

APPLICATION NO PA/2023/1926

APPLICANT Mr and Mrs Mottram

DEVELOPMENT Planning permission to change the use of a former coffee shop (Use Class E) to residential (Use Class C3), with associated alterations

LOCATION 35 High Street, Haxey, DN9 2HH

PARISH HAXEY

WARD Axholme South

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION **Approve with conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- T1 Location of development
- T19 Car parking provision and standards
- H5 New housing development
- H8 Housing design and housing mix
- C2 Community facilities in minimum growth settlements and rural hamlets and villages in the open countryside

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS22 Community facilities and services

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until late 2024.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS11 Development limits

DM1 General requirements

DM3 Environmental protection

T4 Parking

CSC10 Community facilities and services

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

Environmental Protection: No objection or comments.

Waste and Recycling: Comments made in relation to bin storage, numbers of bins, collection, pulling distances, and refuse vehicle dimensions and highway construction requirements.

PARISH COUNCIL

Objects on the following grounds:

Sadly, this is another business that is lost to the community and visitors. Implementation of planning consent as sought in this application would bring about the loss of an important amenity for residents and visitors alike. Apart from pubs, amenity stores and hairdressers,

permanent closure of this coffee shop would see the disappearance of Haxey's last remaining High Street business.

In addition, the following comments were made:

As stated in the DAS this conversion could be done under GDPO if it were not for some parts requiring planning permission that the applicant wants included.

The amenity space is small and the additional land that is included in the proposal to the rear should make it adequate. The Parish Council can find no information relating to the concrete ramp and parking and can only comment that some alteration would benefit the overall proposal.

Parking should not cause a problem as it would be expected the number of visiting vehicles will reduce, it is not clear what off-street parking is proposed. Given the size of the proposal the Parish Council considers it represents a more affordable dwelling for either an elderly person or first-time buyer.

PUBLICITY

A site notice has been displayed and one response has been received in support of the proposal, making the following comments:

When this building was a cafe and coffee shop, the main issue for us as neighbours was parking on the High Street and associated noise both from vehicles and people themselves attending the cafe.

The change to domestic use can only be beneficial to all neighbouring properties, as by being domestic it will remove the constant comings and goings.

Parking has always been an issue in the High Street in Haxey. We understand there is to be a public meeting on this issue in February 2024.

Our only comment on this application regarding planning is that perhaps the designated parking area on the front of the property is protected by a specific clause, so that it is not lost in the future.

Since the cafe has ceased to operate, noise reduction has been beneficial and appreciated.

ASSESSMENT

Planning history

2/1984/0297: Change use of workshop to a building for the fabrication of PVC windows – approved with conditions 03/07/1984

PA/2011/0540: Planning permission to retain a change of use from A1 to A1 (delicatessen) and A3 (café) – approved with conditions 29/06/2011

PA/2005/0569: Outline planning permission to erect a bungalow (access not reserved for subsequent approval) (resubmission of PA/2004/0884) – refused 18/05/2005

- 2/1993/0859: Removal of existing temporary building and erection of a residential building – refused 10/12/1993
- 2/1988/0282: Erection of a detached dwelling – approved 20/06/1988
- 2/1983/0628: Change use of office, storage and workshop to residential use – approved with conditions 29/11/1983
- 2/1994/0044: Demolition of existing timber-framed building and erection of a butcher's shop – approved with conditions 11/03/1994
- PA/2001/1485: Planning permission to change use of part of industrial building to office – approved with conditions 20/12/2001
- PA/2013/0500: Application for variation of condition 1 of planning permission PA/2011/0540 to allow the opening hours to be 9am to 5pm Monday to Saturday (inclusive) – approved with conditions 06/06/2013
- PA/2006/0707: Planning permission to change the use of workshop to farm shop – approved with conditions 27/06/2006
- PA/2006/1164: Planning permission to change the use of butcher's shop (A1) to hot food takeaway premises (A5) – refused 03/10/2006
- PA/2004/0884: Outline planning permission to erect a bungalow – refused 26/07/2004
- PA/2021/1373: Planning permission to vary condition 1 attached to previously approved application PA/2011/0540 dated 11/05/2011, namely the opening hours be changed to 9am to 5pm Monday to Saturday and 10am to 3pm on a Sunday, and to remove condition 4 to allow for outside seating – approved with conditions 15/11/2021.

