

**8. FULL PLANNING PERMISSION APPLICATION – TO PROVIDE OUTSIDE EATING/DRINKING AREA CONTAINING NO MORE THAN 25 COVERS (8 TABLES, 25 CHAIRS) TO THE EXISTING CAFÉ, BLUEBERRY CAFÉ, CASTLETON VISITOR CENTRE, BUXTON ROAD, CASTLETON (NP/HPK/0119/0075 DH)**

**APPLICANT:** Mr James Shawe

**Site and Surroundings**

1. Blueberry Café is situated within the Castleton Visitor Centre, the Peak District National Park Authority runs the centre and the applicant runs the café as a tenant. The Centre is located on the western edge of the village of Castleton, immediately south of the main village car park near Newhall Bridge at the west end of Cross Street where it becomes Buxton Road. The site lies within the designated Conservation Area and is within Flood Zones 2 and 3.
2. The Visitor Centre comprises a range of limestone buildings with pitched roofs clad with a mix of concrete tiles and natural stone slate. The Blueberry Café is situated in the northern end of the building with access from within the Visitor Centre and from outside via doors in the eastern elevation. The external doors open onto the paved courtyard area where there are already existing tables and benches for public use.
3. The nearest neighbouring properties are Orchard House, approximately 17.5m to the west, The Bulls Head Public House 60m to the east, and Watercroft and 1 Stafford Villas on the opposite side of the road through the village.

**Proposal**

4. The provision of an outside seating area for dedicated use of the café.

**RECOMMENDATION:**

5. **That the application be APPROVED subject to the following conditions:**
6.
  1. **Statutory time limit for commencement of development.**
  2. **That the development shall be in complete accordance with the submitted plans and specifications, received by the Authority 24 January 2019.**
  3. **The chairs, tables and barrier shall only be put outside during the opening hours of the café, and shall be stored inside the building at all other times.**

**Key Issues**

7. The key issues are whether the proposal would have a detrimental effect on the character and appearance of the site and its setting, local amenity or neighbouring property amenity.

**History**

8. 2016 - NP/HPK/0616/0529 - External alterations and internal re-configuration of existing visitor centre for retail area, tourist and information services, museum, café, classroom and interpretation space - Granted subject to conditions.
9. 2017 - NP/NMA/1216/1290 - Reorganisation of internal space, repositioning of main entrance doors – Amendments Accepted.

- 10 2018 - Pre-application advice request – Enquiry 32371 – November 2018. Officer advice was that when NP/HPK/0616/0529 was approved, the application site was defined within a red edge which was only inclusive of the building, no outdoor space was included on the application; therefore planning permission would be required for the change of use of the area outside the building in connection with the café. In principle, provided there was no detrimental effect on the character and appearance of the site and its setting, or harm the amenities of the site, the conservation area, or any neighbouring properties, the proposed use would be acceptable. Since there are already existing outdoor seating facilities in the area outside the doors (unrelated to the café) it would be unlikely that an additional four or five tables would raise any concerns, particularly since they would be brought in overnight. Advice was also provided regarding Advertisement Consent if the barrier proposed had any content construed as being an advertisement.

### **Consultations**

- 11 Derbyshire County Council (Highway Authority): No objections.
- 12 High Peak Borough Council: No response to date.
- 13 Castleton Parish Council: No response to date.

### **Representations**

- 14 The consultation period runs until the 4<sup>th</sup> of March, verbal updates will be made at Planning Committee as necessary. To date, the Authority has not received any formal representations regarding the proposed development.

### **Main Policies**

15. Relevant Core Strategy policies: GSP1, GSP2, GSP3, CC5, DS1, L1, L3, E1, HC5 & RT1
16. Relevant Local Plan policies: LC4, LC5, LC22, LC23, LE4, LR1, LS1 & LT18
17. The National Planning Policy Framework.

### **Wider Policy Context**

- 18 National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
- Conserve and enhance the natural beauty, wildlife and cultural heritage
  - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
- When national parks carry out these purposes they also have the duty to:  
Seek to foster the economic and social well-being of local communities within the national parks.

19 National Planning Policy Framework

The National Planning Policy Framework (NPPF), which was revised February 2019, is considered to be a material consideration which carries particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF.

