

14. Full Application – Change of Use of Part of Ground Floor from Cafe (Use Class A3) to Hot Food Takeaway (Use Class A5) and Formation of New Door Within Existing Window Opening, The Three Roofs Cafe, The Island, Castleton (NP/HPK/0814/0906. P4054, 414922 / 382925, 29/10/2014/AM)

APPLICANT: CARL BRACKEN AND LEE WOOLFE

Site and Surroundings

The Three Roofs Cafe is located within Castleton to the south of the visitor centre and within the designated Castleton Conservation Area. The cafe is located within the ground floor of the existing building which is constructed from natural limestone under three pitched roofs clad with natural blue slate and concrete tiles with painted timber windows and doors.

The property forms part of a close-knit group of buildings which include neighbouring dwellings and shops with shared access to the front and rear of the cafe. The Millstream runs to the rear of the building and the site is located in Flood Zones 2 and 3.

Proposal

This application seeks planning permission for the change of use of part of the existing cafe building to takeaway in order to allow the sale of hot and cold food prepared by the existing cafe.

The submitted plans show that the easternmost part of the building would be converted to create the takeaway area, which would measure approximately 9m² in floor area. The remainder of the ground floor would be retained in the existing cafe use (50m²) along with the associated kitchen, storage and customer toilets. The only external change would be the installation of a new timber door in an existing window opening on the front elevation to provide access into the takeaway area.

The submitted application states that drinks and cold food would be prepared within the new takeaway area and hot food provided from the existing main kitchen. The proposed opening hours would reflect those of the existing cafe, which are 09:00 to 18:00 on any day.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

- 1. Statutory three year time limit for implementation.**
- 2. Development to be carried out in accordance with submitted plans.**
- 3. New door to be timber, painted a recessive green colour to match the existing doors at the time of erection and to be permanently maintained thereafter.**
- 4. The takeaway use hereby approved shall be limited to the area shown on the approved plans only.**
- 5. The takeaway hereby approved shall be ancillary to The Three Roofs Cafe only and the takeaway and existing cafe shall be retained as a single planning unit.**
- 6. The hours of opening of the takeaway hereby permitted shall be restricted to 09.00 - 18.00 hours on any day.**

- 7. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 09.00 - 18.00 hours Monday to Friday; 09.00 - 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

Key Issues

- Whether the proposed development would harm the amenity or living conditions of nearby neighbouring properties or the role or character of the area.
- Whether the proposed development would harm highway safety or the amenity of highway users.

History

None relevant.

Consultations

Highway Authority – No objection.

Borough Council – No response to date.

Parish Council – No response to date.

Representations

A total of ten representation letters from local residents have been received at the time this report was written. All ten letters object to the proposed development. The reasons for objection are summarised below. The letters are available and can be read in full on the website.

- There are existing issues with vehicles and customers associated with the cafe and the adjacent ice cream shop blocking access to neighbouring properties. The proposed takeaway will make this situation worse.
- The proposed development would result in increased pedestrian and vehicular traffic, along with parking on the adjacent roundabout which would create a public and highway safety issue.
- The proposed development would result in increased disturbance from noise and smells to neighbouring properties and outside normal working hours.
- The proposed development would result in security concerns for neighbouring properties because of customers visiting the site during the day and night.
- The development would increase litter in the area which would harm local amenity.
- Lack of need for another takeaway within the village.

Main Policies

Relevant Core Strategy policies: DS1, GSP3, L3 and HC5

Relevant Local Plan policies: LC4, LC5, LS1 and LT18

Core Strategy policy DS1 sets out the development strategy for the National Park, DS1 C says that the conversion or change of use of traditional buildings for community or business uses will be acceptable in principle and that in named settlements there is additional scope for various types of development.

This application seeks planning permission for the change of use of part of the existing cafe (use class A3) to create a takeaway (use class A5) which would serve drinks and hot and cold food prepared by the existing kitchen. Core Strategy policy HC5 and saved Local Plan policy LS1 is therefore particularly relevant to the proposal. HC5 and LS1 say that premises for the sale and consumption of food and drink will normally be acceptable within named settlements provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

Core Strategy policy GSP3 and saved Local Plan policies LC4 together seek to ensure that development conserves and enhances all valued characteristics of the site and buildings paying particular attention to design, form and intensity of proposed use, impact on living conditions and impact upon access and traffic levels.

The application site is within the designated Conservation Area where Core Strategy policy L3 and saved Local Plan policy LC5 together seek to ensure that all development conserves or enhances the significance of the Conservation Area. Local Plan policy LT18 seek to ensure safe access is provided for all new development.

There is no conflict with relevant Development Plan policies and the more recently published National Planning Policy Framework ('the Framework') because both documents seek to promote sustainable economic development in rural areas which conserves and enhances the National Park and its communities.

Assessment

The application site is an established cafe located within Castleton. The current application to change the use of part of the building to a hot food takeaway would therefore, in principle, be in accordance with the Framework, Core Strategy policy HC5 and saved Local Plan policy LS1 provided that the development does not have a harmful impact upon the local area.

There are no concerns in regard to the new door in design terms because its design and location would reflect the character of the existing building. This is, however, subject to the imposition of a planning condition to ensure that the new door is constructed from timber and painted to match the recessive green colour of the existing doors as proposed.

