

**12. FULL APPLICATION: ADDITIONAL USE (A3) TO SERVE HOT DRINKS IN EXISTING BOOKSHOP (A1) AT BAKEWELL BOOK AND GIFT SHOP, MATLOCK STREET, BAKEWELL (NP/DDD/0115/0048, P.4818, 421802/368388 31/3/2015/CF)**

**APPLICANT:** Mrs Jemma Pheasey

**Site and Surroundings**

The current application concerns Bakewell Book and Gift Shop, which occupies a Grade II listed building on a corner plot at the junction of King Street and Matlock Street in the centre of Bakewell. The premises also lie within Bakewell's Central Shopping Area and the designated Conservation Area.

**Proposal**

The current application proposes a change of use of the premises from retail (A1 use class) to a mixed use of shop and café to allow for the sale of coffee for consumption on the premises. The submitted plans show these proposals would not include any works to the listed building or changes to the external appearance of the premises but do show the provision of a 'standalone' coffee service area and the provision of a mixture of tables and chairs to provide up to 25 covers. The plans also show the retention of bookshelves along the internal walls of the premises and a sales counter at the entrance to the premises.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1704-02 A.**
- 3. The development hereby permitted shall not place other than on the ground floor of the premises and the sale of food and drink from the premises shall be limited to the sale of hot drinks for consumption on the premises.**
- 4. The hours of opening of the use hereby permitted shall be restricted to 09.00 – 17.30 hours Monday to Saturday and 10.00 – 16.00 hours on Sundays and Bank Holidays.**
- 5. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 08.00 – 18.00 hours Monday – Friday; 09.00 – 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

**Key Issues**

- Whether the proposals would harm Bakewell's Conservation Area and Central Shopping Area and the character of Bakewell's town centre, including their vitality and viability, and detract from Bakewell's role as the main service centre within the National Park.

2015 Application for Listed Building Consent for additional use to serve hot drinks deregistered by Authority (NP/DDD/0115/0046).

2014 Application for Listed Building Consent for additional use to serve hot drinks

withdrawn prior to determination (NP/DDD/1014/1033).

- 2003 Planning permission granted for replacement of shop front, window and door (NP/DDD/0603/302).
- 2003 Listed Building Consent for external alterations to shop front (NP/DDD/0503/294).
- 1983 Planning permission granted for alterations and extensions (NP/WED0383/133).
- 1982 Planning permission granted for re-instatement of boarded up window (NP/WED/0982/367).

### **Consultation**

Bakewell Town Council - Resolved to object to the current application because the Town Council considers the proposals would undermine the variety and sustainability of the retail core of the town by adding yet another A3 use serving the seasonal needs of visitors more than residents. The Town Council go on to say such an addition would reduce the viability and vibrancy of the market down and add further momentum to the damaging progression towards a highly seasonal tourist destination.

The Town Council also refer to a community research and consultation paper 'Bakewell 2012 and Beyond', which identified the provision of more diverse retail outlets as a priority issue for Bakewell and says: "that a greater diversity of retail outlets is required to meet the needs of residents and to encourage them to shop locally".

County Council (Highway Authority) - No objections

District Council – No response to date

### **Representations**

The Authority has received two objections to the current application from local residents. One letter briefly summarises the proposals as changing a book shop selling the odd coffee to a coffee shop with the odd book to browse through and considers these changes would further threaten the economic viability of the town. The second letter makes similar points saying that the area proposed to be set aside for serving drinks forms in excess of 80% of the floor area, which constitutes a change of use rather than an additional use and the proposed change of use would not enhance the retail/services mix within the central shopping area for either the community or visitors.

The author of this letter goes on to say there is an over-provision of businesses offering refreshments, chiefly to visitors. Therefore, the town is rapidly losing its appeal as a 'retail destination' as businesses with unique offerings have disappeared over recent years whilst local people now have to travel to obtain a wide range of goods and services. In these respects, both letters set out the respective authors' strong concerns that the current proposals would not support the local economy.

### **Main Policies**

Policy HC5(A) of the Authority's Core Strategy states that in towns or villages, shops, professional services and related activities must:

- i. be located within the Bakewell Central Shopping Area, or in or on the edge of named settlements listed in policy DS1; and

- ii. be of appropriate scale to serve the needs of the local community and the settlement's visitor capacity.

Policy HC5(C) goes on to say that related activities such as professional services and premises for the sale and consumption of food and drink will be permitted in towns and villages provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability. HC5(B) relates to out of town shopping centres and is therefore not applicable.

Local Plan policy LS1, which also deals with new retail development in the National Park's towns and villages, does not provide any further criteria to apply to the current application but Local Plan policy LB9 says within the Central Shopping Area, development in Use Classes A1, A2 and A3 will be permitted.

These policies are consistent with the approach to ensuring the vitality of town centres in the National Planning Policy Framework ('the Framework'), which says local planning authorities should recognise town centres as the heart of their communities and pursue policies that are positive, promote competitive town centre environments and support their viability and vitality.