Paragraph 172 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in all these areas, and should be given great weight in National Parks and the Broads.'*

The NPPF states that local planning authorities should plan positively for the provision and use of shared spaces, community facilities and other local services. Part 6, paragraph 83 of the NPPF states that local planning authorities should enable: (a) the sustainable growth and expansion of all types of business in rural areas (b) the development and diversification of agricultural and other land-based rural businesses (c) sustainable rural tourism and leisure developments, and (d) the retention and development of accessible local services and community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship). Part 8 relates to planning policies aiming to promote social interaction, and enabling and supporting healthy lifestyles; paragraph 92 relates to providing social, recreational and cultural facilities and services, and states that planning policies and decisions should (d) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.

20 Peak District National Park Core Strategy

Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.

Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

Policy L1 identifies that development must conserve and enhance valued landscape character and valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted. L3 states that development must conserve and where appropriate enhance the setting, including statutory designations of importance or special interest.

Policy DS1 sets out what forms of development are acceptable in principle. DS1(C) specifically states that development for recreation and tourism is acceptable.

As the application site is within the EA Flood Zone, Core Strategy Policy CC5 is relevant. This states that development will be permitted provided that adequate measures are included to deal with surface water run-off from the site, and such measures must not increase the risk of a local watercourse flooding or otherwise increase flood risk.

Policy E1 (D) states that existing business land and buildings, particularly those which are of high quality and in a suitable location will be safeguarded.

Policy HC5 (C) states that premises for the sale and consumption of food and drink will be permitted provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability.

Policy RT1 is supportive of development which encourages recreation and enjoyment of the National Park.

## 21 Saved Local Plan Policies

Saved Local Plan Policy LC4 states that where development is acceptable in principle, it will be permitted provided that its detail treatment is of a high standard which respects and conserves the landscape, built environment and other valued characteristics of the local area.

Policy LC5 relates to development in conservation areas. It states that development should preserve the existing character and appearance of the conservation area and the views into and out of the area.

Policy LC22 relates to surface water run-off, and LC23 relates to flood risk areas, and the site is within Flood Zones 2 and 3. It states that other than in exceptional circumstances development will not be permitted in flood risk areas. The circumstances where development would be permitted include (i) where the development does not require new buildings or otherwise raise ground levels or obstruct water flow.

Policy LE4 states that the expansion of an existing industry or business in or on the edge of a Local Plan Settlement will be permitted provided that: (i) It is operating in an appropriate location; and (ii) the use remains of a scale and type intended to meet local needs; and (iii) development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation; and (iv) new or extended buildings and working areas are clearly justified and proper consideration has been given to the possibilities of using appropriate existing buildings to meet the needs of the business.

Policy LR1 (b) specifies zones based on settlements within which recreation and tourism development is appropriate and Castleton is named.

Policy LS1 (b) states that within a named settlement development for the sale of food and drink will be permitted provided that it does not erode the role of the area or harm its character, viability and vitality.

Policy LT18 states that the provision of safe access arrangements will be a prerequisite of any development.

22      Development Management Policies

The Authority has reached an advanced stage in the production of Development Management Policies. The process has now moved beyond publication and examination, taking into account earlier representations and the Inspector's interim views on soundness. Owing to the advanced stage of the document, the Authority considers that a revised version of the Publication Document (incorporating all proposed modifications) addresses the remaining soundness issues and as such may be afforded significant weight as a material consideration. When adopted these policies will replace the existing saved Local Plan policies (adopted 2001) in their entirety.

The policies with particular relevance to this application are:

DME7 states that in or on the edge of a Core Strategy Policy DS1 settlement as Castleton is) the expansion of an existing business will be permitted provided that it is in an appropriate location, and that the scale and type of development can be accommodated without adversely affecting the residential amenity and valued characteristics of the area or traffic safety and circulation.

DMS1 states that in furtherance of Core Strategy policy HC5, shops, professional services and premises for the sale and consumption of food and drink within settlements will be encouraged. DMS3 states that expansion or intensification of the use of an existing site must be of a modest scale in relation to the existing activity.

