

COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/01977/FUL
Application at: The Yorkshire Pantry 18 High Petergate York YO1 7EH
For: Change of use from shop (use class A1) to cafe/ restaurant
(use class A3)
By: Mr Andrew Simpson
Application Type: Full Application
Target Date: 26 August 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of a Class A1 retail unit to a cafe /restaurant (Use Class A3) at 18 High Petergate, a Grade II listed building located within the Central Historic Core Conservation Area. The building is one of a terrace of four that are split between residential and retail usage. With probable fifteenth century origins, these buildings were reconstructed in 1905. Formerly occupied by the Yorkshire Pantry, an A1 retail unit selling packaged foods and speciality teas, the property is currently vacant.

1.2 The proposal would involve the use of the ground floor of the property as a cafe/restaurant with approximately 4 tables. The applicant confirms that 91% of the menu would consist of cold foods with the remaining 9% comprising soup and panini grills. Neither a kitchen extract nor external ducting would therefore be required.

1.3 This application seeks permission for the change of use of the unit only with no internal or external alterations proposed. There is an associated listed building application which seeks consent to repaint the shopfront a deep grey colour.

1.4 The proposed business is to be named the "Hollie Wood", which the applicant explains would be an intimate and inviting cafe styled around the Golden Age of Hollywood. Amongst its Deco and Regency inspired decor will be an array of original memorabilia on display from the MGM archive. The light food menu will consist of recipes and fresh baking (baked off the premises) sourced and inspired from 1930s and 1940s Hollywood and it is intended to serve York's finest Afternoon Tea. There would be ancillary retail sales of books, gift cards and memorabilia.

1.5 The planning history for 18 High Petergate reveals that prior to 2001 the building was used as a doctor's surgery.

It was then converted to an A1 retail unit and in 2003, permission was granted to change it to an A2 use. Since then the property reverted to an A1 use.

1.6 The application has been brought to Committee at the request of Cllr Watson due to concerns relating to the loss of retail space in the City Centre.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings: Grade 2; 16 High Petergate York YO1 2EH 0692

Listed Buildings: Grade 2; Maisonette 18 High Petergate York YO1 2EH 0693

2.2 Policies:

CYS5 Non-retail uses in shopping streets

CYHE3 Conservation Areas

CYS6 Control of food and drink (A3) uses

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 To determine on policy grounds. No physical changes shown to listed building.

EXTERNAL

Guildhall Planning Panel

3.2 Object. A change of use from retail to non retail would undermine the character of the street.

Third Party Representations

3.3 Eleven representations received supporting the proposal for the following reasons;

- (i) The business will enhance the area and bring a different type of visitor to York
- (ii) It will attract new business to the area.

(iii) The Hollie Wood offers the opportunity for a novel, original dining experience, while remaining committed to the streets atmosphere of independent business.

4.0 APPRAISAL

4.1 The key issues are:

- Vitality and viability of the city centre
- The amenity of surrounding occupants.
- Any impact on heritage assets - the listed building and the Central Historic Core conservation area.

The vitality and viability of the street and the city centre as a whole

4.2 The National Planning Policy Framework stipulates that local planning authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. Restaurants / Cafes are classed as a main town centre use, which should be located in existing centres according to the National Planning Policy Framework.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

4.4 High Petergate is not a Primary Shopping Streets as identified by the City of York Deposit Development Control Local Plan (2005) and therefore Policy S5 is relevant. Policy S5 states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for restaurants at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole.

4.5 The frontage of High Petergate includes 4 no. pubs and a hotel, 4 no. cafe/restaurants (Class A3), 2 no. estate agents(Class A2), 7 no. Retail shops (Class A1), the Christian Science Reading Rooms and the Vicarage associated with St. Wilfrids church. In addition to the application property, there are currently 2 No. vacant units.

4.6 It is considered that High Petergate exhibits a good mix of uses with the existing A3/A4 units well spaced out along both sides of the street and it is not considered that the change again from a retail use would harm the vitality and viability of High Petergate.

This is not a Primary Shopping Street and in accordance with the NPPF, the occupation of the premises would be considered to assist in boosting economic activity in a currently vacant property, in a street where there are two other vacant properties, in a sustainable location.

Neighbouring Amenity

4.7 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided:

- There is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter.
- The opening hours are restricted where this is necessary to protect the amenity of surrounding occupiers.
- Car and cycle parking meets the standards defined in the Local Plan.
- Acceptable external flues and means of extraction have been proposed.
- Where security issues have been addressed.

4.8 Given the size of the premises, the amount of activity and established uses in the area and the fact that no extraction is required with the menu being limited in scope, it is not considered that the proposal would give rise to undue nuisance in terms of noise, smell or litter. The application proposes daytime hours only and consequently, in this City Centre location, this would not be considered to impact on neighbouring residential amenity.

4.9 There is a rear yard with a covered bin (and cycle) store and on the basis that the use is a cafe with predominantly sandwiches being sold, it is not considered that the storage of waste associated with this A3 use would be harmful to the historic and architectural importance of the listed building, and the character and appearance of the conservation area. The applicant states that waste will be transferred to the external bins at closing time and will be documented in their food management diary. This is to limit waste disposal once daily so as to avoid disruption to local residents

4.10 Litter would not be an issue as the application is for a café rather than a takeaway. With reference to cooking smells, a condition requiring no primary cooking of raw ingredients on the premises is recommended. This is for the reason that whilst the current limited hot food menu avoids the requirement for kitchen extraction and external ducting, should the tenant change or more cooking be proposed which requires an external extraction system, the applicant would need to demonstrate that this could be accommodated on the premises without causing harm to the character and appearance of the listed building and conservation area.

Impact on heritage assets

4.11 The site is listed and located within the Central Historic Core Conservation Area. Local Plan policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area and HE4 requires alterations to have no adverse effect on the character and appearance of the listed building.

4.12 No external alterations are currently proposed such that there would be no impact on the character or appearance of the conservation area at this stage. Any future alterations or new signage may require separate listed building consent, planning permission and or advertisement consent.

5.0 CONCLUSION

5.1 Officers do not consider that the proposal would cause harm to the vitality and viability of High Petergate and the wider city centre or to the character and appearance of the Conservation Area. Therefore the application for the change of use of 18 High Petergate is considered to accord with the National Planning Framework and Policies S5 and HE3 of the Local Plan. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed Ground Floor Shop Plans received 28 June 2013

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 There shall be no primary cooking of raw ingredients on the premises unless otherwise approved in writing by the local planning authority.

Reason: To protect the amenity of the local residents as no kitchen extraction system is proposed and the local planning authority would need to be satisfied that this could be accommodated on the premises without causing harm to the character and appearance of the listed building and conservation area.

4 The cafe use shall be confined to the part of the building shown on the approved floor plan and shall not be open to customers outside the hours of 08:00

and 18:00 on Mondays to Saturdays and 10:00 and 18:00 on Sundays and Bank Holidays.

Reason: In the interests of the amenity of surrounding occupants.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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