

COMMITTEE REPORT

Date: 6 June 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/00626/FUL
Application at: St Trinity House 3 - 4 Kings Square York YO1 8BH
For: Change of use of estate agents (use class A2) to public house (use class A4) with manager's accommodation. New shop-front.
By: Leeds Brewery Company Ltd
Application Type: Full Application
Target Date: 4 June 2013
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to St Trinity House, which is located on the south east side of King's Square and consists of Nos. 3, 4 and 4a King's Square. The buildings are a mix of 2-storey buildings which were originally timber framed dating from the C15 and a 4-storey warehouse building which dates from the C20. The buildings have been subjected to alterations, in the C16, C17 and C18 and saw considerable alteration in the C20 to accommodate the previous office use.

1.2 The host building(s) are listed at grade 2. They were last occupied by an estate agent (A2 use). The site is on a primary shopping street (Kings Square/Colliergate) and is within the Central Historic Core Conservation Area.

PROPOSALS

1.3 Planning permission is sought to use the premises as a bar. There would be a manager's flat on the upper floor and the commercial kitchen would be located in the back room at second floor level. A replacement shop-front is proposed within the 4-storey building (the existing shop front dates from the C20 and has metal framing) and this would be incorporated within the existing timber surrounds. Internal changes are proposed, which are the subject of application 13/00627/LBC.

1.4 The application has been called to committee by Councillor Brian Watson, in order to assess the impact of the proposed change of use.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings GMS Constraints: Grade 2;

- 1 Colliergate York YO1 8BP 0733
- 5 Kings Square York YO1 2BH 0732
- 1 Shambles York YO1 2LZ 0712
- 3 Colliergate York YO1 2BP 0734

2.2 Policies:

CYGP1 Design

CYS3 Mix of use in certain shopping streets

CYS6 Control of food and drink (A3) uses

CYHE3 Conservation Areas

CYHE4 Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 No objections.

ENVIRONMENTAL PROTECTION UNIT

3.2 No response to date.

GUILDHALL PLANNING PANEL

3.3 Object on the grounds that the proposed use would harm the amenity of surrounding residents and have a detrimental impact on the character and amenity of the area.

PUBLICITY

3.4 Deadline for comment was 6.5.2013. Two representations have been made. Comments are as follows

- Support from occupants of 1 Shambles (which are offices).
- Ask that appropriate sound-proofing be installed so there is not noise disturbance in neighbouring businesses.

4.0 APPRAISAL

4.1 KEY ISSUES

- The principle of the proposed use on a primary shopping street
- The impact on the listed building and the conservation area
- Amenity of surrounding occupants

THE PRINCIPLE OF THE PROPOSED USE ON A PRIMARY SHOPPING STREET

4.2 The Local Plan designates King's Square and Colliergate as a primary shopping street. In determining planning applications for changes of use on primary shopping streets Local Plan policy S3a applies which seeks to maintain shopping as the primary activity on the street. The thrust of national planning policy is to promote/avoid harm to the vitality and viability of city centres.

4.3 This proposal would not conflict with policy as there would be no loss of A1 (retail) premises. The former use was A2 (estate agents). Potentially the proposed use could attract more activity and enhance the vitality and viability of the area. There would not be an over-concentration of bars in the area. There is only one other bar on the primary shopping street (i.e. King's Square and Colliergate).

THE IMPACT ON THE LISTED BUILDING AND THE CONSERVATION AREA

Character and appearance of the Conservation Area

4.4 The external alterations would be the replacement shop front and installation of a flue for the kitchen.

4.5 The shop front it is proposed to replace is modern and not of architectural merit. The replacement shop front would be of traditional, materials, design and appropriate proportions introducing a brick stall-riser, transom and fanlight windows. These works would enhance the appearance of the host building and the conservation area.

4.6 The kitchen flue will be within the C20 building, it would be routed internally and depart the building through the roof. A condition is necessary to control the final appearance, but the approach is sympathetic and one which would have the least visual impact.

Listed Building

4.7 In accordance with planning policy, the change of use can be incorporated without harm to the special historic and architectural interest of the building. The issue is appraised in the companion Listed Building Consent application.

