

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 4th April 2017

Application **3**

Application Number:	16/02762/FUL	Application Expiry Date:	20th January 2017
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Application Type:	Full Application
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Proposal Description:	Variation of condition 2 of granted application 16/02144/FUL (Retrospective application for the change of use from Retail (Class 1) to Cafe (Class A3)) - Change opening hours condition to Monday to Friday 0700 to 1500, Saturdays 0800 to 1500 and Sundays 0900 to 1500)
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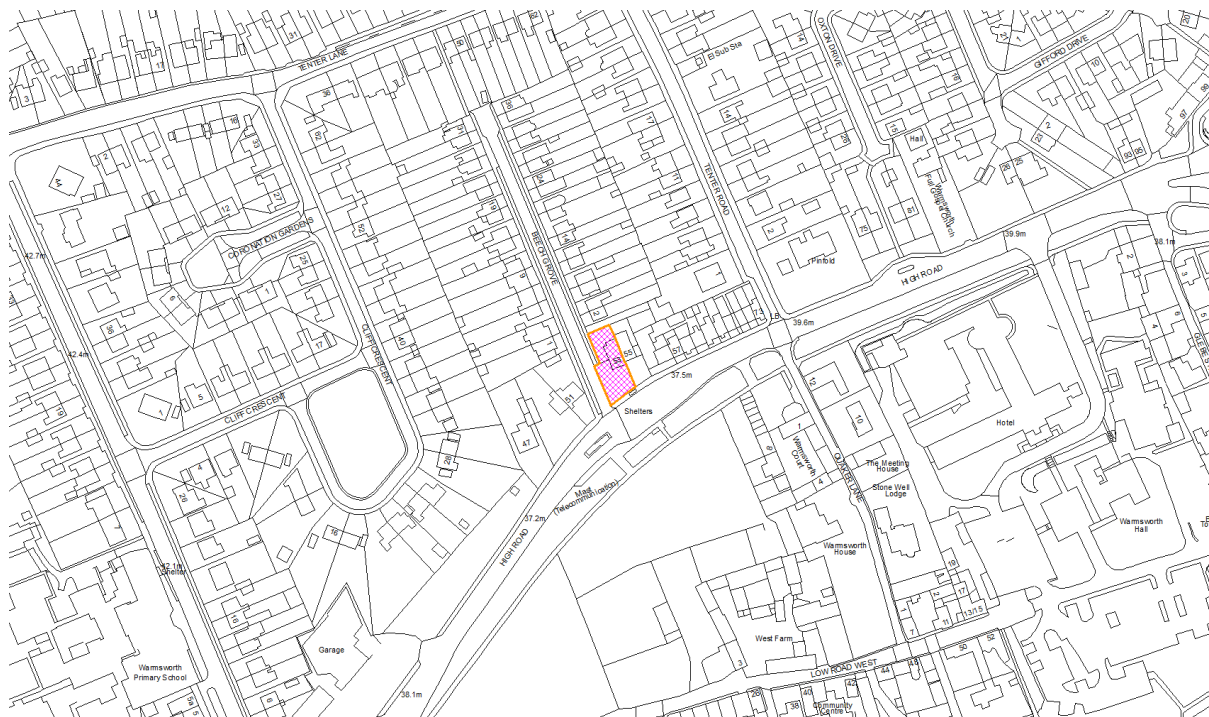
At:	53 High Road Warmsworth Doncaster DN4 9LX
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For:	Miss D Hall
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Third Party Reps:	14 objections 6 support	Parish:	Warmsworth Parish Council
		Ward:	Edlington And Warmsworth

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown in the application.

2.0 Proposal and Background

2.1 The application site is a café at 53 High Road, Warmsworth. The property has historically been a retail unit with previous businesses including a carpet shop and florist. The unit was granted consent to change to a café on 21.10.16. The granted consent restricted opening hours to:

Monday to Friday 0700 to 1430
Saturday 0800 to 1430
And not at all on Sundays and bank holidays

2.2 The café is now open but the applicant would like to change the opening hours. The proposed opening hours are:

Monday to Friday 0700 to 1500
Saturday 0800 to 1500
Sundays 0900 to 1500

2.3 The proposed opening hours add an additional 30 minutes to the end of each day plus Sunday opening. These hours are a reduction on the initial submission. The proposal has been reduced because the applicant would like to try and reduce the opposition from neighbours.

2.3 A 12 month temporary consent is recommended so we can monitor any issues before a permanent change is granted.

3.0 Relevant Planning History

3.1 Planning history relevant to the consideration of the application includes:

3.2 16/02144/FUL: Retrospective application for the change of use from Retail (Class 1) to Cafe (Class A3). Granted 21.10.16

4.0 Representations

4.1 The application has been publicised by site notice and neighbour notification letters. 14 objections and 6 letters of support have been received. This includes 3 objections from ward councillors.

