

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 September 2009 **Parish:** Guildhall Planning Panel

Reference: 09/00841/GRG3
Application at: Library Museum Street York YO1 7DS
For: Part change of use to include cafe
By: Mrs Fiona Williams, City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 13 July 2009

1.0 PROPOSAL

1.1 York Central Library comprises a two storey Grade 11 Listed brick and stone built structure dating from 1927 and 1938 designed by the York Architects Brierley and Rutherford. It also lies within the setting of St Leonards Hospital a Grade 11 Listed building and Scheduled Ancient Monument and in a prominent location within the Historic Core Conservation Area. The current proposal envisages the partial change of use of the building to provide a cafe area as part of a wider scheme of internal refurbishment and alteration for which Listed Building Consent has been applied for under reference 09/00842/LBC.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core 0038

Listed Buildings GMS Constraints: Grade 2; Library Library Square York YO1 2DS 0631

2.2 Policies:

CYHE4
Listed Buildings

CYHE3
Conservation Areas

CYS6
Control of food and drink (A3) uses

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal.

EXTERNAL

3.4 Guildhall Planning Panel raise no objection in principle to the proposal but express concern in respect of the level of toilet provision associated with the cafe, the loss of visible book shelving to enable space to be created for the cafe and the lack of disabled access to the building.

3.5 Three objections have been received from local residents and businesses on the grounds that the proposed cafe would take up space more appropriately devoted to traditional library uses and would lead to unfair competition with other local cafes and hot food outlets.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

- Impact of the proposal on the character and appearance of the Conservation Area.
- Impact of the proposal on the historic character and integrity of the Listed Building.
- Impact of the proposal on the viability of other cafes and hot food businesses in the area.

4.2 Policy HE3 of the York Development Control Local Plan sets a firm policy framework establishing that planning permission for change of use will only be given in a Conservation Area where there would be no adverse effect on the character or appearance of the area. The character of the Conservation Area surrounding the Library encompasses a range of town centre uses with a preponderance of offices and entertainment related uses. The proposal envisages the change of use of a section of the ground floor of the Library to form a cafe area serving coffee, cakes and light meals primarily to those using the Library in the traditional way or attending events taking place there. Servicing requirements for the cafe envisage the delivery of bread, cakes and milk on a daily basis, fruit and vegetables delivered twice a week and other deliveries once a month. Deliveries would take place early in the morning before the library opens at 10 am and there would be no preparation of hot food on the premises. The Library building occupies a prominent location within the Conservation Area and the nature of the use and its immediate surroundings add significantly to its overall character. The current scheme forms part of a wider package of mainly internal measures to secure the long term future of the building and its surroundings. On balance the proposal would secure the longer term future of the property whilst having

a minimal impact upon its contribution to the Conservation Area. The terms of Policy HE3 would thus be complied with in relation to the proposal.

4.3 Policy HE4 of the York Development Control Local Plan sets a firm policy presumption in favour of new development involving changes of use to Listed Buildings where there would be no adverse impact on their character, appearance or setting. York Central Library was constructed in the early 20th century by the reknowned local architectural partnership of Brierley and Rutherford to provide a range of traditional Library services for the City. Central Government advice on Listed Building Control outlined in PPG 15 "Planning and the Historic Environment" specifically in paragraph 3.10 encourages sensitive alteration and refurbishment to enable Listed Buildings to be retained in the use for which they were initially designed and built. The current proposal which forms part of a wider scheme of mainly internal refurbishment is intended to increase the usage of the building in a sensitive manner in order to secure its long term future in its current use. As such the proposal complies with the terms of Policy HE4 of the Draft Local Plan.

4.4 Policy S6 of the York Development Control Local Plan sets a clear policy presumption in favour of the extension, alteration or development of premises for A3 uses (restaurants and cafes) subject to any impact upon the amenities of surrounding occupiers as a result of traffic ,noise, smell or litter would be acceptable and acceptable external flues and means of extraction have been provided. The current proposal envisages the change of use of a section of the ground floor of the Library to provide an area where users maybe served with hot drinks, cakes and sandwiches in the manner of the cafes associated with a number of larger bookshops. No food ordinarily requiring an extraction system would be prepared on the premises. In terms of impact upon the viability of other cafes and food outlets in the area impact upon competition is not a material planning consideration. Deliveries accessing the site would also not be materially greater than currently, as a consequence the terms of Policy S6 would thus be complied with in relation to the proposal.

4.5 In terms of disabled access to the Library the current arrangements would remain in place pending a second phase of work in the adjacent Library Square. The current arrangements in terms of toilet provision would broadly remain in place, however disabled facilities and a baby changing area would be provided within an existing staff toilet as part of the overall scheme.

5.0 CONCLUSION

5.1 York Central Library comprises a broadly two storey brick and stone built Grade 11 Listed Building by local architects Brierley and Rutherford dating from 1927 and lying in a prominent location within the Central Historic Core Conservation Area. The proposal envisages a partial change of use of the ground floor of the premises to provide a cafe supplying hot drinks and light snacks for users of the library in the manner of the coffee shops commonly associated with the larger bookshops. The scheme forms part of a wider package of mainly internal alterations to refurbish and upgrade the level of accommodation available at the Library. The Library building in its location adds significantly to the character of the Conservation Area with its mix of retail and entertainment related uses in the direct vicinity. The current proposal would seek to secure this role and would not adversely affect the surrounding area. In the

absence of preparation of hot food on the premises there would be no requirement for a sophisticated extraction system and the level and volume of deliveries to the site would not be materially different from those currently taking place to the site. On balance the scheme is considered acceptable and 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 only in accordance with the following plans:-

Drawing Ref: 0913/100 Rev A . Date Stamped 6th August 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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 impact upon the character and appearance of the Historic Core Conservation Area, impact upon the historic character and integrity of the Listed Building and impact upon the viability of other cafes and food outlets in the vicinity. As such the proposal complies with Policies HE3 , HE4 and S6 of the City of York Development Control Local Plan.

2. DEMOLITION AND CONSTRUCTION:-

i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1 : 1997, a code of practice for

"Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of Noise and Vibration".

iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.

iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times in order to minimise noise emissions.

v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

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