

## COMMITTEE REPORT

**Date:** 24 April 2025      **Ward:** Rawcliffe And Clifton Without

**Team:** West Area      **Parish:** Clifton Without Parish Council

**Reference:** 25/00110/FULM

**Application at:** Mitrefinch House Green Lane Industrial Estate Road York YO30 5YY

**For:** Change of use from industrial storage/distribution building (use class B8) to sports and recreation facility including a wellness centre (use class E) with associated external alterations

**By:** Mr Ben Warn

**Application Type:** Major Full Application

**Target Date:** 28 April 2025

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Mitrefinch House, Green Lane Clifton comprises a 1,889sqm warehouse unit (Use Class B8) with ancillary offices which are presently vacant situated within the Green Lane Industrial Estate, Clifton. Planning permission is sought for change of use to a sports and recreation facility including a wellness centre with associated external alterations comprising provision of additional emergency exits.

#### Relevant Planning History:

1.2 13/01271/FUL Partial Change of Use (Use Class B1) to Cross Fit Gym – Refused 02/07/2013

### 2.0 POLICY CONTEXT

2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

#### Development Plan

The City of York Local Plan (2018) Adopted February 2025

The below policies are considered most relevant to this application and carry full weight:

HW3 – Built Sports Facilities

D1 – Place Making

ENV2 – Managing Environmental Quality

T1 – Sustainable Access

CC2 – Sustainable Design and Construction of New Development

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### Public Protection

3.1 Raise no objection in principle but raise concerns in respect of the potential of impact from noise from plant on residential amenity together with noise from construction operations. Any permission should be conditioned to require submission and prior approval of details of audible plant, details of odour mitigation in respect of the proposed cafe use and a Construction Environmental Management Plan (CEMP). Any permission should also seek detail of an electric vehicle charging strategy and remediation of contaminated land.

##### Highway Network Management

3.2 No comment received.

##### Strategic Planning Policy

3.3 Policy EC2 ‘Loss of employment land’ is not considered relevant as the proposal is to change from one employment use to another. Policy HW3 ‘Built sports facilities’ should be considered in relation to the scheme. Part C of policy CC2 requires that proposals for non-residential changes of use achieve BREEAM Non-Domestic and Fit-out “excellent” as a minimum.

##### Economic Development

3.4 Support the increase in employment resulting from the proposal.

#### **EXTERNAL**

##### Clifton (Without) Parish Council

3.5 Support the proposal but would like to see provision of covered cycle parking and the provision of a landscaped boundary to the adjacent highway.

### **4.0 REPRESENTATIONS**

4.1 Two letters of support have been received.

## **5.0 APPRAISAL**

### **Key Issues**

5.1. The key issues are as follows:

- Employment Land
- Provision of Built Sports Facilities
- Highways and Access
- Residential Amenity
- Visual Amenity
- Sustainable design and Construction

### **EMPLOYMENT LAND**

5.2 The premises have previously been used for the storage and distribution of timber items used in the building industry such as floor section and roofing members including the associated office functions. The back-office functions were relocated some time ago and in recent times the site has had no permanent staff with access dependent upon demand for the products stored. Policy EC2: Loss of employment land of the Local Plan is not considered relevant to consideration of this proposal. The supporting text to the policy makes clear that it applies to all employment generating uses, not just office or industrial uses. The proposal is to change from one employment use to another with the result being an increase in employment from 0 employees to 8 FT and 8PT employees; there is therefore no loss in employment land.

### **PROVISION OF BUILT SPORTS FACILITIES**

5.3 Policy HW3 of the Local Plan indicates that development which enables residents to enjoy and make use of built sports facilities will be supported. Development will be particularly supported where a deficiency in current provision has been identified and where it is well located, accessible to all and when suitable infrastructure exists or can be created to manage and maintain the facility. The proposal envisages conversion of the former warehouse space into a mix of Padel and Pickleball Courts. In addition, there would be a sauna, cafe, equipment shop and a fitness studio. On the upper floor of the former offices would be a creche and treatment rooms. It is envisaged that the two elements of the proposal would be operated independently and would be capable of being accessed separately.

