

COMMITTEE REPORT

Committee: West/Centre Area

Ward: Guildhall

Date: 19 June 2008

Parish: Guildhall Planning Panel

Reference: 08/00969/FUL

Application at: Pavement Cafe Bar 10 New Street York YO1 8RA

For: Change of use of second floor from office to drinking establishment (Class A4) and internet lounge

By: Jamie Doughty

Application Type: Full Application

Target Date: 24 June 2008

1.0 PROPOSAL

The application site

1.1 The application relates to 10 New Street, located at the rear of 14 Coney Street. 14 Coney Street was developed in 1907 as a bank, No.10 New Street behind was the bank managers house. The building is 3 storey and externally of sandstone and orange-red brick above. The building is grade II listed and within the Central Historic Core Conservation Area.

Proposed development

1.2 The ground and first floors of 10 New Street are occupied by Blue Fly bar. The top floor is used for customer toilets and an ancillary office/managers accommodation. Planning permission is sought to change the use of the upper floor to a bar area (class A4).

Relevant planning history

1.3 The Blue Fly premises extended into 10 New Street after permission was granted in August 2006 (06/01336/FUL) to use the ground floor of the premises. This was followed by an application in November 2006 to use the first floor also as a bar area (06/02081/FUL), which was granted also.

1.4 The application is brought to planning committee at the request of Councillor Watson, and as previous applications at this site have been determined at planning committee.

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
Listed Buildings Grade 2; 10A New Street York YO1 8RA 0582

2.2 Policies:

- CYHE3 Conservation Areas
- CYHE4 Listed Buildings
- CYS6 Control of food and drink (A3) uses
- CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Advise that the work to facilitate an internet café to the second floor is acceptable. The units are to be free standing and no additional cabling or wiring is required to facilitate the use. The proposed use itself is not felt to adversely impact on the special interest of the building.

3.2 However the plans are annotated to show the insertion of a window and the removal of modern suspended ceilings to the first and second floors and walls at ground floor level. The principle of removing the suspended ceilings, and the window inserted are acceptable, but the age and importance of the removed walls has not been documented by the applicant.

3.3 More detail of the works which have taken place and the condition/significance of the removed internal walls are required (these shall be included in the listed building application). The associated listed building consent application is retrospective, which is disappointing, but more information will at the very least provide a record of the alteration of the building.

Economic Development Unit

3.4 No objection/comment due to the size of the application site.

Environmental Protection Unit

3.5 No objections. Advise there are no residential premises nearby, the occupants of which might be affected by noise from the proposed use.

Planning Panel

3.6 No objection.

Publicity

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 11.6.08. No representations have been made to date.

4.0 APPRAISAL

4.1 Key issues

- Vitality and viability
- Amenity
- Special historic interest of the listed building
- Character and appearance of the conservation area

Vitality and viability

4.2 The application proposes a change of use to A4. We are advised that the building had been vacant for around 6 years until the present applicant acquired the site. The ground and first floors already have planning permission to trade as a bar. Blue Fly presently trades predominantly as a bar/cafe during the day and drinking establishment at night.

4.3 It is now proposed to extend onto the top floor, which is presently used as the manager's accommodation/office. The top floor includes the customer toilets (for which there is limited space or rooms for on the lower floors) and allows a room at the front of the building to provide a seating area (around 5m by 10m), in association with the bar, and a room at the rear of the building (around 4m by 7m) to provide internet facilities, the latter allowing the business to be more diverse, thus enhancing its vitality and viability.

4.4 National policy in PPS6 Planning for Town Centres seeks to strengthen and regenerate town centres through making better use of land and buildings and accommodating growth. PPS6 also recognises that complementary uses during the day and evening can make an important contribution to vitality and viability. It is considered this proposal is in accordance with the thrust of PPS6.

Amenity

4.5 Policy S6 of the Local Plan states that planning permission for the extension or alteration 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 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.

4.6 There are no residential units nearby the application site (this has been confirmed by Environmental Protection Officers). As such there is no objection to the scheme on amenity grounds. Conditions have been attached to previous permissions granted at the Blue Fly controlling the playing of music etc, so it is not audible outside the premises. As such no disturbance occurs during the daytime. At night when the premises can be busier and thus cause more noise, this does not create any harm, as there are no nearby occupants adversely affected.

4.7 It is proposed the hours of opening are restricted (condition 3) in line with the hours of the premises' license and those previously granted planning permission in 2007 (07/02146/FUL). The premises license is also responsible for controlling security issues.

4.8 Parking provision is not required, neither are flues or means of extraction for the existing kitchen. If the latter were to change in future, permission would be required for such.

4.9 Overall the proposal would not harm amenity and is in accordance with the requirements of policy S6.

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 This proposed change of use does not require any alterations that adversely affect the building. However there are works that have been carried out at the building which are the subject of a current listed building consent application. The application covers the removal of the suspended ceiling on the first and second floor, and the installation of a 1m by 1m glazed window/wall on the second floor which looks into an internal lightwell. These works are not harmful to the appearance or special historic interest of the listed building. Further information is pending that will document the works.

Character and appearance of the conservation area

4.12 No external development is proposed; as such the impact on the conservation area would be neutral.

5.0 CONCLUSION

5.1 The proposed change of use would enhance the vitality and viability of the application site. Conditions are proposed which seek to preserve amenity and the works that have been carried out at the building are to be covered by a listed building consent application. The proposed change of use is thus supported.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - 003 received 16.4.08.
- 3 The opening hours of the premises shall be confined to the following hours:
09.00 - 04.30 hrs (the following day)

Reason: In the interests of amenity.

- 4 Any amplified music or entertainment shall be confined to the indoor cafe and in any case shall not be audible at any nearby noise sensitive premises.

Reason: In the interests of the amenities of nearby occupants and other uses of the public highway.

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 special historic interest of the listed building,
the vitality and viability of the area,
amenity,
the character and appearance of the conservation area,
highway safety.

As such the proposal complies with Policies HE3, HE4, S6 and S7 of the City of York Local Plan Deposit Draft.

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