The application site comprises a single-storey building within the defined settlement boundary for Haxey; its current use is a café/delicatessen. It is brick built with a concrete tiled roof, and has an area of hardstanding and ramped pedestrian access to the front facing south towards High Street (B1396). It partly shares an access with 37–39 High Street, which served as the former post office; this runs along the eastern side of the building. The area within which the building is located is primarily residential in nature, the nearest commercial enterprises being the Co-op Convenience store 110 metres to the west and some offices 280 metres to the east. Planning permission is sought to change the use of the former coffee shop to a single dwelling with associated external alterations and the provision of an area of amenity space to the rear.

The main issues in determining this planning application are the principle of development, and impact on the character and appearance of the street scene and upon residential amenity.

Principle

The main issue is the change of use of this former café to a dwelling and the potential loss of a community facility within the main built framework of Haxey. The most applicable policies are C2 of the North Lincolnshire Local Plan and CS22 of the adopted Core Strategy. These policies seek to retain community facilities unless it can be demonstrated,

to the satisfaction of the local planning authority, that sufficient reasoning and evidence has been put forward in a planning application for an alternative use (such as residential) to be considered. In addition, the NPPF, at paragraph 88d) states that planning policies and decisions should enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public buildings and places of worship.

Policy C2 states:

Proposals which would lead to the loss of key village services (Uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the change of use of vacant premises to uses outside these classes, located in rural local centres will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.

Policy CS22 echoes the approach set out in policy C2 and states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

It is worth noting that the Use Classes have changed in respect of policy C2 (a café now being an E(b) use rather than its previous A3 use class) and the reference to minimum growth settlements and rural hamlets and villages in the open countryside is no longer relevant; however, the policy does still set out the relevant criteria for the potential loss of a community facility. In this regard the onus is on the part of the applicant to justify the loss of the community facility for alternative use. This is undertaken in the form of marketing evidence to show the community facility (in this case a café) has been marketed for the same use for a period of time prior to the application being made (i.e. not economically viable) and there is an alternative facility available locally which would continue to serve the community. This concern is highlighted in the consultation response from Haxey Parish Council.

In that regard the planning agent has submitted additional supporting information which sets out the case on the part of the applicant for the proposed change of use to a dwelling. The supporting information states there have been a number of operators of the business over the past few years and the business was marketed in 2019 with the property being purchased in May 2022 and it being run on a lease basis but with the business remaining for sale by the owner and the operators requesting to be kept informed of any potential sale. The supporting information goes on to state the current owners then approached the previous owner and offered a sum of money to surrender the lease for the café; this was accepted, and the lease was surrendered on 14 October 2023 with the business ceasing to trade the week before (this was prior to the planning application being submitted to the local planning authority). In terms of alternative community service provision, the supporting information highlights there are other facilities within Haxey (such as the Duke William Pub, Loco, Shepherds Place Farm and coffee mornings at St Nicholas Church) and these are accessible locations within Haxey. On this basis it is considered that sufficient alternative community service provision exists within Haxey, which is located in accessible locations in the same settlement.

Based on the fact that the business has ceased trading since October 2023 (a period of 4.5 months at the time of writing this report) and there are sufficient community uses and

buildings retained within Belton (which are accessible), it is considered that the loss of the community facility has been sufficiently justified in this case and the change of use to residential is acceptable in principle.

In terms of the proposed use (as a residential dwelling), it is the opinion of the local planning authority that this is a compatible, alternative use as the area surrounding the business premises is primarily residential in nature and the dwelling will be in a sustainable location, within walking and cycling distance of local services (church, pharmacy, two shops, pubs and a primary school) and access to sustainable modes of travel (i.e. bus stops in close proximity on High Street to the east and west of the site). In conclusion, it is considered the applicant has satisfactorily demonstrated the loss of the community facility is justified in this case and that its alternative use as a residential dwelling is compatible with the prevailing residential uses established in this part of Haxey.

