

**DOGH CAFÉ
MAIN STREET
WELBURN
YORK YO60 7DX**

Changes to Shop and Café

PLANNING AND HERITAGE STATEMENT

This full planning application is submitted on behalf of Stewart and Sarah Holt, the owners and operators of Dogh Café, Main Street, Welburn, York, YO60 7DX. It seeks retrospective consent for various changes to the operation of the shop and café subsequent to the planning consents granted to two different applicants in 2008 and 2009, as described below.

The premises are located on the south side of Main Street, Welburn, opposite the Crown & Cushion Public House, slightly elevated above the highway behind a service road and highway verges, which here are designated as village green. The site lies within the village development limits for Welburn and the village conservation area. It is also within the Howardian Hills Area of Outstanding Natural Beauty.

It is a two storey building with a gable front elevation in brick with tile hanging on the upper part, and a clay pantile roof. The premises have two large display windows, one either side of a central doorway. To the rear of the shop / café are two flats and a timber holiday lodge, also in the applicants' ownership. To the east and west are stone / pantile cottages, Cherry Tree House and The White House respectively.

THE PREVIOUS CONSENTS

Under Application 08/00163/FUL conditional consent was granted on 24 November 2008 to Mr & Mrs Lacey for development described as "Change of use of shop to shop and café, including outside café seating area to front of building (retrospective application)". At that time, the premises were named "The Barley Basket". A schedule of 7 planning conditions stated (01) no outside storage or display without LPA approval; (02) the retail area to be retained in accordance with approved drawings; (03) specified hours of business; (04) details to be submitted of refuse storage and disposal; (05) restriction of use of the café toilet; (06) submission of details of the extent of the outdoor seating area; and (07) development to be in accordance with submitted and amended drawings. Two Informatives required (01) the service road to be kept clear of obstruction; and (02) that planning permission does not extend to the sale of hot food for consumption off the premises, which would require a separate planning application.

The second relevant planning consent was granted on Application 09/00241/FUL on 11 June 2009 to Mr R Tasker. That application sought consent for "Alterations to internal layout to increase retail area with café adjacent, change of use of part of ground floor residential area to commercial kitchen, and sub-division of ground floor and first floor residential accommodation to form 1 no. one bedroom ground floor flat and 1 no. two bedroom first floor flat with access by erection of external staircase".

The schedule of planning conditions related mostly to the new residential accommodation, but those concerning the retail / café uses were (2) parking spaces and access to be kept available for those purposes; (3) hours of trading; and (8) no outdoor storage or display without LPA approval.

Informative (1) repeats the wording of Informative (02) of the 2008 consent with regard to the sale of hot food for consumption off the premises which requires a further planning application.

Over the years, the premises have been operated under a range of owners / tenants and trading names, having previously been the village post office which closed due to it not being a viable business. As well as "The Barley Basket", other previous trading names have been "Four and Twenty Blackbirds"; "Leaf and Loaf"; and "Pattacakes", each operator offering various combinations of shop / café uses, and with some, the provision of outside seating and sale of hot takeaway food. The current applicants moved into Cherry Tree House next door in 2014, and reopened the adjoining shop / café premises in June 2020 naming it "Dogh".

THE CURRENT ARRANGEMENT

The purpose of the planning application is to regularise the operation of the business in those matters that are at variance with the approvals to 08/00163/FUL and 09/00241/FUL. These relate to three issues - the use of land at the front for outdoor seating; the sale of hot food for consumption off the premises; and hours of trading.

A set of "Proposed" drawings produced by Robin Jackson of Ryedale Architecture and Design is submitted with the application. These comprise a 1:1250 Location Plan (Drawing 01); a 1:500 Block Plan (02); 1:50 Proposed Floor Plan (03); and 1:100 Proposed Floor Plan / Site Layout (04).

Internal Layout

The submitted Floor Plans show the use of the spaces in the front part of the overall property: The space immediately behind the shop front is the retail section of the business, containing grocery display shelves, a self-serve fridge

and a cabinet. Alongside is the till counter and a chilled display cabinet, with a preparation counter and further shelving behind the counter.

A step up leads to a pair of adjoining rooms to the rear of the shop area, which form the present café seating area, with a total of around 26 covers, a somewhat flexible figure as there is also bench seating in addition to tables and chairs.