The key issue in this case is considered to be whether impact of the proposed change of use would be likely to harm the character or amenity of the local area, the living conditions of nearby neighbouring properties or the safety or amenity of highway users.

The existing cafe forms part of a close-knit group of buildings which includes a mixture of residential dwellings and commercial properties which are open during the day and generally cater for members of the public visiting the village and the wider National Park. The proposed takeaway area would be provided in a small part of the existing cafe building, with the majority retained in its existing use.

The submitted application states that the takeaway would be retained as part of the cafe. Only cold food would be prepared in the new takeaway area, with any hot food prepared by the existing kitchen. The takeaway would only operate when the cafe is open (09:00 to 18:00 on any day) and would not open during the evenings or later at night. It is therefore considered that the proposed change of use would not change the character of the local area in a harmful manner.

Taking into account that hot food would be prepared within the existing kitchen without the need for any new extract vents, it is not considered that the proposal would be likely to give rise to any significant additional noise or smell disturbance from cooking or preparing food. The takeaway would close at the same time as the cafe and therefore there are no concerns that there would be additional disturbance or security issues for neighbouring properties during the evenings or later at night.

Concern has been raised in representations with regard to the potential for vehicle and pedestrian traffic and parked vehicles created by the proposed development to block or restrict access to and from neighbouring properties which would harm the residential amenity of neighbouring properties and the safety and amenity of highway users. The existing cafe is sited between a narrow vehicle and pedestrian access to the rear and Springbank which provides access to residential and commercial properties to the south west. Both accesses converge onto the adjacent highway in front of the cafe.

The café, along with a hatch used to sell ice cream from an adjacent business, open out onto the access and outside seating is typically provided adjacent to the cafe building. Photographs submitted with one letter of representation do indicate that members of the public visiting the existing cafe and adjacent businesses in combination with the outside seating can lead to congestion at the end of Springbank, especially during busy times.

A number of representations received by the Authority consider that the proposed takeaway would be likely to increase the number of visitors to the premises and increase the potential for congestion on Springbank as people queue to buy food and drink.

In response to these concerns, the applicant has submitted a letter with additional information in support of the application. This states that the business does experience a high footfall of customers and that during peak times the existing cafe struggles to effectively serve all customers. The letter goes on to state that service to customers is delayed and tables often become congested because the cafe operates on a 'first come first serve' basis and therefore customers only requiring cold food or a drink often get delayed behind larger groups of people ordering hot food.

The letter goes on to state that partitioning off part of the cafe to specifically cater for those customers requiring hot or cold food and drinks to takeaway and who would be able to wait inside. The letter concludes that the proposal would actually make service more efficient and reduce congestion outside the premises during peak times.

Officers have given careful regard to the concerns raised by residents and the information provided by the applicant. In this case, this is a well-established cafe which predominantly caters for visitors to the local area. The application proposes to convert a small part of the cafe to a takeaway area. It is considered that the proposed takeaway would add an additional service for existing customers and be unlikely to attract significant additional customers. The impact of any additional customers would likely be off-set by the ability to provide service more efficiently.

Furthermore, visitors to the takeaway would be segregated from the main cafe and space would be provided for customers to wait inside the building. Therefore, on balance, while officers are sympathetic to the concerns raised by local residents, it is considered that the proposed development would not be likely to significantly increase congestion outside the building, impede access to neighbouring properties, or harm the amenity of neighbouring properties.

There is less concern that the proposal would increase separate vehicle trips or increase the likelihood of customers parking on the adjacent highway to visit the takeaway. It is considered that the majority of customers would be visiting the wider area rather than making a specific trip to the premises and that customers arriving by car would be likely to park in the nearby car park. The proposed development would not increase the number of staff employed at the premises. The Highway Authority has been consulted and raises no objection to the proposal. It is therefore

considered that the proposed development would not harm highway safety or the amenity of road users.

Given the scale of the proposed takeaway, it is not considered likely that proposal would lead to any significant additional litter being dropped either outside of the premises or in the local area. In this case therefore it is not considered to be necessary to impose a planning condition to require the prior approval of a scheme for storage and collection of waste.

If permission is granted, conditions would be recommended to restrict the approved takeaway to the area shown on the approved plans and to require the takeaway to remain ancillary and within the same planning unit as the existing cafe. This is considered to be necessary because a larger takeaway or an operation independent from the cafe would be more likely to have a greater impact upon the character of the area and the amenity of neighbouring properties. It is also considered necessary to restrict opening and delivery times because the impacts of the takeaway operating into the evening or later at night would be more significant.

Conclusion

The proposed conversion of part of the existing cafe to create a takeaway area is in accordance with the development plan and, subject to the conditions outlined in this report, it is considered that the proposal would not have an adverse impact upon living conditions, the character or amenity of the area or highway safety. The proposed door is an acceptable design and would conserve the character of the building and the Conservation Area.

The proposed development is therefore considered to be in accordance with Core Strategy policies GSP3, L3 and HC5 and saved Local Plan policies LC4, LC5 and LS1. These policies are in accordance with the Framework and should be accorded full weight in decision making because both documents seek to promote sustainable economic development in rural areas which conserves and enhances the National Park and its communities.

In the absence of any further material considerations, the current application is therefore recommended for approval subject to the conditions outlined in this report.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil