

North York Moors National Park Authority

Borough: Scarborough Borough Council
Parish: Fylingdales

Application No. NYM/2016/0493/CU

Proposal: variation of condition 5 of planning approval NYM/2015/0308/CU to allow an extension of opening hours of the cafe/shop from 0800 to 2100 hours to 0800 to 2300 hours

Location: The Old Post Office, King Street, Robin Hoods Bay

Decision Date: 30 August 2016

Consultations

Parish - No objection.

Highways - No objection. The extension of opening hours, if granted will not have an adverse effect on the highway.

Environmental Health Officer - No objection on Environmental Regulation Grounds.

Natural England - No comment to make.

Site Notice Expiry Date - 25 August 2016.

Director of Planning's Recommendation

Approval subject to the following conditions:

1.	PLAN02	The development hereby approved shall be maintained in strict accordance with the detailed specifications and plans approved under reference NYM/2015/0308/CU (to which this application relates) and the details comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
2.	RSU000	The premises shall not be used other than as café and shop and shall not be used for any other purpose (including any other purpose in Class A3 or A1) of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. The premises shall remain part of the Old Post Office as a single planning unit and shall not be sold or leased separately without a further grant of planning permission from the Local Planning Authority.
3.	GACS03	No goods shall be displayed, stored, sold or offered for sale on any part of the application site outside the building hereby permitted.
4.	GACS06	The café and shop hereby permitted shall not be open to customers outside the hours of 0800 to 2300 Mondays to Saturday and 0800 to 2300 on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.

M. Gamm
25/8/16

Application Number: NYM/2016/0493/CU

Reason for Conditions

1.	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
2.	RSU01	In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) and to comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to enhance and conserve the special qualities of the NYM National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
3.	GACS02	In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
4.	GACS01	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

A. Sam

25/8/16

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Background

The Old Post Office is an imposing three store stone under welsh slate property occupying a prominent position at the lower end of King Street in Robin Hoods Bay lower village. It is an attractive property and has an historic shopfront with central door up four steps. At the rear of the property is an earlier rear wing, comprising one (possibly formerly two) residential property under a pantile roof.

The ground floor of the property has previously been used as a shop selling gifts and seaside items. The remainder of the property has been used as residential accommodation.

Permission for the change of use of the ground floor retail area (use class A1) to a café with shop (use classes A3 and A1 respectively) was granted in July 2015. That application related purely to the use of the building and carried no physical alterations. That permission has since been implemented and the premises is now operated as a café specialising in loose leaf teas, lightly cooked/toasted snacks and all things postable (i.e. post cards, greetings cards and locally crafted gifts).

Since that planning permission, the applicant has applied for a premises licence from Scarborough Borough Council and included in that application is a request for longer opening hours (to 11pm Monday to Sunday with New Year's Eve and Boxing Day until 1am). The current application therefore seeks a variation to Condition 5 of the original approval reference: NYM/2015/0308/CU in order to ensure consistency between the premises licence and planning permission.

Main Issues

The relevant policy contained within the NYM Core Strategy and Development Policy Document to consider with this application is Development Policy 18 (Retail Development).

DP18 states that new retail development will be supported within existing defined commercial areas or where ancillary to an existing enterprise provided that the proposal does not result in a cumulative increase in activity which would have an unacceptable impact on the character of the area, the amenity of local residents or the wider vitality and viability of villages.

In terms of the impact of the proposed changes to the opening hours on the host property and wider Conservation Area, Officers are satisfied that the proposal would not result in an unacceptable impact upon either the character and special interest of the building or the wider Conservation Area. During the consideration of the original application, it was identified that the property has previously been used as a retail outlet and therefore, there was an already accepted level of activity associated with the building. The applications have not proposed to increase the retail space, but merely change its focus. The Old Post Office is located within the main built up area of lower Robin Hoods Bay in an area of similar retail and commercial activity. Bearing in mind its previous use as a gift shop and the small-scale café facility proposed, it is not anticipated that the application would result in a level of activity (either solely or cumulatively) which would adversely affect the amenity of the area.

The original application received support from many consultees including the Parish Council, residents and neighbouring business owners. At the time the initial application was considered, it was not expected that the proposal would have a detrimental impact on the vitality or viability of the village but conversely, it was expected to add to the range of products available and therefore positively contribute to the vitality of the village.

M. Sam
25/8/16

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The applicants are keen to maintain a link to its former use as a post office and would therefore contribute to local distinctiveness and reinforce Robin Hoods Bay's heritage. The premises have been operational for a number of months now and the Authority has not received any adverse comments in relation to the business.

The applicant originally requested opening hours between 8am and 9pm seven days a week including bank holidays and whilst this was not consistent with similar coffee shops and tea rooms who usually operate between 9am and 5pm, the Authority considered that on the basis this part of Robin Hoods Bay already has a number of public houses, bistros and other food outlets in the immediate vicinity operating late at night, it was not considered that an outlet of the small-scale proposed would give rise to any particular cause for concern.

Since then, the applicant has explained that they would like to host small, private ticketed acoustic music nights, promoting local musicians. It is proposed to run these evenings from 6pm to 11pm, serving tapas style food through the night. As part of this project, the applicant has applied to Scarborough Borough Council for a Premises Licence who, despite the applicant's aim of providing very infrequent events, has advised to include extended opening hours across the week. This means that the applicant would be in breach of their planning conditions and therefore seeks to amend the planning condition to align with the Premises Licence. The applicant has explained that the music evenings are partly dictated by the availability of the musicians and therefore it would be preferable to extend opening hours throughout the week rather than specifying particular nights of the week for later opening.

There has been no objection to the current proposal and as outlined above, given the location of the property in an area of existing public houses and other facilities of extended opening hours, it is not considered that an extension to opening hours from 9pm to 11pm would result in an unacceptable level of harm to the amenity of the area. Consequently and in view of the above, approval is recommended.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

A. Sauer
25/8/15.