4.2 The supporters want the longer opening hours because it will suit families and shift workers and it can be a place to visit for Sunday lunch. One supporter states the business is an asset to Warmsworth.

4.3 The objections predominantly relate to traffic and parking. The objectors describe the business as a transport café attracting mainly workers with lorries and vans. Complaints from residents include:

* Customer vehicles will worsen the condition of Beech Grove, which is an unadopted road.

* Customers park on Beech Grove and the A630 which obstructs the road and affects visibility.

* It is bad enough having to put up with the café being open 6 days a week. The new opening hours would mean the café is open every day, which is unfair.

* Numerous photos have been provided showing commercial vehicles causing obstructions and visibility problems.

* Other complaints include HGV vehicles parking outside cottages and blocking their light.

5.0 Parish Council

5.1 The Parish Council have objected to the application. They are of the view that the new hours give no respite to residents especially at weekend and bank holidays. They also have concerns that larger vehicles are attempting to park whilst using the facility.

6.0 Relevant Consultations

6.1 Environmental Health: Concerns that Sunday opening would impact negatively on amenity by introducing noise at time when it did not exist previously. The actual impact is difficult to quantify at this stage so they recommend a 12 month temporary consent. This will allow any impact to be monitored prior to a permanent change being allowed.

6.2 Highways Development Management: No objections.

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan 1998 saved by the Secretary of State September 2007.

7.2 Relevant policies are:

National Planning Policy Framework

Planning Policy Principal 1 Building a strong, competitive economy

Doncaster Council's Core Strategy

CS14 - Design and Sustainable Construction

Saved Doncaster Unitary Development Plan

PH12 - Non Residential Use within a Residential Policy Area

8.0 Planning Issues and Discussion

Main Issues

8.1 The main issues to consider are:

Economic development
Parking, highway and traffic

Economic Development

8.2 Planning policy supports the expansion of existing businesses. The additional opening hours will support the viability of the business. The owner states the additional hours will result in two additional staff being employed.

Parking, highway and traffic considerations

8.3 The site stands on the corner of Beech Grove and A630 High Road. It is set back from the A630 with hard standing to the front, which is used for parking. To access the parking, drivers turn off the A630 and onto Beech Grove, which is an unadopted residential road. At the front of the property is a bus stop.

8.4 Objections have been received from many residents of Beech Grove. The café is very popular with workers arriving in commercial vehicles. Residents state lorries and vans are turning onto Beech Grove and significantly contributing to the wear and tear of this unadopted road. Residents also complain the reversing manoeuvres, parking on the road and comings and goings from the commercial vehicles is causing an obstruction and affecting visibility. Overall, the traffic to the café is having a detrimental impact to highway and pedestrian safety.

8.5 The owner has responded to the complaints and said she feels she is being victimised. She states photos have been sent from neighbours showing commercial vehicles which are not her customers. For instance, on the planning file is a lorry parked on the main road blocking the bus stop but she advises this was a driver who had pulled over to look at a map.

8.6 Although the applicant disputes the validity of some objections, the number of objections is significant for such a minor application. In the experience of the planning officer, this café must be causing an issue to nearby residents to generate such strong opposition.

8.7 The planning officer has visited the site twice. The officer visited on weekdays at 12:20pm and 12:40pm. On both visits, there were no parking or obstruction issues. The highway officer has also carried out visits and did not note any problems either.

8.8 The current issues are caused by commercial vehicles visiting weekday mornings and lunchtimes. The additional opening hours would not attract this trade. The trade is more likely to be from local residents who will walk to the café or travel by car. The café is quite small - it only has 4 tables but the number of available car parking spaces is 8. These 8 spaces are likely to be sufficient for the later afternoon and Sunday trade.

8.9 With regards to the wear and tear of the road, this is a private matter which needs to be addressed between the residents and the café.

8.10 Highways comments are:

8.11 "The variation of condition to the recently approved café business relates to the extension in hours of business only and I can confirm that from a highway point of view there are no objections to the increase in opening hours.

I note that representations have been made regarding the parking of vehicles visiting the premises since it opened for business as a cafe, in particular, the use of Beech Grove which is an unadopted road, and to the parking of vehicles on the High Road frontage.

8.12 There have been a number of site visits made recently and no parked vehicles were noted on either road frontage. On all occasions, the car park was not being used to capacity and car parking spaces were available for the use of customers. I also note that improvements to the running surface of Beech Grove have been made up to the access into the café car park and therefore, it is assumed that rights of access over this length of roadway are available to No. 53 High Road.

8.13 Having liaised with the Safer Roads Team on this matter I would add that both the junction and the frontage of the premises to High Road are protected by a traffic regulation order and therefore, no parking is permitted at this location. Any breaches of this can be enforced by the DMBC enforcement team. They have also advised me that bollards have recently been installed after consultation with the Parish Council to remove the possibility of any cars driving directly over the footway to leave the premises and access High Road".