The division of these spaces between retail / café are the same as was approved in the 2009 application, with the exception of a small area in the south east corner of the shop which the 2009 approved drawing shows as being part of the café. It is not known what this particular space was used for, the 2009 Design & Access Statement refers only to the front part of the building being the retail area. In any event, this minor variance is not considered to be material to the consideration of the current application.

The former ground floor residential space to the rear (south) of the café is the kitchen and preparation area, and is unchanged from the 2009 approval.

Outdoor Seating

The 2008 scheme drawings indicated an outdoor seating area in front of the right-hand (western) shop window comprising two tables with a total of six chairs in an area measuring 3.70 metres x 2.20 metres. Condition 06 states that "Within 28 days from the granting of this planning permission details to mark the extent of the outdoor seating area hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the approved details shall be implemented in full within 56 days of the granting of this permission".

At the present time, Dogh café provides a pair of timber picnic benches, each seating a maximum of four persons, one on either side of the entrance on part of the service road; one bench on the village green in front of the shop, along with a 'love seat'; and two further benches on the village green in front of Cherry Tree House. The outside seating is indicated on the 1:100 Floor Plan / Site Layout. With a potential of four persons per picnic bench, and two on the 'love seat', the theoretical maximum outdoor seating capacity is 22, but this is rarely achieved.

Statutory Notice has been served on The Castle Howard Estate as owner of the service road and village green in respect of the planning application. The present use of the service road and village green for outdoor seating is by courtesy of a licence agreement with the Estate.

Other than for the siting of the two picnic benches outside the shop, the private service road is kept clear of obstruction and is retained for as vehicular circulation space (Informative 01 of 2008 consent). With consent having been granted in principle in 2008 for outdoor seating in front of the shop, it was accepted that a consequence would be some narrowing of the service road. This modest narrowing does not interrupt the free flow of traffic to any greater degree than does the parking of cars outside the individual dwellings fronting the service road.

Takeaway Hot Food

Informative 02 of the 2008 consent and Informative 1 of the 2009 consent state that "In relation to the Use Class A3 (restaurant and café) element of the approved development, planning permission is not granted for the sale of hot food for consumption off the premises. This would require the submission of a further planning application".

In the current operation, hot food for consumption off the premises is mainly hot sandwiches / paninis. Pizzas are available between 16:00 (revised time) and 18:00 on Fridays and Saturdays. Hot pies and other savouries are sold hot when bought straight out of the oven, but are baked to be sold and consumed cold, or for reheating at home. Hot beverages are also sold for takeaway. The sale of hot food for consumption off the premises comprises a relatively small proportion of the turnover of the business, and therefore could be regarded as ancillary to the primary use a retail shop and café.

Trading Hours

Condition 03 of the 2008 consent states that "The use hereby permitted shall not be open to customers outside the following times – 8am to 5pm each day" Condition 3 of the 2009 consent is similarly worded, stating "The tearoom and retail use hereby permitted shall not be open to customers outside the following times – 8am to 5pm each day". The stated reason in both cases is "To ensure the amenities of nearby residents are not unreasonably affected".

The opening hours of Dogh are 08:00 to 18:00 Monday to Saturday, and 08:00 to 17:00 on Saturdays. An extension of one hour for business is therefore sought between Monday and Saturday.

Consequently, the application seeks retrospective consent for the siting of outdoor seating; the limited sale of hot food for consumption off the premises; and operational hours extended by one hour between Monday and Saturday, as variations to the approvals to Applications 08/00163/FUL and 09/00241/FUL.

PLANNING POLICY FRAMEWORK

The development plan for the area is the Ryedale Plan – Local Plan Strategy (LPS), September 2013. The National Planning Policy Framework (NPPF) July 2021 is also relevant.

The application premises are located within the settlement development limits for Welburn to which LPS Policy SP1 applies - *General Location of Development and Settlement Strategy*. It lies within the boundary of the Welburn Conservation Area - Policy SP12 *Heritage*. The village also lies within the Howardian Hills AONB – Policy SP13 *Landscapes*. The elongated areas of village green in front of the application site are also designated in the LPS under Policy SP16 *Design* as a “Visually Important Undeveloped Area”. Also relevant are LPS Policy SP11 *Community Facilities and Services*; and LPS Policy SP20 *Generic Development Management Issues*.

Relevant to the case are NPPF paragraph 84 *Supporting a Prosperous Rural Economy*; Section 12 *Achieving Well-Designed Places*; and Section 16 *Conserving and Enhancing the Historic Environment*.

APPRAISAL

The key issues in the consideration of these proposals are the impact of the development on the character and appearance of the Welburn conservation area and the Howardian Hills AONB; and impact on residential amenity.