Impact on the street scene

The plans show the building is capable of conversion without major external alteration and there is no requirement to erect any extensions to it to extend its built footprint. The plans show the main external alterations are to the front of the building where the large shop window will be reduced in size with the door retained as the primary means of pedestrian access into the dwelling and the removal of the canopy. Other external alterations include the inclusion of high-level obscure glazed windows in the side-facing elevations (to the east and west) which will serve an en-suite and kitchen respectively, and the deletion of a utility window and enlargement of a window to serve a bedroom in the rear facing elevation. The plans show the number of external alterations has been kept to a minimum and are considered proportionate to the size of the building and to facilitate its conversion to a one-bedroom dwelling. In conclusion, the impact of the proposed change of use on the street scene is considered to be negligible as it is only the window reduction which will be visible from the public highway. On this basis, therefore, it is considered the building lends itself to residential conversion with minimal external alterations taking place.

Residential amenity

The plans show the building is capable of being converted to a one-bedroom dwelling with sufficient room provision internally, the provision of an off-street parking space and bin storage area to the front, and an area of amenity space to the rear. The proximity to the driveway with 37 High Street is noted, as is the provision of amenity space to the rear (which is currently in the ownership of 37 High Street); however, it is considered the dwelling can co-exist alongside existing properties, and it constitutes a compatible use without resulting in loss of amenity through the effects of overlooking or having an overbearing impact.

There is provision shown for an area of amenity space to the rear of the dwelling which extends to 37 square metres. Whilst this is not extensive in area, it provides sufficient spill out space externally that is proportionate to the size of the one-bedroom dwelling in this case. The host property (37 High Street) envelops the proposed rear garden on two sides and there is a further dwelling to the west. No details of how this garden will be enclosed have been provided; such detail is required, particularly given the relationship with the host property's garden and the rise in ground levels from south to north. Therefore, a condition is recommended requiring details of the proposed boundary treatment (along its northern and eastern sides in particular) to be submitted to ensure the garden to the rear is private for its intended occupant(s).

Two windows are proposed in the side-facing elevations of the dwelling. These are shown to serve an en-suite and kitchen, will be horizontal and slim in orientation and profile, and are shown to have a minimum cill height of 1.7m above the floor level of the rooms internally they will serve. This is considered sufficient so as to not introduce any issues in relation to overlooking of neighbouring properties either side. These windows will provide light and ventilation to the respective rooms and a condition is recommended they are fitted with obscure glazing to a minimum level 3 in accordance with the Pilkington Scale of Obscuration.

Finally, it is worth noting the change of use of the building to a dwelling will considerably reduce the potential for loss of residential amenity to neighbouring properties compared with the existing use as a café, which would have potential noise, parking and odour issues associated with its operational side. The level of car parking provision is considered proportionate to the scale of the dwelling (one bedroom) and Highways have raised no issues with the proposed change of use on grounds of parking provision or potential impact on highway and pedestrian safety. In conclusion, it is considered the proposed change of use will reduce the potential for loss of residential amenity to neighbouring properties (compared to the last use as a café) and the building can be converted to a dwelling with sufficient off-street parking and private amenity space provision to serve its alternative use.

Conclusion

The applicant has satisfactorily demonstrated the loss of the community facility is justified in this case and that its alternative use as a residential dwelling is compatible with the prevailing residential uses established in this part of Haxey. In addition, the plans show the building can be suitably altered without any significant external alterations being proposed and its use as a dwelling will reduce the potential for loss of residential amenity to neighbouring properties in this case when compared to the existing use as a café. On this basis the application 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 hereby permitted shall be carried out in accordance with the following approved plans: M/01/01/024/23 and Site Location Plan.

Reason

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

3.

No above-ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

4.

