

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 September 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01139/FUL
Application at: Thorntons Plc 15 Parliament Street York YO1 8SG
For: Change of use from retail shop (use class A1) to financial and professional services (use class A2)
By: Town Centre Securities PLC
Application Type: Full Application
Target Date: 17 July 2008

1.0 PROPOSAL

1.1 The application is for the change of use from retail shop (use class A1) to financial and professional services (use class A2)

1.2 The site is within the Central Historic Core Conservation Area and is classified as a Primary Shopping Street, as identified on the proposals maps. The building is Grade II listed.

1.3 The application has been called into committee by Cllr Brian Watson as a previous application at 14 Parliament Street was recommended for refusal (application was later withdrawn). 14 Parliament Street had two frontages, one on Parliament Street the other on Market Street.

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

Listed Buildings Grade 2; The Disney Store 14 Parliament Street York YO1 8S 0559

Listed Buildings Grade 2; 15 Parliament Street York 0560

Listed Buildings Grade 2; 16 Parliament Street York YO1 2SG 0561

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYS3
Mix of use in certain shopping streets

CYGP1
Design

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 17/06/2008

Site Notice - Expires 02/07/2008

Press Advert - Expires 25/06/2008

Internal/External Consultations - Expires 18/06/2008

8 WEEK TARGET DATE 17/07/2008

3.2 INTERNAL CONSULTATIONS

CITY DEVELOPMENT

- A total of 34.5% of the combined frontage of these two streets is classified as non-A1 use, and, all other factors remaining unchanged, if the property 15 Parliament Street were to be converted from A1 to A2 use rights, then this would rise to 36.6%, thereby exceeding the permitted maximum.

- The applicant is prepared to enter into a S106 agreement, to remove the A2 use rights of property 3 St Sampson's Square, which is currently vacant and also under the ownership of Town Centre Securities. The use rights on this property would effectively revert to A1. This would effectively mean that the A2 use rights would be transferred from 3 St Sampson's Square to 15 Parliament Street, and the percentage of non-A1 frontage in the two streets combined would fall to 33.8%, due to the smaller frontage of 15 Parliament Street.

- Criterion e) of Policy S3a of the Draft Local Plan also states that regard should be had to the number of vacant ground floor premises in the immediate area. At present, the only vacant premises in the two streets is 3 St Sampson's Square. In this respect, the applicant is prepared to enter into an agreement that the change in use of 15 Parliament Street shall not be effected until an A1 retailer is found to occupy 3 St Sampson's Square, which would thereby lead to an increase in the vitality of the area.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

- It would appear that no changes are proposed at present and in principle, the change of use of the building is acceptable. The applicant should however be advised that any internal, external or signage changes may require the submission of a formal application for listed building consent

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - Object

- The continued encroachment of financial services outlets, we suspect for prestige reasons, is anonymising high streets across the country. A stand should be made.

4.0 APPRAISAL

RELEVANT SITE HISTORY

7/00/895/PA - Change of use from bank to shop - Approved

History for 3 St Sampson's Square

07/02509/LBC - Internal alterations and external alterations including erection of external fire escape to rear - Approved

07/02508/FUL - Erection of external fire escape to rear, first floor extension - Approved

07/02216/FUL - Alterations to shopfront and doorway - Approved

07/02217/LBC - Internal alterations and external alterations including erection of external fire escape to rear - Approved

7/05/4093F/PA - Change of use of second floor from retail shop to offices - Approved

7/05/4093A/PA - Change of use of first floor estate agents to doctors consulting rooms - Approved

7/00/4093/PA - Change of use of second floor from offices to retail shop - Approved

ADDITIONAL PLANNING POLICY

Planning Policy Guidance Note 15 'Planning and the Historic Environment'

KEY ISSUES

1. Impact on the vitality and viability of the street

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area.

4.2 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area. Policy HE4 'Listed Buildings' is also relevant in that it states that consent will only be granted for development where there is no adverse effect on the character, appearance or setting of the building.

