

## Consultation with Responsible Authority

Resp Auth: CYC Planning

## 1. Application

Ref No: CYC/010802

Premises: 28 Pavement York

RECEIVED  
16 MAY 2008

2. Representation: Yes

Date: 15.5.08

## 3. Representation details

Licensing Objective

Public Nuisance

Reason for representation (with regard to the relevant licensing objective(s))

The operating hours of the premises are controlled by a planning condition that states the premises should be closed by midnight (condition 5 of planning application 00/250/FUL, which was approved in 2001).

(x2)  
Planning applications to extend the permitted opening hours have been refused in 2005 when the application sought permission to open the premises until 03:00 Mondays to Saturdays.

The applications were refused as there are residential premises above the premises and it was determined that to allow the extend the permitted opening hours would harm their amenity. The reason for refusal was given as follows –

*"It is considered that the proposed extension of opening hours would be detrimental to the amenity and living conditions of the occupiers of existing and proposed upper floor residential properties in the vicinity of the site by significantly increasing the potential for late night noise, nuisance, crime and anti-social behaviour".*

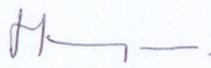
## 4. Contact details for Mediation

Name: J Kenyon

Email: jonathan.Kenyon@york.gov.uk

Phone number: 551323

Date sent to Licensing Authority: 15/5/08

Signed: 

\*delete as appropriate



CITY OF  
**YORK**  
COUNCIL

*Approved application  
for site.*

## Approve Planning Permission

### TOWN AND COUNTRY PLANNING ACT 1990

**To:**

Mr David Millard  
Millard Design Partnership  
Unit 1 Chel Business Centre  
26 Roundhay Road  
Leeds  
LS7 1AB

**Application at:** 28 Pavement York YO1 9UP  
**For:** Change of use with alterations of retail unit (Class A1) to food and drink (Class A3)  
**By:** Pavement Properties Limited  
**Application Ref No.:** 00/00250/FUL  
**Application Received on:** 3 February 2000

### CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of five years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

2 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings listed below and received on the date indicated, or as may otherwise be agreed in writing with the Local Planning Authority.

Revised plans received 7/4/2000 & 24/3/2000.

Reason: To achieve an acceptable form of development.

3 The premises shall be used for cafe/restaurant only and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 The use of the premises for any take-away sales of hot food or drink shall be ancillary to the use of the premises for a restaurant and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument invoking or re-enacting that Order).

Reason: To ensure that an uncontrolled intensification of this use does not occur, to the detriment of the amenities of the surrounding area.

5

The premises shall be vacated by staff and members of the public by midnight on any day.

Reason: In the interest of protecting residential amenities.

6 The playing of amplified music on the premises shall be prohibited.

Reason: In the interests of protecting general amenities in the area.

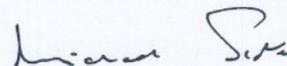
7 Details of soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

8 Provision shall be made within the development to facilitate access for people with disabilities into the building. Full details of these provisions should be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure adequate provision for access within the development.

Date: 10 October 2001



M. Slater  
Assistant Director (Planning & Sustainable Development)

**FOR RIGHTS OF APPEAL, SEE OVERLEAF**

UPRN 010007237145

Address 28 Pavement York YO1 9UP

Module	Reference	Status	Opened Date	Closed Date	Description	Edit	View
BC	05/01299/OTHDFP	BCO	09.06.2005	09.09.2005	26/28 alterations and refurbishment of 2nd and attic flats and forming flat on 1st floor		
BC	77/56127/FP	PAS		20.10.1977	RENOVATION OF EX. BUILDING C/U SMALLER SHOP GD.FLOOR & FLAT		
BC	82/56129/FP	PAS	14.01.1982	18.02.1982	RETAIL UNIT AND HAIRDRESSING SALON		
DC	00/00250/FUL	PER	03.02.2000	11.10.2001	Change of use with alterations of retail unit (Class A1) to food and drink (Class A3)		
DC	00/00251/LBC	PER	03.02.2000	21.08.2000	Internal alterations		
DC	03/03174/ADV	REF	16.09.2003	23.12.2003	Installation of hanging and externally illuminated projecting sign to shop front		
DC	03/03687/LBC	REF	16.09.2003	23.12.2003	Installation of hanging and externally illuminated projecting sign to shop front		
DC	05/00298/FUL	REF	11.02.2005	06.04.2005	Variation of condition 5 of planning permission 00/00250/FUL to extend hours of operation to 4.00pm to 3.00am Mondays to Saturdays and 4.00pm to 2.00am Sundays		
DC	05/02327/FUL	REF	31.10.2005	06.12.2005	Variation of condition 5 of planning permission 00/00250/FUL to extend hours of operation of the approved hot food takeaway use to 11.00am - 3.00am Mondays to Saturdays and 11.00am - 1.00am Sundays.		
DC	06/01982/ADV	PER	08.09.2006	23.10.2006	Display of non illuminated fascia sign and projecting hanging sign		
DC	06/02095/LBC	PER	27.09.2006	02.11.2006	Display of non illuminated fascia sign and projecting hanging sign		
DC	7/00/2004/PA	PER		20.10.1977	Renovation of existing building (presently used as shops on ground floor, unused on first floor and a flat on second floor) and change of use in order to retain smaller shop on part of ground floor, with this use repeated on first floor and salons on remainder of ground floor and first floor with second floor flat retained. New shopfronts		
DC	7/00/2004A/LB	PER		20.10.1977	Deolition of toilet in internal yard and extension of ground floor into yard, internal alterations and renovations of building and installation of new shopfront		
DC	7/00/2004B/PA	PER		18.02.1982	Alterations to existing shopfront		
DC	7/00/2004C/LB	PER		18.02.1982	Alterations		
DC	7/00/2004D/LB	REF		22.07.1982	Installation of sunblind over shopfront		
DC	7/00/2004E/AA	PER		21.10.1982	Display of externally illuminated double sided projecting hanging sign		
DC	7/005/02004N/FUL	REF		06.12.1995	Change of use of ground floor and part of basement from retail to restaurant		
DC	7/005/02004P/LBC	PER		07.02.1997	Installation of staircase between ground, first floor, erection of partition wall and alteration to spiral staircase		
DC	7/05/2004/PA	PER		12.09.1989	Change of use of residential flat to studio/workshop		
DC	7/05/2004F/PA	PER		12.09.1989	Change of use from residential flat to studio/workshop		
DC	7/05/2004G/LB	PER		12.09.1989	Internal alterations		
DC	7/05/2004H/AA	REF		07.12.1989	Display of non illuminated signs		
EN	01/00272/ADV	CLOSED	07.03.2001		Enforcement Enquiry		
EN	01/00308/COU	CLOSED	19.04.2001	18.09.2001	Enforcement Enquiry		
EN	01/00311/ADV	CLOSED	19.04.2001	26.03.2003	Enforcement Enquiry		
EN	05/00704/COND	CLOSED	13.12.2005	22.09.2006	Enforcement Enquiry		
EN	07/00180/COND	PCO	19.03.2007		Enforcement Enquiry		
LC	06/06748/PS	SEA	15.02.2007		Personal Search		

2 refused applications for extension to opening hours.