**Assessment**

23      Principle

The National Planning Policy Framework (NPPF) and the Authority's own policies are supportive in principle of development for recreation and tourism and the expansion of an existing business where this can be accommodated without harm to the valued characteristics of the area and amenity.

24      Siting

The proposed area for the outdoor seating lies immediately outside the café doors. It comprises of a 20 square metres area of existing paved forecourt to the building, within which there are existing tables and benches for use by the general public (which would continue to be available for non-café related use). The proposed area is of modest scale which is commensurate with the existing business and the intended use, to provide 25 additional covers. The proposed tables, chairs, parasols and the low fabric barrier supported by freestanding metal posts are all moveable and no permanent development is proposed. The area when not in use would therefore revert to its current condition. The scale of use is modest and being in similar use to the rest of the forecourt it would have minimal impact on the overall character and appearance of the site, the immediate surrounding area, or the wider landscape.

25      Design & Materials –

In terms of the design and materials of the chairs tables and barrier these are all moveable structures, they would have a modern appearance but their light-weight nature means that they can easily be removed at the end of each day for storage inside the building. The colours are recessive and will not appear incongruous as seen against the backdrop of the café. The proposal is considered to be acceptable as it would allow the site to be used to its best potential, but will not have an adverse

impact on the character and appearance of the site or the wider landscape setting. As such the proposed development is considered to be in line with Core Strategy policies GSP1, 2, 3, DS1, L1, L3, E1, HC5, and RT1, and also with Saved Local Plan Policies LC4, LC5, LE4, LS1 and LR1.

26 Amenity

The development would benefit the existing business as it would enable it to serve an additional 25 covers. This is considered to be an appropriate modest increase in scale in terms of business expansion to serve the needs of both the local community and Castleton's visitor capacity, as required by GSP1, 2, 3, HC5, LE4 and LS1.

The change of use does not require any physical changes to the building, its access or require new services. Therefore there would be no detrimental effect on the character and appearance of the site itself or its setting within the conservation area, in line with policies L3, and LC5. As the use would be within the existing forecourt there would not be any impact on the wider landscape, in line with policy L1.

The additional space may generate some additional traffic, however, parking provision in the vicinity is plentiful, as the Visitor Centre is situated beside the large car park for the village. The vehicular access is therefore compliant with policy LT18. Additionally, the village has a regular bus service.

As the application site is within the EA Flood Zone, Core Strategy Policy CC5 and Saved Local Plan Policies LC22 and LC23 are relevant. A Flood Risk Assessment has been provided with the application. As the proposal is for moveable structures on an existing hard surfaced area there will be no increase regarding surface water run-off from the site and the proposal will not increase the risk of a local watercourse flooding or cause any obstruction to flood flows.

With regard to residential amenity, the seating area is to be used as an extension to an existing business in a forecourt already used by customers with the existing informal seating areas. The kitchen is remaining in its current position with no alteration to the openings or vents so there would be no change to the current local amenity enjoyed by the other businesses and residential properties in the vicinity in regard to smells and noise. The would therefore be compliant with policies GSP3, DS1, HC5, LE4 and LS1, and national policy in the NPPF.

The area would only be used during existing opening hours of 9:30am to 5:30pm, and less in the winter months. Therefore there would not be any negative impact on the area as the character and existing role of this particular area of the settlement would not change. It is therefore considered that the proposal complies with the requirements of the NPPF, and policies GSP3, DS1, HC5, LC4, LC5, LE4 and LS1.

Conclusion

27 The proposed area would only be used when the café is open. The scale of the area proposed would be modest and appropriate to serve the needs of both the local community and visitors to Castleton. As non-permanent structures, the tables, chairs, parasols and barriers proposed to this small area would blend with the existing forecourt uses to have minimal impact on the character and appearance of the site itself and the surrounding area. It would not be visually intrusive, nor give rise to any amenity, parking, highway safety or flooding issues.

The application is therefore recommended for conditional approval.

**Human Rights**

- 28 Any human rights issues have been considered and addressed in the preparation of this report.
- 29 List of Background Papers (not previously published)
- 30 Nil
- 31 Report Author – Denise Hunt, Planning Assistant