

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 19 April 2007

**Ward:** Dringhouses and Woodthorpe  
**Parish:** Dringhouses/Woodthorpe  
Planning Panel

**Reference:** 07/00460/FUL  
**Application at:** The Cross Keys 32 Tadcaster Road Dringhouses York YO24  
1LQ  
**For:** Timber canopy at rear of building in paved seating area  
**By:** Spirit Group  
**Application Type:** Full Application  
**Target Date:** 24 April 2007

### 1.0 PROPOSAL

1.1 The application is for planning permission for an outdoor covered area, presumably to provide cover for smokers as a consequence of the forthcoming smoking ban. The submission has been revised as originally proposed was a giant umbrella. The applicants were advised that the impact of which on the listed building and conservation area would be unacceptable. The revised plans now propose a timber framed lean to canopy that would be located in the paved outdoor area.

1.2 The application relates to the Cross Keys public house. The building was built and extended in the C18th. It is a grade II listed building and within the Tadcaster Road conservation area. A companion application for listed building consent has also been submitted (07/00461/LBC).

1.3 The site is located at the junction of St Helen's Road and Tadcaster Road. The building has an associated car park at the rear (west) and beyond is 1 St Helen's road, a residential property. North of the site is the Co-op convenience store and across the road to the east and south are residential properties (no.s 33,34 and 35 Tadcaster Road).

1.4 There have been no previous planning applications at the site considered to be relevant.

1.5 The application is brought to planning committee at the request of Councillor A Reid.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Dringhouses Area 0008  
Conservation Area Tadcaster Road 0034  
City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Listed Buildings Grade 2; Cross Keys Hotel 32 Tadcaster Road Dringhouses York  
0160

## 2.2 Policies:

CYGP1	Design
CYHE3	Conservation Areas
CYHE4	Listed Buildings

## 3.0 CONSULTATIONS

### Internal

3.1 Urban Design and Conservation (UDC) - UDC consider that the proposed shallow pitched roof shelter, attached to the rear of the existing flat roof extension is preferable to the giant umbrella proposal, which was objected to. UDC Considered that the design of the proposed giant umbrella was not in keeping with the age, style and character of the listed building. The prominent position of the giant umbrella would be in public view from St. Helen's Road, and would detract from the setting of the listed building and views to the rear elevation.

3.2 Environmental Protection Unit (EPU) - No response to date.

### External

3.3 Planning Panel - No objection.

3.4 Publicity - Application publicised by neighbour notification letters, site and press notice. The expiry date for comment is 4 April.

One letter in objection raises the following issues,

- The proposed giant umbrella and extension of opening hours would exacerbate the existing problems associated with the public house. These include noise and litter creation.

## 4.0 APPRAISAL

### Key issues

4.1 In assessing this application the issue to consider is the visual impact of the development and its subsequent affect on the historic importance of the listed building and its setting, which is on the edge of the Tadcaster Road conservation area (the pub and rear patio area are in the conservation area, the car park is not).

4.2 The opening hours and operation of the public house are controlled through the licensing legislation. Under the Licensing Act 2003, the premises are required to

have a premises license, which acts in the interests of preventing crime and disorder; but extends to deterring litter creation. Any such problems specific to the premises should be resolved through the licensing legislation. The planning application need not duplicate such licensing legislation. Furthermore, given the proposed development, it would be unreasonable to use this application to control the hours of operation.

#### Relevant policy

4.3 E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

4.4 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance

4.5 Policy HE3 of the City of York Draft Local Plan states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.6 Policy HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building.

#### Appraisal

4.7 The canopy would cover an area of 1.4 metres by 5.8 metres. It would have a timber frame and lean to roof covered in tiles that would match those used on the main building. The canopy would be lower than the flat roof extension to the public house from which it would extend from. The proposed canopy, by virtue of its location, height, footprint, design and materials is considered to be of acceptable appearance. It would appear as a subordinate addition to the building and would not detract from visual amenity.

4.8 The outdoor area associated with the public house has an established lawful use (in terms of planning) as a beer garden. Based on representations, the problems associated with amenity, i.e. noise disturbance, exist already, there would not be significant change as a direct result of the proposed development. As stated in 4.2, the management of the premises and its patrons are controlled under the Licensing Act 2003. It is understood that an application has been submitted to vary the premises license and in this case the amenity of surrounding residents should be considered under that legislation.

## 5.0 CONCLUSION

5.1 The proposed structure is considered to be of acceptable appearance. There would be no harm caused to the special historic interest or appearance of the listed building, or the Tadcaster Road conservation area. Approval is recommended.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 PLANS1

2 TIME2

3 The materials to be used externally on the roof of the canopy shall match those of the existing building in colour, size, shape and texture. Any change in the roof material shall first be agreed to in writing by the Local Planning Authority.

Reason: To achieve a visually acceptable form of development.

4 Elevation drawings to a scale of 1:50 or 1:100 of the canopy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details.

## 7.0 INFORMATIVES:

### REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building, the character and appearance of the conservation area and amenity. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, HE3 and HE4 of the City of York Local Plan Deposit Draft.

### Contact details:

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