AMENITY OF SURROUNDING OCCUPANTS

4.8 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance. Policy S6 advises proposals 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
- Acceptable external flues and means of extraction have been proposed.
- Where security issues have been addressed

4.9 Although there are no flats immediately nearby the site (8 Colliergate being the closest) we would not want to compromise the possibility of the upper floors of premises nearby being converted to residential in future. The proposed development would cause no undue disturbance, considering noise & cooking smells because:-

- The proposals are only to open the premises until midnight.
- The kitchen will be on the second floor and the flue would discharge above eaves level.
- Noise levels within the host building can be reasonably controlled so neighbours are not disturbed.
- Security would be addressed through the Licensing Act

4.10 The site has a premises licence which allows trade until 23.30 Sunday to Wednesday and 00.30 Thursdays, Fridays and Saturdays. A copy of the licence is attached to the end of this report.

5.0 CONCLUSION

5.1 The proposed use is acceptable in principle as there would be no harm to the vitality and viability of the primary shopping street or the city centre as a whole. The proposals have an acceptable impact on heritage assets and the character of the area and amenity of surrounding occupants can be controlled through the imposition of conditions. Approval is therefore recommended.

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: - 1553-14D

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

3 The use hereby permitted shall not be open to customers outside the hours of 07.00 and 24.00 (midnight).

Reason: To protect the amenity of surrounding occupants.

4 Music emanating from the premises shall be inaudible outside the premises and within adjoining buildings.

Reason: to protect the amenity of surrounding occupants and in the interests of the character of the conservation area.

5 Kitchen extraction

Any extraction system fitted in association with the use and plans hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. The following details of external plant/machinery shall be approved by Local Planning Authority and the equipment installed in accordance with the approved details:

a) Details of the extraction plant or machinery and any filtration system required. The extraction system shall be installed in accordance with the approved plans prior to first operation of the use hereby permitted, appropriately maintained thereafter and fully removed once its use has ceased.

b) Details of all machinery, plant and equipment, which would be audible outside the site, and any proposed noise mitigation measures. These details shall include maximum (L_{Amax} (f)) and average (L_{Aeq}) sound levels (A weighted), and octave band noise levels they produce. The report shall be undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby properties and include any mitigation measures that are required.

c) Any external plant shall be in accordance with the approved plans only. The appearance of the equipment that would be located externally (i.e. the extract flue) shall be approved by the Local Planning Authority and installed in accordance with the approved details (to ensure there would not be an adverse effect on the appearance of the listed building and the conservation area).

Reason: in the interests of the amenity of surrounding occupants, visual amenity and the appearance of the conservation area.

7.0 INFORMATIVES: Notes to Applicant

1. 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 vitality and viability of the city centre, the impact on heritage assets and residential amenity. As such the proposal complies with Policies S3, S6, GP1, HE3, and HE4 of the City of York Development Control Local Plan.

2. 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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice and through the use of planning conditions.

Contact details:

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LICENSING ACT 2003
PREMISES LICENCE

Licensable activities authorised by the licence:

Live Music

Recorded Music

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

LIVE MUSIC

Indoors

Monday 11:00 - 23:00	Tuesday 11:00 - 23:00	Wednesday 11:00 - 23:00	Thursday 11:00 - 23:00
Friday 11:00 - 23:00	Saturday 11:00 - 23:00	Sunday 11:00 - 23:00	

RECORDED MUSIC

Indoors

Monday 09:00 - 23:00	Tuesday 09:00 - 23:00	Wednesday 09:00 - 23:00	Thursday 09:00 - 24:00
Friday 09:00 - 24:00	Saturday 09:00 - 24:00	Sunday 09:00 - 23:00	

SUPPLY OF ALCOHOL

Monday 11:00 - 23:00	Tuesday 11:00 - 23:00	Wednesday 11:00 - 23:00	Thursday 11:00 - 24:00
Friday 11:00 - 24:00	Saturday 11:00 - 24:00	Sunday 11:00 - 23:00	

The Opening Hours of the Premises

Monday 09:00 - 23:30	Tuesday 09:00 - 23:30	Wednesday 09:00 - 23:30	Thursday 09:00 - 00:30
Friday 09:00 - 00:30	Saturday 09:00 - 00:30	Sunday 09:00 - 23:30	