### **Wider Policy Context**

Relevant Core Strategy policies: GSP1, GSP2, GSP3 & L3

Relevant Local Plan policies: LC4, LC5 & LC6

Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage, which is consistent with the aims and objectives of policies GSP1 and GSP2 the Core Strategy. The Framework otherwise states that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, including safe and suitable access provisions. These provisions are consistent with the requirements of Policy GSP3 and saved Local Plan policy LC4, which set out a range of criteria to assess the suitability of all new development within the National Park.

The Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles whilst Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development that would affect the setting of a Conservation Area in the Authority's Development Plan and set out in policy L3 of the Core Strategy and saved Local Plan policies LC5 and LC6.

### **Assessment**

In the first instance, the proposals would have a negligible impact on the significance of the Grade II listed building in which the premises or located or the appearance of the setting of the listed building, which includes the surrounding Conservation Area. This is because no works are required to the listed building to facilitate the proposed change of use of the premises from a shop to a mixed use, and there would be no changes to the exterior of the building. The limited scale of the proposals would also mean that the proposals would have a very limited impact on the general amenities of the area.

The addition of a coffee service area does not require the addition of potentially intrusive mechanical extractor units, for example, and would not give rise to the potential issues of noise, odour and disturbance that would be associated with a more intensive use of the property as a

café or restaurant. The Highway Authority has no objections to the proposals on highway safety grounds and there is no requirement for dedicated parking spaces to serve the premises because of the extent of public parking provision within the town centre. The premises are also located within Bakewell's Central Shopping Area where Local Plan policy LB9 says development in Use Classes A1, A2 and A3 will be permitted.

Therefore, the key issue in the determination of the current application is whether the proposed change of use of the shop to allow for the sale of coffee for consumption on the premises would serve the needs of the local community and in particular, whether the proposals would harm the character of Bakewell's town centre, including its vitality and viability, and detract from its role as the main service centre within the National Park. Moreover, it was noted in a recent appeal decision that two of the characteristics of the designated Conservation Area are the wide range of retail/commercial uses, and the busy and vibrant nature of Bakewell's town centre.

In these respects, the absence of any representations in support of the current application and the nature of the representations received to date may suggest that the premises would not necessarily serve the needs of the local community if permission is granted. There are also strongly expressed local concerns that the proposals would harm the character of Bakewell's town centre, including its vitality and viability, and detract from its role as the main service centre within the National Park.

However, in the 2012 appeal decision for the Costa coffee shop on King Street, the Planning Inspector concluded that whilst there are a number of similar premises in the town and the proposal would increase the total number of non-retail units, the introduction of a coffee shop in the former retail unit on King Street would not make the town centre less attractive and the proposed mixed A1/A3 use would provide a facility to the general public (including the local community and visitors). The Inspector's reasoning is especially relevant to this case insofar as it demonstrates that the proposed mixed use of the premises cannot be refused simply on the basis that it would not serve the needs of the local community.

Nonetheless, it is acknowledged that the town centre has suffered difficult trading conditions since this appeal decision and there are growing concerns that the mix of retail and non-retail units in the town centre is becoming increasingly unbalanced. In these respects, permission for the current application would not allay these concerns but officers are equally concerned at the number of vacant premises within the town centre and lack of obvious demand for these premises.

The appearance of the adjacent premises vacated by Derbyshire Building Society demonstrates that if the Bakewell Book and Gift Shop were to stop trading, the subsequent vacant appearance of the premises in this prominent town centre location would detract from the street scene, and that this outcome is likely to have a much more harmful impact on the vitality of the wider town centre and the character of the Conservation Area than the current proposals.

## **Conclusion**

It is therefore concluded that the benefits of granting planning permission a more flexible use of the premises that would help to keep a retail unit within Bakewell's Central Shopping Area occupied would outweigh the harm arising from what amounts to the addition of another coffee shop in Bakewell's town centre. In all other respects, the current application accords with the wider range of design and conservation policies in the Development Plan and the Framework subject to appropriate planning conditions.

Accordingly, the current application is recommended for conditional approval.

In this case, it would necessary to restrict the mixed use to the ground floor of the premises as shown on the drawings submitted with the application and to restrict the service of food and

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drink to the sale of coffee for consumption on the premises for clarity and avoidance of doubt. These conditions are also considered to be reasonable as any further intensification of the premises within an A3 use would be outside of the scope of the current application. Furthermore, any future changes to the use of the premises would also need to be considered carefully in the context of the public interest in the future of the town centre and the policy considerations set out in policy HC5(C) of the Core Strategy.

Similarly, further intensification of the premises could affect the living conditions of nearby residents, which is also policy consideration under HC5(C), but in terms of the proposed use conditions should also be imposed restricting opening hours, deliveries and servicing. These conditions are considered necessary to protect the amenities of the occupiers of nearby residential properties and the general amenities of the town centre. Finally, it would be reasonable and necessary to impose a time limit on the commencement of the proposed development, and to ensure the development is carried out in accordance with the plans and specifications submitted with the current application in the interests of the proper planning of the local area.

### **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