

Parish: Shipton
Ward: Easingwold
5

Committee Date: 2 February 2017
Officer dealing: Caroline Strudwick
Target Date: 10 February 2017

16/02408/FUL

**Application for proposed alterations and change of use from retail to food outlet (restaurant with hot food takeaway)
At Vernons Furniture Warehouse, Shipton by Beningbrough
For Mr P Akcicek (Harpers)**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This site is located on the eastern side of the A19, approximately 1km north of the development limits of Shipton and inside the York Green Belt. The building began life as a Little Chef restaurant, and has been used as a furniture shop for at least 13 years. That change of use was permitted development and so no application was required for it.
- 1.2 This application seeks a change of use from retail to a food outlet; the applicant's intended use is a fish and chip restaurant with seating for 70 customers and a takeaway counter although a grant of permission would allow all other forms of restaurant.
- 1.3 Changes proposed for the exterior are limited to the creation of a takeaway area which consists of removing the roller shutter on the front elevation and replacing it with a glass panel and two doors, an entrance and an exit.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 03/01548/FUL - Extension to furniture showroom to also incorporate storage facilities; Refused 22 December 2003, Appeal Dismissed 26 January 2005.
- 2.2 06/00354/FUL - Alterations and extension to furniture showroom; Granted 12 April 2006.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 – Development outside Development Limits
Development Policies DP24 - Other retail issues
Development Policies DP25 - Rural employment
Core Strategy Policy CP16 – Maintaining and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - No objection.
- 4.2 Public comment - One representation supporting the application.
- 4.3 Highway Authority – Comments awaited.

5.0 OBSERVATIONS

- 5.1 The issues for consideration are the principle of development in terms of (i) Green Belt policy and (ii) the location of retail and employment development; and its likely impact on (iii) visual amenity; (iv) neighbour amenity; and (v) highway safety.

Green Belt policy

- 5.2 Policy DP9 states that only development acceptable within the terms of national policy will be permitted within the York Green Belt, so it is necessary to assess the proposed change of use and alterations against policy within the National Planning Policy Framework (NPPF). Paragraph 90 of the NPPF states that re-use of buildings is not inappropriate in the Green Belt provided that the buildings to be re-used are of permanent and substantial construction. The building is of permanent and substantial construction and the change of use is therefore acceptable in the context of national and local Green Belt policy.
- 5.3 The proposed alterations would not increase the size of the building and therefore pose no harm in terms of Green Belt policy.

Retail and employment development

- 5.4 Policies DP4 and CP9 allow development beyond Development Limits in limited exceptional circumstances. One such circumstance, criterion iv) of CP4, is where the development “would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy”. The proposed alterations are not substantial and the applicant states that an additional six full-time and five part-time jobs would be created. It is therefore considered that the proposal can be considered as an exception from the strict control of development outside settlements by reason of its meeting criterion iv) of CP4.
- 5.5 Policies DP24 and DP25 relate to retail and employment development respectively but neither directly refers to restaurant or takeaway uses. However, the principles of both policies provide relevant guidance. Policy DP24 states that small-scale specialist retail development can be supported in rural areas where they would provide support for the rural economy and policy DP25 states that it needs to be demonstrated that the proposal cannot be located within Development Limits and where it would not adversely impact on the economy of the Service Centres.
- 5.6 The nearest town centre and primary retail area is Easingwold which has a number of restaurants and takeaways. It is to be expected that as well as passing traffic on the A19, the premises would draw business from Newton on Ouse, Shipton, Beningbrough and Linton on Ouse, locations which due to the distance to Easingwold would make limited journeys to restaurants or takeaways there. Therefore the change of use is not considered to significantly harm existing facilities in Service Centres.
- 5.7 The policies considered above do not directly relate to a change of use from retail to restaurant with takeaway and it is reasonable to take account of the fact that the current retail use has established a departure from the normal concentration of such businesses within Development Limits. As such, there is no reason to expect the

proposed alternative use to cause a significant change in terms of the premises' impact on existing settlements.

- 5.8 Paragraph 28 of the NPPF states that in order to support a prosperous rural economy sustainable growth and expansion should be supported in rural areas through the conversion of existing buildings, which this is.

Visual and neighbouring amenity

- 5.9 The removal of the roller shutter and replacement with glazed doors is considered an improvement in the visual amenity of the building. There is an application submitted alongside this application for signage. The visual amenity of the signage will be considered in the report for that application.
- 5.10 It is expected that there would not be an unacceptable impact on neighbour amenity. The nearest dwelling is 80m to the north of the proposal site, in between which is a filling station and retail unit.

Highway safety

- 5.11 The site includes 36 car parking spaces, four laid out for the use of disabled drivers, and a service area to the immediate east of the building. The access from the A19 is shared with the adjacent filling station and convenience store. The formal response of the Highway Authority is awaited. However, informal discussion with the Highways Officer suggests that they have no objections to the scheme subject to conditioning the parking spaces to be retained. An up-date on this will be provided at the meeting.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings R/2016/02 & 03 and/or details received by Hambleton District Council on 3 November 2016; unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16 and DP30.