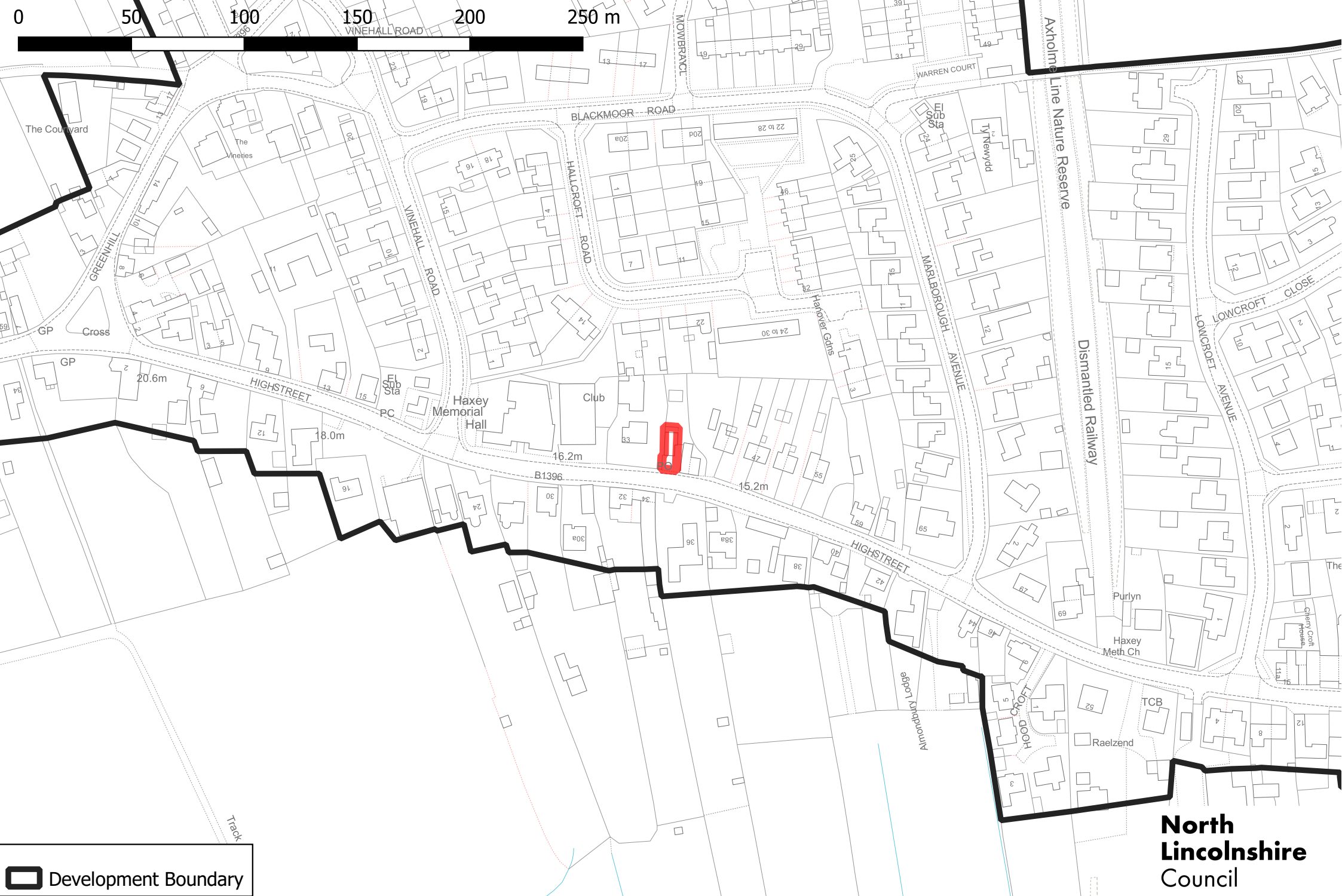
Before the dwelling is first occupied, the kitchen and en-suite windows in its eastern and western walls shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

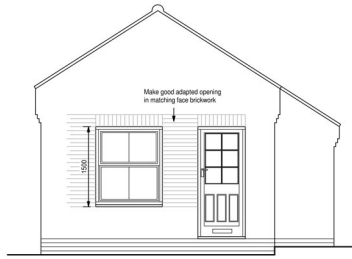


 Development Boundary

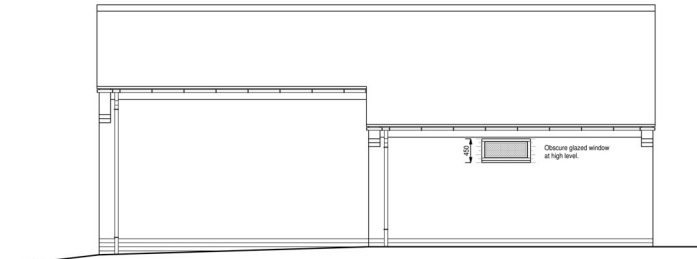
PA/2023/1926

**North
Lincolnshire
Council**

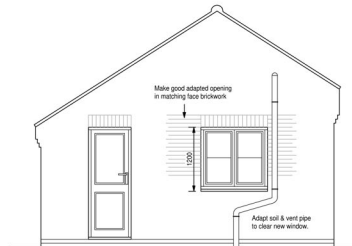
PA/2023/1926 Existing and proposed plans (not to scale)