4.3 Policy S3a 'Mix of uses in Shopping Streets' states in York's City Centre Primary Shopping Streets development will be permitted where it provides the improvement and expansion of existing retail premises and the establishment of new shopping uses. Proposals involving the change of use of ground floor premises within the primary shopping streets will only be permitted provided that they do not detract from the primary shopping function and contributes to the vitality and viability of these areas. The assessment of proposals for the change of use from a shop (A1) to uses within classes A2 or A3 will be guided by the following factors:

- the location and prominence of the premises within the shopping frontage;
- the floorspace and frontage of the premises;
- the number (a maximum of 35%), distribution and proximity of other ground floor premises in use as, or with planning permission for class A2 or A3; and
- the particular nature and character of the proposed use, including the level of activity associated with it, and; the proportion of vacant ground floor property in the immediate area.

4.4 Policy SP3 'Safeguarding the Historic Character and Setting of York' in the City of York Council Development Control Local Plan (2005) states that high priority will be given to the protection of the historic character and setting of York.

4.5 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment.

IMPACT ON THE VITALITY AND VIABILITY OF THE STREET

4.6 The application is for the change of use of 15 Parliament Street from an A1 use to an unspecified A2 use. The site is within the primary shopping streets set out in the Proposals Maps.

4.7 To overcome the 35% threshold stipulated in Policy S3a the applicant is willing to enter into a S106 agreement to change the use of another property close by from A2 to A1 (3 St Sampson's Square). 3 St Sampson's Square was previously the Woolwich Building Society, and under permitted development rights can change to a use class A1 without the need for planning permission. The agent has confirmed that a lease has been signed on the 3 St Sampson's Square property for a retail use. There is no permitted change to another use class once a property is in an A1 use. The purpose of the S106 agreement is to ensure if 15 Parliament Street is granted planning permission for an A2 use, 3 St Sampson's Square would change to A1 use.

4.8 Officers from City Development have confirmed (with regards to Policy S3a) that the combined frontage of Parliament Street and St Sampson's Square is 34.5%, just under the threshold 35%. If 15 Parliament Street were converted to A2 use the frontage would be 36.6%. However if 3 St Sampson's Square was converted to A1 use only then the percentage of non-A1 frontage in the two streets combined would fall to 33.8% (as the frontage of 15 Parliament Street is smaller). There would be no overall loss of A1 use within the two streets and therefore it is considered that there would be no loss of vitality to the protected streetscape and conservation area.

4.9 The Guildhall Planning Panel have objected on the grounds that the gradual encroachment of financial services are creating anonymous frontages in the streetscape. Parliament Street (not including the proposed site) is made up of 5 Banks/Building Societies and 17 A1 uses (4 opticians, Disney Store, 4 clothes shops, 2 mobile phone shops, 2 sandwich shops, 2 photography shops, 1 accessories shop, 1 Whittards) and 1 A3 use.

4.10 The agent has not specified the specific use of the site however by virtue of the small area of the unit it is not considered that any potential use could cause such an increase in activity such as footfall and traffic as to cause a disturbance.

4.11 The applicants recently applied (07/02674/FUL) to change the use of 14 Parliament Street (the Disney Store) to an A2 use but this was withdrawn as the proposed loss of a retail unit on Parliament Street and Market Street would by virtue of its prominent siting of the existing retail unit and its contribution to the retail character of this side of Parliament Street breach and undermine its retailing status as a primary shopping street, detract from the strength and cohesiveness of the wider shopping area, and adversely harm the character and appearance of the conservation area.

4.12 The building is Grade II listed, the agent has stated that there would be no internal changes and no changes to the frontage. Listed Building Consent is therefore not required. Any changes to adverts would require advertisement consent and listed building consent. Conservation does not have any concerns regarding the change of use of the ground floor storey.

5.0 CONCLUSION

5.1 The proposed change of use (dependent on the Section 106 agreement with regarding 3 St Sampson's Square being A1 use only) is not considered to reduce the vitality and viability of the two streets. The property has a small frontage and is not considered to be unduly prominent. The change of use is not considered to cause harm to the protected street or the conservation area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 No development shall commence until the applicant or any successor in title has agreed in writing to a Section 106 agreement (of the Town and Country Planning Act 1990) which agrees to change of use of 3 St Sampson's Square to an A1 use.

Reason: In order to comply with Policy S3a of the City of York Development Control Local Plan.

2 TIME2 Development start within three years

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 protected street, and the visual amenity of the streetscene and conservation area. As such, the proposal complies with Policies GP1, S3a and SP3 of the City of York Development Control Local Plan (2005).

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