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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/1459/RG3	ITEM 1	
Proposal:	Regulation 3 application for change of use of the Court number 1 room, kitchen (total 55 square meters) and courtyard outdoors space (40 square meters) at Oakham Castle for a cafe.		
1Address:	Oakham Castle, Castle Lane, Oakham		
Applicant:	Rutland County Council	Parish	Oakham
Agent:	N/A	Ward	Oakham NE Ward
Reason for presenting to Committee:	Regulation 3 (Council Application)		
Date of Committee:	9 March 2021		

EXECUTIVE SUMMARY

This is a Council application to change the use of the back room/kitchen of the castle (and the adjacent outdoors area) to a café. In principle the café would be a compatible use with the Castle as a heritage attraction, and would not have a detrimental impact upon the town centre, the historic significance of the heritage assets, local amenity, or the surrounding area.

Notwithstanding this, a condition is included for a 12 month review of the use, to ensure that there isn't an unacceptable impact upon the educational offer of the Castle as a result of the change of use.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of the permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, labelled; Location Plan 1:1250, Block Plan 1:500, change of use floor plan.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. This permission shall expire one year after the change of use has been implemented, at which date the use shall cease and the area revert back to its original use.
REASON: To enable a review of the impact of the change of use upon the educational offer of the castle to be undertaken and properly assessed.
4. Prior to the use commencing, final details of bin storage for the café shall be submitted to and approved in writing by the Local Planning Authority. The use shall then commence in accordance with these agreed details.
REASON: To ensure that the siting of any addition bins for the café does not have a detrimental impact upon the setting of the surrounding heritage assets, or upon public amenity, and because final details have not been agreed during the lifetime of the application.
5. Prior to the use commencing, details of the hours of use shall be submitted to, and approved in writing by, the Local Planning Authority. The use shall then be restricted to these agreed hours.

REASON: To ensure that the hours of use are appropriate, in the interests of surrounding amenity.

6. No means of external artificial light shall be installed or operated for the cafe at any time.
REASON: In the interests of the setting of the grade I Listed building and its grounds.

Note to applicant

The roof voids are known to support a significant bat roost, which is protected by law from harm, disturbance or obstruction, as are any individual bats. Any works to the property, however minor, that could affect these roof voids or access to them (all parts of the roof structures, internal and external, including tiles, ridge, flashing, eaves, gables, soffits, bargeboards, chimneys, under-tile area, felting, joists, rafters, beams, boarding and ceilings, etc.) are likely to require a European Protected Species Licence. Failure to obtain this in advance of such work could lead to criminal prosecution.

Site & Surroundings

1. The site is Oakham Castle, located adjacent to the town centre, within the conservation area. The Hall itself is a Grade 1 Listed Building. Additionally, the Castle grounds are a Scheduled Ancient Monument. The site is accessed off the Market Place, between the Old Post Office Building and Café Nero.
2. To the rear of the main hall of the Castle is 'Court number 1 Room' which is used for meetings, exhibitions, functions in association with the hall as well as an educational space for visitors/school groups etc... Beyond this is a kitchen area, and rear access to the Castle grounds.

Proposal

3. The proposal is an application under Regulation 3 of the Town & Country Planning General Regulations (1992), where the County Council is the applicant and is carrying out the development itself, or jointly with another party.
4. The application seeks the change of use of the Court number 1 room, kitchen (total 55 square metres) and courtyard outdoors space (40 square metres) to a café use. The space would then be leased to a café owner to operate from. Castle Cottage Café has recently closed around the corner (with that site reverting back to residential use), and the owner has expressed interest in moving the business to here.
5. The applicant has advised that the food served will be mainly cakes, toasts/paninis and salads. There will be no deep fat frying or open fire cooking. The kitchen is well ventilated and there is no need for extraction or other plant. Additionally no internal alterations are proposed that would require Listed Building Consent.
6. The plan is attached as Appendix 1.

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 6 - Building a strong, competitive economy

Chapter 7 - Ensuring the vitality of town centres

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Core Strategy DPD

- CS01 - Sustainable Development Principles
- CS02 - The Spatial Strategy
- CS04 - The Location of Development
- CS07 - Delivering Socially Inclusive Communities
- CS13 - Employment & Economic Development
- CS15 - Tourism
- CS17 - Town Centres & Retailing
- CS21 - The Natural Environment
- CS22 - The Historic and Cultural Environment

Site Allocations and Policies DPD

- SP15 - Design and Amenity
- SP17 - Outdoor Lighting
- SP19 - Biodiversity and Geodiversity Conservation
- SP20 - The Historic Environment

Neighbour and Parish Representations

7. **Oakham Town Council**
No comments received
8. **Historic England**
Can see the benefit of the proposal to the viability of the site, however concern about the potential impact on the listed building and the scheduled site, including;
 - a) Long term aspirations for the site
 - b) Erosion of Educational offer due to the loss of the room/create need for additional buildings in the future – would welcome temporary nature of the use for a year, after which a review of the impact could be established
 - c) Visual impact (any outdoor lighting/additional bins)
9. **Public Protection**
No objection.
10. **Property Services**
No objection
11. **LCC Ecology**
Records of bat roosts in the building, however given that no structural works are to be carried out a bat survey is not required. Note to applicant included.
12. **Conservation Officer**
No objection
13. 1 letter received from a local resident, supporting the application in general, but raising the following considerations;
 - Shouldn't have paper cups (due to waste/bin collection).
 - What provision will the Council make for groups that would use the room for meetings/exhibitions/craft sales etc..?
 - Concern about marques/live music in grounds/noise impacts

Planning Assessment

14. The main issues are the principle of development and the impact upon the heritage assets/amenity. The concerns from Historic England and the local resident are noted, and have been given due consideration.

Principle of Development

15. The Castle would have historically fallen under use class D1 (non-residential institutions). However from 1st September 2020, the Government introduced *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757)*. This has made radical changes to the various use classes, and under the amendment, the hall would now fall under **Use Class F1** (Learning and non-residential institutions).
16. Similarly a café would have historically been classed as an A3 use under the old use classes, however under the above amendment the café is now classed as **Use Class E(b)** (Sale of food and drink for consumption (mostly) on the premises);
17. While the castle is outside of the defined town centre, it is directly adjacent to it, and the proposed use of the area as a café is an appropriate town centre use. Additionally a facility such as this is a compatible use with a heritage attraction like the castle, as it would attract visitors to the castle, inline with the Council's policies on tourism.

Impact on educational space/offer

18. The potential impact as a result of the loss of educational space is noted. The applicant has advised that the café is to support/share the space with craft and exhibition events at the castle to enhance the overall experience. The castle team are also liaising with regular users of the space to provide services outside of the core café opening hours, and during café closed days, so such meetings and booking can still happen. Where this would not be possible they would look to utilizing spaces within the main Hall.
19. Notwithstanding this, some form of review of the use after 12 months would be reasonable in order to establish whether this relationship works. A condition has been included to this effect. Should the impact be considered too great, the café use would need to cease, and the space revert back to its previous use.
20. With the 12 month review condition in place, it is considered that the proposed change of use is acceptable, and in accordance with Sections 6, 7, 8, 9, 15 & 16 of the National Planning Policy Framework (2019), Policies CS01, CS02, CS04, CS07, CS13, CS15, CS17, CS21 & CS22 of the Adopted Core Strategy (2011), and Policies SP15, SP17, SP19 & SP20 of the Site Allocations and Policies Development Plan Document (2014).

Impact on heritage assets/amenity

Lighting/bins

21. With regard to lighting, it is understood that this concern from Historic England arose from a superseded plan that showed lighting for a previous scheme. This plan is not part of the application and no outside lighting is proposed for the café, though a restrictive condition has been included, for the avoidance of doubt.
22. With regard to the bins, final details are to be conditioned, however a likely solution could be to hiring a space in the post office yard, between the castle and the post office, with access from the castle lane. The yard is not being used at present, the yard door is lockable, and the bins would be away from buildings and out of sight. There would be a small element of takeaway from the café that would generate some additional waste, though this would be ancillary and the majority of the food/drinks sold would be served on china/reusable cups/plates etc...

Marquees/music

23. With regard to the query about marquees/music, marquees have been used previously during the warmer months at the castle grounds. Given the nature of the proposed business and catering for events such as weddings for the hall there would likely to be some usage of a marquee in connection with the licensed use and parameters of the Castle as a wedding venue. If live music were to be part of a wedding/other event held at the Castle it would be kept to the legal level and cease as per the existing licensed hours.
24. The proposed use of the back of the castle and an outside seating area for a café would not have a detrimental impact upon the historic significance of the Castle, the Scheduled Ancient Monument, the Conservation Area, or local amenity, in accordance with the Section 16 of the NPPF (2019), Policies CS19 & CS22 of the Rutland Core Strategy (2011) and Policies SP15 & SP20 of the Site Allocations and Policies Development Plan Document (2014).

Other issues

25. Hours of use have not been finalised, and are conditioned to be agreed prior to commencement of the use.
26. In terms of car parking the castle has provision for up to 15 visitor spaces, with pay and display car parks around the town as well. It is in a sustainable location for the proposed use, and would not have a detrimental impact upon parking provision for the site or wider area.
27. The comments from LCC Ecology are noted, and a note to applicant is included.

