

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 29 April 2008 **Parish:** Micklegate Planning Panel

Reference: 08/00603/FUL
Application at: Express-o 13 Bridge Street York YO1 6DA
For: Change of use to mixed use of restaurant (Class A3) and hot food take away (Class A5)
By: Ms Lydia Williams
Application Type: Full Application
Target Date: 9 May 2008

1.0 PROPOSAL

Application site

1.1 The application relates to 13 Bridge Street. The site includes the sandwich/food shop which fronts onto Bridge Street and also unit 2, which faces North Street and is a hot food takeaway selling fish and chips. The building is grade II listed and in the Central Historic Core conservation area.

Proposed development

1.2 Planning permission is sought to make the unit one. It would operate as a cafe/restaurant with a significant takeaway element. There are alterations proposed in association with the change of use however these are specifically detailed in companion applications for listed building consent and full planning permission.

Relevant site history

1.3 Planning permission was given to split the ground floor and the installation of unit 2 at the premises in 2003, reference 03/02946/FUL.

1.4 The existing shopfront on the North Street elevation was granted permission in 2004, reference 04/01028/FUL. The application was supported as there was no harm to the listed building - the side elevation has been rebuilt since its original, and the installation of the shopfront would break up the existing 'dead frontage' on the elevation.

1.5 In 2006 permission was granted to extend the opening hours of the premises to 02:20 on Fridays and Saturdays, reference 05/02007/FUL.

1.6 The applications for the site come to planning committee at the request of Councillor Brian Watson, so the application can be judged against policy S7 of the Local Plan which seeks to reduce the amount of hot food takeaways on Micklegate/Bridge Street and Low Ousegate.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3
Listed Buildings Grade 2; 13 Bridge Street York YO1 1DA 0447

2.2 Policies:

CYS5 Non-retail uses in shopping streets

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 Object to the proposed shopfront detailing.

Highway Network Management

3.2 No objection.

Environmental Protection Unit

3.3 No response to date.

External

Planning Panel

3.4 No response to date.

Publicity

3.5 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 30.4.08. No written representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Principle of change of use
- Residential amenity
- Highway safety
- Character and appearance of the conservation area

- Special historic interest of the listed building

Relevant policies to the proposed use

4.2 Policy S5 of the Deposit Draft Local Plan states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for Class A uses 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. This policy acknowledges the Central Government advice in Planning Policy Statement 6 that a more flexible approach in streets outside the Primary Shopping Area is appropriate. In particular, it accepts that different uses, during the day and in the evening, can complement and reinforce each other.

4.3 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted in York City Centre provided i) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter, ii) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers, iii) car and cycle parking meets the standards defined in the Local Plan, iv) acceptable external flues and means of extraction have been proposed and v) where security issues have been addressed.

4.4 Policy S7 states that proposals for new leisure uses (including use class A3) that complement York City Centre will be permitted provided that there is no adverse cumulative effect on the vitality and viability of the Centre, and there is no adverse effect on residential amenity.

Principle of change of use

4.5 Bridge Street is not a primary shopping street thus the proposed use would not be contrary to either policy S5 of the Local Plan or national guidance within PPS6: Planning For Town Centres. Both of which accept that other uses that retain vitality and viability should be allowed in the city centre on streets not identified as primary shopping streets. However policy S7 of the Local Plan must also be considered. S7 seeks to prevent an over concentration of drinking establishments and hot food takeaways on Bridge Street. It is considered that this proposal would not be contrary to policy S7. The proposed main use of the site is A3, which is a restaurant/café, a use which policy S7 does not seek to resist. There would be an element of takeaway, but the site already has a takeaway (the fish and chip shop) which although it fronts North Street is within the same premises. The site would involve a restaurant/café element, including a significant amount of seating on the Bridge Street side of the premises, as shown on the proposed floor plans. It is considered no significant harm would occur through amalgamating the two units.

Residential amenity

4.6 The proposed use would allow customers to eat inside the premises opposed to only takeaway. Persons eating in the premises are less likely to cause significant noise disturbance and as such the impact on residential amenity would be immaterial. It can be a condition that the extant hours of operation are retained.

Highway safety

4.7 The amalgamation of the two units would not affect highway safety.

Character and appearance of the conservation area

4.8 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.

4.9 The change of use only would have a neutral affect on the conservation area. The associated external alterations and their impact are assessed in the companion planning application.

Special historic interest of the listed building

4.10 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.

4.11 The application is for the change of use only. The only change to the floor plan is the removal of a modern partition wall. This has occurred already and nibs have been retained, so there is evidence of the opening. This alteration does not harm the listed building.

5.0 CONCLUSION

5.1 The change of use would create a cafe/restaurant in the premises, with an amount of takeaway. Bridge Street is not a primary shopping street and there is no new takeaway proposed. As such the proposed use is consistent with policy. There would be no harm to amenity or highway safety. The alterations to the listed building would not adversely affect its special historic interest and the impact on the conservation of the change of use alone is neutral.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 The opening hours of the premises shall be restricted to the following times:

Monday - Thursday 1100 hours - 0030 hours on the following day
Friday - Saturday 1100 hours - 0220 hours on the following day
Sunday 1100 hours - 0130 hours on the following day

All customers and staff shall have vacated the premises by these closing times, and all operating activities associated with the use shall also have ceased, including all plant and equipment being turned off/shut down.

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

4 The extract system and any other plant associated with the premises e.g. air conditioning or ventilation systems, shall not be operated after midnight on any day, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents.

5 The extent of the service counter and the customer seating area shall be in accordance with the approved plans.

Reason: To ensure the proposed use contains a significant element of restaurant/cafe use and is not only a hot food takeaway.

INFORMATIVE

You are reminded that this permission is for a mixed use of A3 and A5. To use the building only for a takeaway would require planning permission.

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 principle of the proposed use, residential amenity, highway safety and the character and appearance of the conservation area. As such the proposal complies with Policies S5, S6, S7 and HE3 of the City of York Local Plan Deposit Draft.

2. You are reminded that Listed Building Consent is also required for the proposed alterations to the building associated with the change of use and the development should commence in accordance with any conditions added to the consent.

Contact details:

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