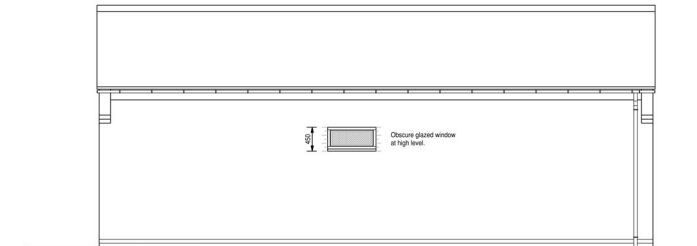
PROPOSED FRONT (SOUTH)



PROPOSED SIDE (EAST)



PROPOSED REAR (NORTH)



PROPOSED SIDE (WEST)

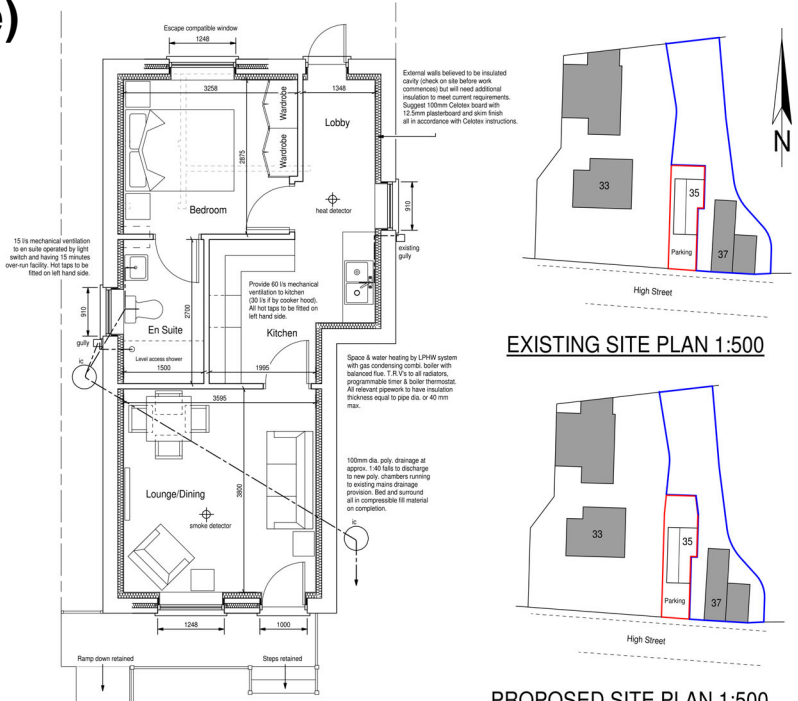
Building Regulations Compliance Notes.

NEW INTERNAL BLOCK WALLS IN 100mm BLOCKS OFF THICKENED FLOOR SLAB. BLOCK WALLS FINISHED INTERNALLY WITH 1/8" ON DASS & SKIM. ROOF STRUCTURE RETAINED AND ROOF INSULATED USING 200mm MINERAL WOOL BETWEEN JOISTS (AT CEILING LEVEL WITH 200mm OVER AT RIGHT ANGLES TO BOTTOM LAYER. SLOPING AREA OF ROOFCEILING TO BE INSULATED USING 125mm GELCOYD BOARD WITH 50mm AIRGAP OVER (BATTEN AS NECESSARY). CATNIC STEEL LINTELS OVER NEW EXTERNAL OPENINGS WITH DPC OVER. INSTALLATION ALL IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. REINFORCED CONCRETE LINTELS TO INTERNAL OPENINGS AND TO WALLS WHERE ANY DRAINS PASS UNDER. MANSFIED LINKED SMOKE DETECTORS TO BS 5446 PT 1 & IN ACCORDANCE WITH APPROVED DOCUMENT B OF CURRENT BUILDING REGULATIONS. INTERNAL WALLS SURROUNDING BEDROOMS AND ROOMS CONTAINING WC'S TO HAVE RESISTANCE TO SOUND. CONCRETE BLOCK WALLS TO HAVE MIN. MASS PER UNIT AREA OF 120 Kg/m³. PLASTERBOARD ON DASS & SKIM FINISH TO BOTH SIDES. APOCRITE WALLS WITH PLASTER FINISH SHOULD HAVE MIN. MASS OF 75 Kg/m³. ALL GAPS AND JOINTS TO BE FILLED AND WELL SEALED. ALL WINDOWS TO HABITABLE ROOMS TO HAVE OPENING LIGHTS MIN. 1020h RESPECTIVE FLOOR AREAS AND TRICOLE VENTS TO HEADS PROVIDING MIN. 8000mm² VENTILATION TO HABITABLE ROOMS. 4000mm² TO NON-HABITABLE ROOMS. ALL HOT TAPS TO BE FITTED ON THE LEFT HAND SIDE. SANITARY FITTINGS TO HAVE ANTI SYPHON TRAPS AND TO DISCHARGE TO S.V.Ps (BACK INLET GULLIES AND CONNECTED TO MAINS DRAINAGE VIA 100mm DIA. POLY. PIPEWORK AND PREFORMED CHAMBERS WHERE INDICATED. ALL DRAINS TO BE AT 1:40 GRADIENT AND BED & SURROUND IN COMPRESSIBLE FILL MATERIAL. ALL OPENINGS FORMED BY DRAINS WHICH PASS THROUGH THE BUILDING CONSTRUCTION AREA TO BE MASKED AND SEALED TO PREVENT ENTRY FROM FILL, VERMIN AND GASES. ALL RELEVANT PIPEWORK TO HAVE INSULATION THICKNESS EQUAL TO PIPE DIAMETER OR 40mm MAX. INCLUDING ANY PIPE RUNS THROUGH UNHEATED SPACES. RESPONSIBILITY FOR ACHIEVING COMPLIANCE WITH THE REQUIREMENTS OF PT 1 HEAT PRODUCING APPLIANCES RESTS WITH THE PERSON CARRYING OUT THE WORK. THAT PERSON MUST PREPARE A REPORT SHOWING THAT MATERIALS & COMPONENTS APPROPRIATE TO THE INTENDED APPLICATION HAVE BEEN USED & THAT FLUES HAVE PASSED APPROPRIATE TESTS. THE COUNCIL MAY REQUEST A COPY OF THE REPORT.

