat on the basis that sub-dividing the unit would result in future occupiers of the flat potentially being subject to adverse living conditions. The condition would be applied to the decision notice.

Conclusion

In conclusion, the relevant policies of the National Planning Policy Framework (NPPF), North Lincolnshire Local Plan and the Core Strategy together with the Supplementary Planning Document November 2016: Planning for Health and Wellbeing, have been considered and planning material considerations have been applied and it is judged that, on balance, the principle of the change of use of the two-storey restaurant to a ground floor restaurant and first-floor self-contained flats, plus the erection of the detached garage to the rear is acceptable.

There are no issues with the design of the proposed changes to the building. Further, it would not have a significant adversely impact on the vitality or viability of the area. On the other hand, the grant of the residential use of the first-floor building would not result in the loss of the restaurant as the ground floor would continue as a restaurant.

The siting, layout and design of the proposed garage are acceptable because they would not harm the character of the building and the surrounding area as well as the street. It would also not impact negatively on the neighbouring amenities in terms of overshadowing, overbearing and privacy.

The proposal complies with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy and is recommended for approval.

RECOMMENDATION: Grant permission subject to conditions: