

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 15 September 2011. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

15 SEPTEMBER 2011

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/01237/FUL Mr J E Howe	Change of use from shop (A1) to hot food take away (A5) at 13 Millgate Thirsk North Yorkshire YO7 1AA for Mr R Milka. RECOMMENDATION: GRANTED

1.

Target Date: 9 September 2011

11/01237/FUL

**Change of use from shop (A1) to hot food take away (A5).
at 13 Millgate Thirsk North Yorkshire YO7 1AA
for Mr R Milka.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for a change of use of the ground floor of a retail shop unit (class A1) to a fish and chip shop (hot food takeaway class A5) at 13 Millgate beyond the north-eastern corner of the Market Place. The applicant states that the hours of opening are to be 11.30am until 7pm during the summer/tourist season, probably seven days per week, and shorter hours not including Sundays during the rest of the year.

1.2 The property is an end terrace unit with a number of small shop units on the opposite side of the cobbled lane adjacent. There is a butchers shop adjoining to the south and two other restaurants further south still. Parking restrictions apply throughout the whole length of Millgate in this area. There is space at the rear of the premises for 'wheelie bins' and waste storage.

1.3 The application forms note that a Member of the Council has an ownership interest in the property.

2.0 PREVIOUS PLANNING HISTORY

2.1 11/00696/FUL : Installation of replacement windows : Permission granted March 2011.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Development Policies DP21 - Support for town centre shopping
Development Policies DP1 - Protecting amenity
Development Policies DP20 - Approach to town centre development
Core Strategy Policy CP14 - Retail and town centre development

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Refused (loss of a retail unit, concern regarding odours, waste and car parking difficulties.)

4.2 North Yorkshire County Council (Highways Authority) : No objections.

4.3 Environmental Health Officer : No objections subject to conditions.

4.4 Neighbourhood Policing Team : Awaited.

4.5 The application was advertised by site notice at the side of the site and the closest 21 neighbours/businesses were consulted. Eight letters have been received of which three object on grounds of competition from another business and the remainder object on grounds of odours, nuisance and anti-social behaviour , the lack of need for another unit of this type and waste disposal.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact of the use on adjacent occupiers or businesses (Policy DP1) together with the contribution which the use may make to the vitality/viability of the town centre (Policy DP20 and DP21).

5.2 The comments which have been received in response to consultation on this application are noted although it must be stated that objections as a result of perceived competition are not matters upon which a planning decision can be based. Other comments, particularly regarding nuisance, litter and car parking are also noted some of these are aspects may require enforcement by other agencies and could be addressed by the imposition of planning conditions. Conditions requested by the Environmental Health officer in respect of odour control, waste collection and drainage are sufficient to regulate the operation of this site and can be imposed.

5.3 It is also relevant to note that the hours of operation sought by the current applicant do not include late night opening, being a maximum of 11.30am until 7pm and shorter during winter/off season months.

5.4 Policy DP20 encourages support for businesses and activities which maintain and enhance the viability and vitality of town centres provided that such operation can be controlled to address amenity considerations. DP21 allows for new non-retail uses in Thirsk in the case of "Secondary Shopping Frontages", stating "non retail commercial uses will be permitted where they will not constitute more than 3 consecutive uses in the frontage." The adjacent premises to the south is a butchers and there is a further retail premises to the north. The proposal does not breach the terms of DP21.

5.5 It is considered in this case that the conditional approval of the this application will assist in maintaining the overall viability of the town centre and a conditional permission is, consequently recommended.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the scheme proposes the creation of a retail food unit potentially beneficial to tourists and local residents which may contribute to the general economic viability of the Thirsk town centre.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The use shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority for i) the control of noise and odour ; ii) the installation of a grease trap between the site and the public sewer ; iii) the storage and disposal of all wastes from the site. The scheme shall be implemented as approved and shall be maintained as such and kept in full working order at all times that the premises are in use thereafter.
3. The premises shall not operate outside the hours of 11.30am and 7pm.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the details attached to planning application

11/01237/FUL received by Hambleton District Council on 10th June 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions 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 the interest of adjacent amenity in accordance with Policy DP1.
3. In the interest of the amenity of adjacent residents in accordance with Policy DP1.
4. 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 Policy DP1.