Crime and Disorder

28. It is considered that the proposal would not result in any significant crime and disorder implications.

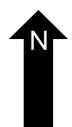
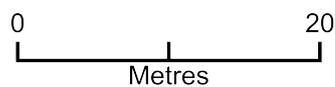
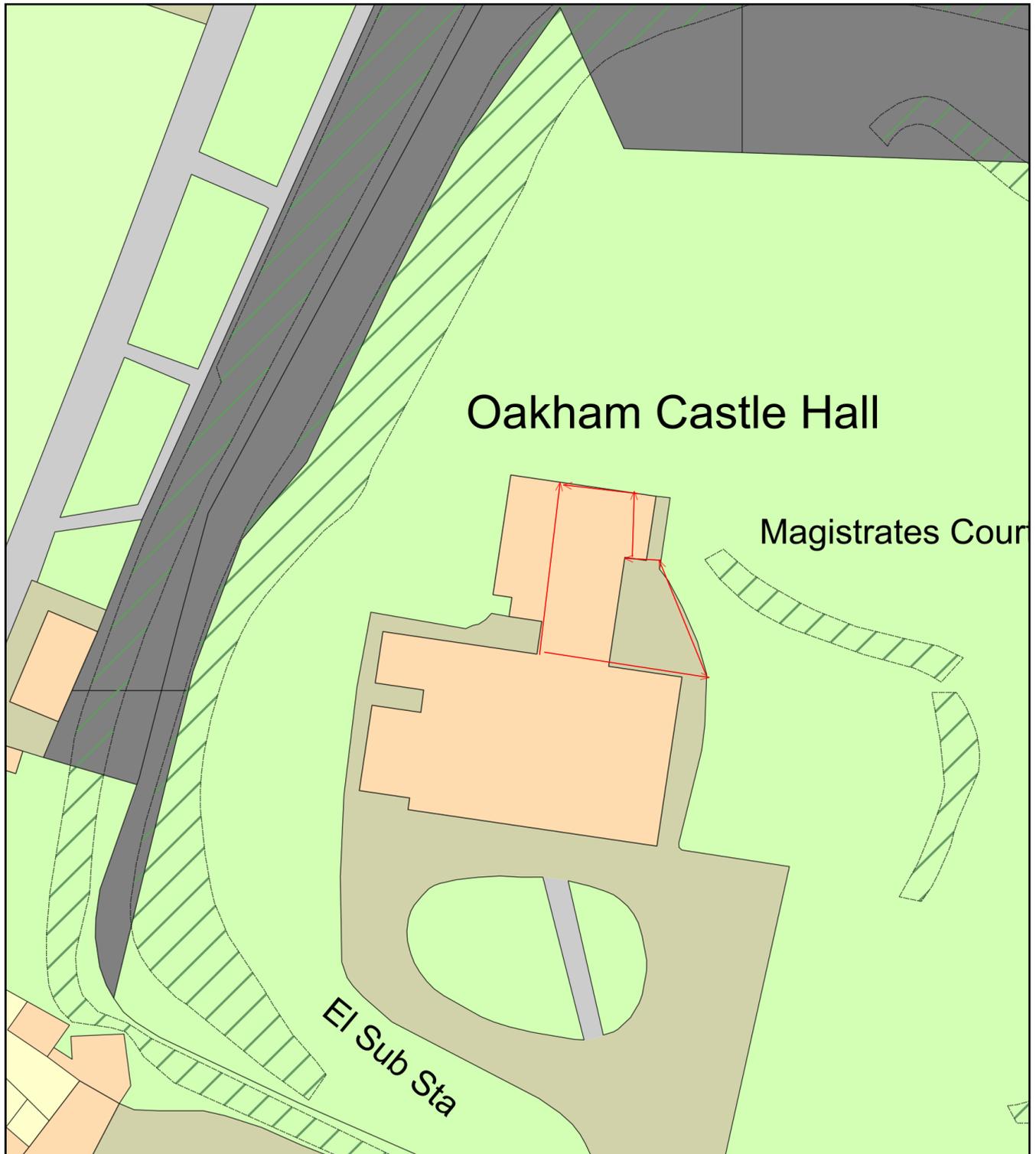
Human Rights Implications

29. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
30. It is considered that no relevant Article of that act will be breached.

Conclusion

31. The proposal has been assessed against the local and national planning policies and would not have a detrimental impact upon the town centre, the historic significance of the heritage assets, local amenity, or the surrounding area.

Oakham Castle; change of use of court no 1 room, kitchen and courtyard



Plan Produced for: RCC, Ari Volanakis

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Scale: 1:500 @ A4