Character of the Area

The shop / café is a much valued facility in the village, appreciated by local residents and visitors alike, including walkers and cyclists. The provision of new and improved local shops in villages such as Welburn (an “other village” in the settlement hierarchy of Policy SP1), is encouraged by Policy SP11 which

states that expansion and improvement of existing facilities will be supported in principle. Of course we are not looking at a new facility here as the shop / café has the benefit of the planning consents of 2008 and 2009 – the issue rather is whether the expanded business as set out in this planning application will have a demonstrably greater impact on the character and appearance of the conservation area or the AONB than the two approved developments referred to.

The balance between retail use and café use at Dogh is appropriate, and operating as Dogh Café, it is laid out internally in accordance with the 2009 consent. It is not the function of the planning system to control the interior layout or design of the shop where no heritage issues are involved. Both activities serve the local community and therefore add to the amenity of the village. The kitchen areas have been successfully expanded into the existing fabric of the building without adverse impact on the character of the building or residential amenity.

No alterations to the external appearance of the premises are involved, the only external changes being the outside seating areas. The provision of limited seating directly outside the shop / café was approved in principle in 2008, subject to the submission of details under Condition 06, which appear not to have been submitted at the time. At other times prior to the applicants acquiring the property, it is understood that café seating had also been provided on the village green. The outside seating now proposed comprises two picnic benches directly outside the shop and three picnic benches on the village green, along with a 'love seat'. These are not permanent fixtures so that any impact is reversible should there be justification or need to remove them.

There is already an established traditional timber bench on the village green close to the single picnic table opposite the shop, a common feature of street / public garden furniture. The new picnic benches and the 'love seat' are of

complementary timber design, commensurate with the character of the areas of village green that are planted with highway trees, and with the overall character and appearance of the conservation area. For the same reasons, the picnic benches have no adverse impact on the AONB.

Policy SP16 of the LPS states, in relation to Visually Important Undeveloped Areas (VIUA), that development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement. Firstly, there would be no loss of the VIUA or damage to it as the development is not a permanent building or structure, and, as previously stated, is easily reversible if necessary. Secondly, in our opinion, the siting of the outdoor seating and its use in association with the shop / café, adds to the character and vibrancy of the village centre which at this point is also marked by the Crown and Cushion PH on the opposite side of a busy through road. On balance, in line with the test under Policy SP16, the benefits provided by the shop / café outweigh any perceived impact on the VIUA.

In relation to planning policy, the proposed development is consistent with Local Plan Strategy SP11 on encouraging the enhancement of local shops and services. It also succeeds in preserving the character and appearance of the conservation area; the AONB and the VIUA, under Policies SP12, 13 and 16 respectively.

A further material consideration is the increasing popularity of outdoor eating and drinking in the United Kingdom, a shift that began even before the spread of Covid 19, but which has since mushroomed. Many customers prefer to sit in the open air rather than at an indoor table to reduce the chance of infection.

Residential Amenity

The café operates only during normal business hours, between 08:00 and 18:00, closing at 17:00 on Sundays. The extra hour of trading proposed between Monday and Saturday would have no adverse impact on nearby residents through noise or other disturbance. The public house, of course, closes much later in the evening.

Any extra traffic associated with takeaway food is very limited as the pizza takeaway business operates for very restricted hours, two hours a day on Fridays and Saturdays only. A significant proportion of customers live in Welburn and can walk to the premises. That proportion of traffic which is associated with takeaway hot sandwiches etc. is already on the main road and is passing through the village. Main Street is sufficiently wide for kerbside parking without affecting the free flow of traffic.

The operation of the shop and café as proposed is compatible with the existing ambience of the immediate locality and the surrounding area. It would not have a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings, or the wider community. The development is therefore compliant with the generic development management principles of Policy SP20.

CONCLUSION

The balance between retail and café uses at Dogh has previously been approved, along with the principle of some outdoor seating. The proposed additional outdoor seating is appropriate to its setting within the village. The limited hot food takeaway business is small scale and is ancillary to the primary use of the property as a shop / café. These additional activities have no material adverse impact on the character and appearance of the Welburn conservation area, the AONB, residential amenity, or any other interest of

acknowledged importance. On the contrary, it is considered that the business is of significant benefit to the community it serves and adds to the ambience of the village. The proposals are consistent with the relevant policies of the Local Plan Strategy and the relevant guidance of the NPPF.