HEATING & HOT WATER SYSTEMS SHALL BE INSPECTED AND COMMISSIONING CERTIFICATE ISSUED AT COMPLETION OF INSTALLATION TO CONFIRM THAT APPROPRIATE PROVISION HAS BEEN MADE FOR THE SYSTEM'S EFFICIENT OPERATION FOR THE PURPOSES OF CONSERVATION OF FUEL & POWER. THE CERTIFICATE TOGETHER WITH MANUFACTURERS OPERATING AND MAINTENANCE INSTRUCTIONS MUST BE AVAILABLE FOR OCCUPANTS USE. A DURABLE NOTICE CONTAINING INFORMATION ON THE PERFORMANCE CAPABILITIES OF THE HEATHING, FIREPLACES, FLUES AND CHIMNEYS SHALL BE AFFIXED IN A SUITABLE PLACE IN THE BUILDING FOR THE PURPOSES OF ENABLING COMBUSTION APPLIANCES TO BE SAFELY INSTALLED. ALL WINDOWS TO COMPLY WITH CURRENT PART 1 REQUIREMENTS. WINDOW & DOOR FRAMES TO OVERLAP THE CLOSERS BY MIN. 30mm. APPLY SEALANT TO FRONT & BACK OF FRAMES AND SILLS. APPROACH AND ACCESS TO THE BUILDING TO BE IN ACCORDANCE WITH APPROVED DOCUMENT M. MIN. CLEAR OPENING WIDTH OF NEW FRONT DOOR TO BE 775mm. PROPERTY TO HAVE PARKING AREA MIN. 3.0m WIDE WITH FIRM SURFACE TO FACILITATE DISABLED ACCESS. INTERNAL DOOR WIDTHS TO COMPLY WITH PART M. WALL MOUNTED SWITCHES & SOCKET POSITIONS TO COMPLY WITH PART M. GLAZING IN CRITICAL LOCATIONS TO BS 6206 1981 (SAFETY GLASS). ALL ELECTRICAL WORK REQUIRED TO COMPLY WITH APPROVED DOCUMENT P TO BE CARRIED OUT BY A PERSON COMPETENT TO DO SO. A CERTIFICATE ISSUED BY A COMPETENT PERSON TO PROVE THAT THE INSTALLATION HAS BEEN TESTED & COMPLES WITH PART P MAY BE REQUESTED BY BUILDING CONTROL. SECURE DOORSETS SHOULD BE EITHER MANUFACTURED TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 OR DESIGNS AND MANUFACTURED IN ACCORDANCE WITH APPENDIX S. LETTER PLATES WHERE PROVIDED SHOULD HAVE A MAXIMUM APERTURE OF 260mm x 40mm AND BE LOCKED AND/OR DESIGNED TO HINDER ANYONE ATTEMPTING TO REMOVE KEYS WITH STICKS AND/OR INSERT THEIR HAND FOR EXAMPLE BY INCORPORATING A FLAP OR OTHER FEATURE TO RESTRICT ACCESS. THE MAIN DOORS FOR ENTERING THE DWELLING SHOULD HAVE A DOOR VIEWER UNLESS OTHER MEANS EXIST TO SEE CALLERS, SUCH AS CLEAR GLASS WITHIN THE DOOR OR A WINDOW NEXT TO THE DOORSET. THE SAME DOORSET TO HAVE A DOOR CHAIN OR DOOR LIMITER. WINDOWS TO BE MADE TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 SUITABLE TERMINAL ACCESS POINT TO BE PROVIDED FOR CONNECTION BY INTERNET SERVICE PROVIDER.



NOTE: THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS. APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS. ADDITIONAL DESIGN OR ADMINISTRATION DUE TO STARTING WORKS WITHOUT FULL APPROVAL WILL BE CHARGED FOR. ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE.



PROPOSED FLOOR PLAN

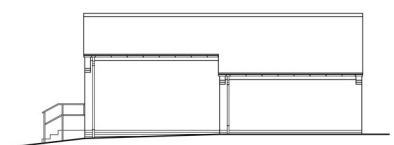
EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:500

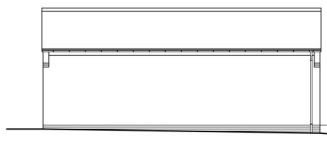


EXISTING FRONT (SOUTH)



EXISTING SIDE (EAST)

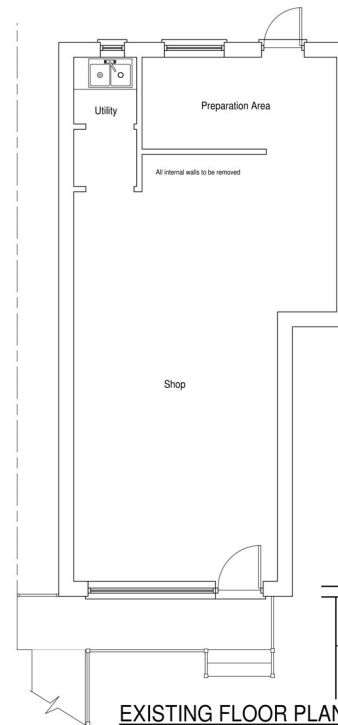
SCALE 1:100



EXISTING SIDE (WEST)



EXISTING REAR (NORTH)



EXISTING FLOOR PLAN

Drawing title: EXISTING & PROPOSED ARRANGEMENTS	Client: MR & MRS MOTTRAM	R M Potterton Ltd. Architectural Services	
Revisions:	Drawing No. M/01/01/024/23	Scale at A1: 1:50, 1:100	Date: 21-11-2023
Project: CHANGE OF USE OF COFFEE SHOP TO DWELLING, 35 HIGH STREET, HAXEY, DN9 2HH.		Telephone: (01724) 761752 Mobile: 07944 302278 mpotterton@hotmail.co.uk	