

## COMMITTEE REPORT

**Date:** 19 August 2010                      **Ward:** Rural West York  
**Team:** West/Centre Area                      **Parish:** Copmanthorpe Parish Council

**Reference:** 10/01159/FUL  
**Application at:** 1 Main Street Copmanthorpe York YO23 3ST  
**For:** Change of use from shop (A1) to cafe/teashop (A3)  
**By:** Mr R Dearlove  
**Application Type:** Full Application  
**Target Date:** 28 July 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks permission for the change of use of a vacant shop (A1) to a cafe/tearoom (A3) at 1 Main Street Copmanthorpe.

1.2 The application is being brought to committee at the request of Cllr Healey because of the Parish Council objection.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Copmanthorpe CONF

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYHE3 Conservation Areas

CYS6 Control of food and drink (A3) uses

CYS9 No loss of local or village shops

### 3.0 CONSULTATIONS

INTERNAL

3.1 CITY DEVELOPMENT - Policy S9 should be taken into account when assessing the application. An assessment of the local provision within the area should be provided to identify whether there are any alternative facilities within easy walking

distance. It is noted that the premises is currently vacant. Evidence of persistent or long term vacancy or attempts to let, lease or sell a unit for retail use on reasonable terms should be taken into account. Policy S6 should also be taken into account in terms of the change of uses impact upon the amenities of surrounding occupiers in respect of traffic, noise, smell or litter.

3.2 HIGHWAY NETWORK MANAGEMENT - No objections

3.3 ENVIRONMENTAL PROTECTION UNIT - No objections

EXTERNAL

3.4 COPMANTHORPE PARISH COUNCIL - Object on the following grounds:

- Land immediately to the front forms part of the car park for the Royal Oak public house and at least three car parking spaces would be lost if this development were to proceed
- The property is in a conservation area
- There is no footpath as the edge of the car park is the boundary with the highway, and access would be directly from the car park with customers having to walk between the parked cars
- Insufficient information is given in the application on Health and Safety aspect of what is proposed
- No details are provided about car parking

3.5 NEIGHBOURS - One letter received objecting on the following grounds:

- The property is located at a blind spot and would cause a hazard to traffic as customers will park there
- It will also cause congestion in the privately owned car park
- There is already one tea shop/cafe

## **4.0 APPRAISAL**

4.1 Key Issues

- Loss of shop
- Highway Implications
- Impact upon amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are HE3, S6 and S9. Policy HE3 states that within conservation areas, proposal for the following type of development will only be permitted where there is no adverse effect on the character and appearance of the area: demolition of a building (whether listed or not); external alterations; changes of use which are likely to generate environmental or traffic problems.

4.3 Policy S6 states that planning permission for the extension, alteration or development of premises for A5 uses (food and drink) will be granted provided: any likely impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter would be acceptable; the opening hours are to be restricted where this is necessary to protect the amenity of surrounding occupiers; car and cycle parking

meets the standards; acceptable external flues and means of extraction have been proposed.

4.4 Policy S9 states that planning permission will only be granted for a change of use that would result in the loss of a local or village shop where it can be demonstrated that: a local need for the shopping facility no longer exists; or appropriate alternative facilities exist within the local area.

4.5 The application site is located within Copmanthorpe Conservation area. The premises forms part of a series of buildings attached to the existing Royal Oak public house with car parking spaces to the front. The premises retains a shop front but has not been used for at least 10 years. The application seeks permission to change the premises to A3, to be used as a cafe, but is not seeking any major exterior alterations, only a replacement door similar to the existing. The applicant has stated that initially they would look at opening between the hours of 09.00 to 14.00 Tuesday to Saturday with a view of extending this if demand necessitated it.

#### LOSS OF SHOP

4.6 Policy states that permission will only be granted for the change of use where a local need for the facility no longer exists or an alternative facility exists within the local area. Approximately 50 metres from the application site is a small shopping complex which contains, amongst other units, a post office, take-aways, bakers, chemist, newsagents, cafe and hairdressers. As such it is considered that the loss of this unit would not have a detrimental impact upon the character of the area or result in an important retail unit being lost. Furthermore, the application site has been vacant for in the region of 10 years and has been boarded up for the majority of this period. The opening of these premises would bring a dead frontage back into active use, which would benefit the character of the conservation area.

#### HIGHWAY IMPLICATIONS

4.7 Concerns have been raised in connection with highway and parking implications. The area to the front of the premises and neighbouring attached buildings is marked out as car parking spaces, being provided nose/tail in. Concerns are raised that the three spaces to the front of the premises would be lost as parking for the existing public house. The parking area to the front of these buildings is public highway and as such is not allocated to any particular user but by nature of their location would primarily be used by the public house and attached units. There is no intention or right for these spaces to be marked as being for the cafe use only and as such would still be available. Furthermore, a large car park is available to the front of the existing shopping parade, 35 metres from the proposed cafe, if additional parking for the cafe or public house were required.

4.8 Additional concerns are raised that if these spaces were occupied visitors to the cafe would have to walk on the road and in between the parked cars to access it. It is considered that, from officer's site visits, the area to the front of the unit is not heavily used by parking vehicles, which appear to park within the more formal car park area. However, pedestrians to the cafe would have to negotiate any vehicle parked to the front of the premises but as the situation already arises with pedestrians entering and

leaving the public house it is considered that this application would not alter an already existing situation. Furthermore, the proposed use is located centrally within Copmanthorpe and it is considered that a proportion of the clients would arrive by foot.

## IMPACT UPON AMENITY

4.9 The cafe is proposing to open, initially, between the hours of 09:00 to 14:00 but is seeking opening hours from 08:00 to 18:00 on a daily basis. The premises are located along the main road through Copmanthorpe and is located at a distance to residential properties. The nearest dwelling is located to the opposite side of the main road, behind a large boundary wall and is at a distance of 16m. It is considered that as the cafe is seeking limited daytime opening hours and does not intend to serve food to take away there would be no detrimental impact upon residential amenity.

## 5.0 CONCLUSION

5.1 It is considered that the proposed change of use would be acceptable in policy terms. Adequate alternative shopping facilities are available within easy walking distance and car parking is provided nearby. The opening hours would be limited with a view to closing at 18:00 at the latest. As such there would not be any loss of amenity to nearby residential properties in terms of noise disturbance.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Site location plan received 3rd August 2010

Floor plan received 24th May 2010

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

3 The hours of opening shall be confined to 08:00 to 18:00 Monday to Saturday and 10:00 to 18:00 Sundays and bank holidays

Reason: In the interests of the amenities of nearby residential properties

4 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval. The extraction system shall be installed in accordance with the approved plans, appropriately maintained thereafter

and fully removed once its use has ceased.

Reason: In the interests of residential amenity in accordance with policy S6 of the City of York Draft Local Plan.

5 No waste or recycling bins shall be stored or located outside of the premises except for immediately preceding their collection by the waste disposal contractor.

Reason: In the interests of the character and amenity of the local environment and conservation area in accordance with policy S6.

## **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 character of the area, loss of amenity to neighbouring properties, highway safety or the loss of a local shop. As such the proposal complies with Policies HE3, S6 and S9 of the City of York Development Control Local Plan.

#### 2.

Any external attachments to the building not shown on the approved drawings will require planning permission in their own right or a minor amendment to this permission depending on their scale and appearance.

#### **Contact details:**

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