9.0 Summary and Conclusion

9.1 The principle objection is for highway and parking reasons. The objections were received because of existing problems with the café. This application is to consider additional opening hours only. An additional 30 minutes opening in the week and Sunday opening is unlikely to cause a highway issue because it will miss the trade with workers. The proposal is not deemed to cause a residential amenity issue either. However, a 12 month temporary consent is recommended to allow any impact to be monitored prior to a permanent change being allowed.

RECOMMENDATION

GRANT Full planning permission subject to the condition below;

01. U51209 Until 04.04.2018 the hours of opening shall be limited to:
 Mondays to Friday inclusive 0700 hours to 1500 hours
 Saturdays 0800 hours to 1500 hours
 Sundays 0900 to 1500.

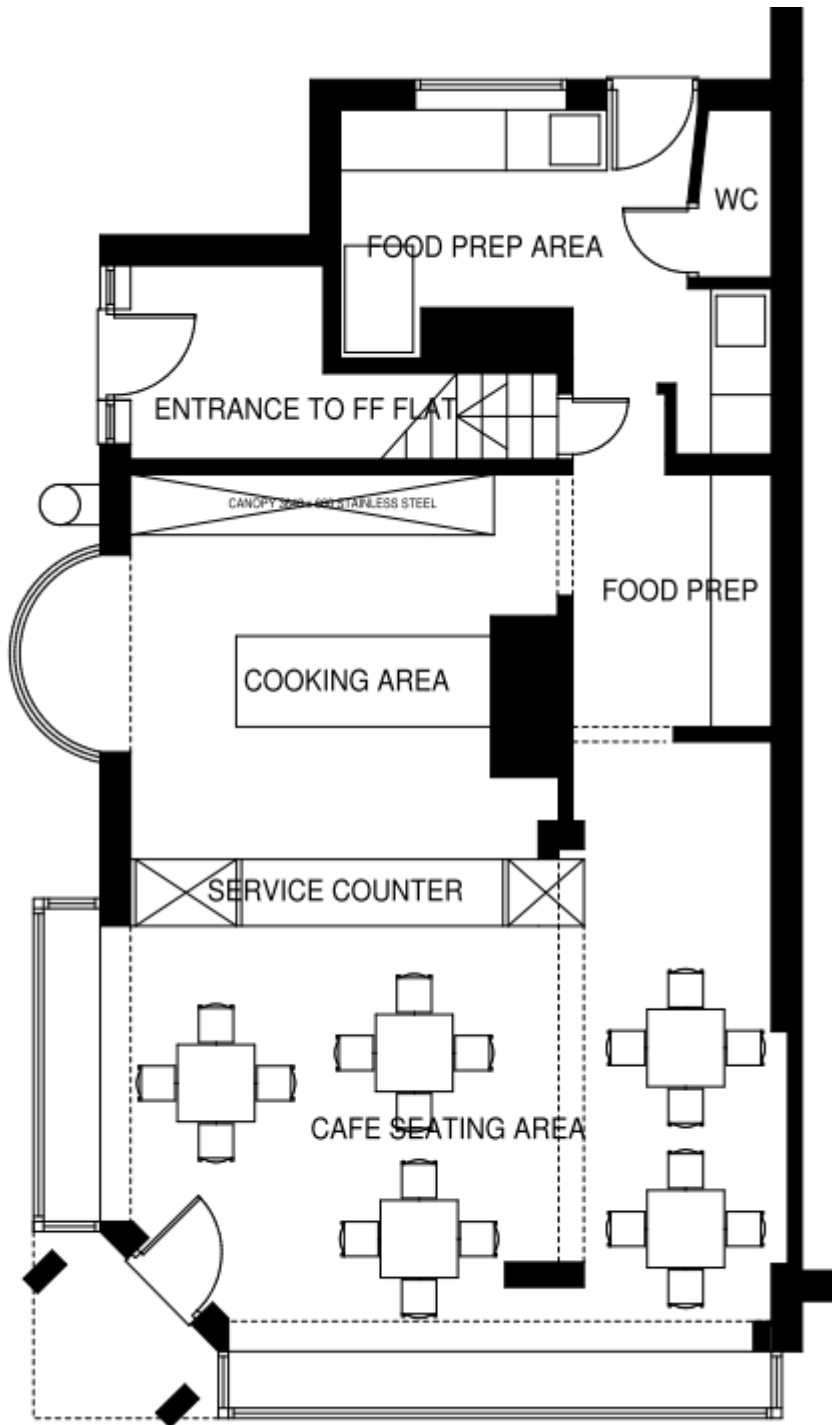
 After 04.04.2018 the hours shall revert to
 Monday to Friday 0700 to 1430
 Saturday 0800 to 1430
 And not at all on Sundays and bank holidays

REASON

To allow the Local Planning Authority to monitor any highway or residential amenity issues before a permanent change is allowed.

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1 Floor Plan



GROUND FLOOR PLAN