5.4 The proposal makes provision for the development of padel and pickleball which are relatively new and growing sports with at present little overall provision and no purpose-built indoor provision in the York area. One of the letters of support

highlights the current lack of provision and the need to provide for the rapidly increasing number of pickle ball teams in the locality. The proposal together with the recently approved outdoor padel courts in Clifton Moor to the northwest would help in meeting the unmet need. The proposal therefore complies with the requirements of Policy HW3 of the Local Plan.

## HIGHWAYS AND ACCESS

5.5 Policy T1 of the Local Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it. That may be achieved by means of providing safe and appropriate links to local services and facilities, the surrounding walking, cycling and public transport networks and that these integrate into the overall development. At the same time sufficient convenient, secure and covered cycle storage should be provided ideally in the curtilage of the new buildings.

5.6 The proposal is in close proximity to residential areas of Rawcliffe and Clifton Moor. Two bus routes serve Green Lane (nos.19 and 20) both with broadly hourly daytime services with destinations including the city centre, Skelton, Rawcliffe, Huntington and Monks Cross. More frequent services are found on Green Lane about 550-600m from the site serving Clifton Moor, city centre and Osbaldwick. Green Lane has an off-road cycle path which links to the city's wider cycle network. Twenty two cycle parking spaces would be provided adjacent to the building entrance. Forty visitor car parking spaces would be provided, 3 of which would be accessible (adjacent to the entrance) with a further 7 staff parking spaces towards the southern boundary of the site. The previous proposal for a crossfit gym within part of the building was refused planning permission on the grounds of insufficient car parking. The current proposal envisages the provision of a significant number of on-site parking spaces which would facilitate an intensive use of the padel/pickleball courts. The existing pedestrian and vehicular access points to Green Lane would be utilised.

5.7 The site is considered to be sustainably located with sufficient vehicle and cycle parking provision to comply with the Authority's standards. The proposal therefore complies with Policy T1 of the Local Plan.

## RESIDENTIAL AMENITY

5.8 Policy ENV2 of the Local Plan states that development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on the site and in neighbouring communities. Proposals for uses likely to have an environmental impact in respect of adverse noise and vibration, and air quality must demonstrate how these matters have been considered.

5.9 The application site lies within the small Green Lane Industrial Estate which lies at the southeastern periphery of the wider Clifton Moor Estate. Residential property within Clifton Moor lies to the northwest beyond Green Lane. That is however, largely sheltered by a belt of mature landscaping along the roadside. Other premises in storage and distribution use lie directly to the west and south west with residential property beyond.

5.10 Public Protection have raised concerns in respect of the potential need for remediation of contaminated land. However, no extensions are proposed with only modest external alterations to provide the required emergency exit configuration and also to enable separate entrances to be provided for the wellness centre and the sports/recreation facility. Internal refurbishment works are proposed to enable the proposed uses to be fitted out, however works of a similar nature and extent could be undertaken in conjunction with a warehousing use without the involvement of planning control. Concern has also been expressed in respect of potential harm to residential amenity through noise from roof and wall mounted plant associated with the proposed uses and the need for odour mitigation in respect of the ancillary cafe use.

5.11 The distance to nearby residential uses combined with the degree of mature landscape planting along the north side of Green Lane will provide a high degree of mitigation. Background noise arising from traffic along Green Lane and also activities in respect of neighbouring units provide a further degree of mitigation. However, notwithstanding the degree of mitigation the proposed wellness centre does have potential for items of external plant that would generate significant amounts of noise during quieter parts of the day. It would therefore be reasonable to condition any planning permission to require submission and prior approval of details of any audible plant. It would similarly be reasonable to condition any permission in respect of details of odour mitigation for the ancillary café use.

5.12 Public Protection also request conditions in respect of a Construction Environmental Management Plan and associated restrictions on construction times. The proposed works are however largely internal to the building and the site sits within a discrete area of employment uses away from residential property. Such requirements are therefore felt to be unreasonable.

5.13 Subject to any planning permission being conditioned accordingly the proposal would be compliant with Policy ENV2 of the Local Plan.

## VISUAL AMENITY

5.14 Clifton Without Parish Council have raised the possibility of a landscaped hedge boundary for the site. Local Plan policy D1 states that proposals will be supported where they improve poor existing urban environments, D2 states that proposals will be encouraged and supported where they include landscape details

and planting proposals that make a positive contribution to the character of streets and spaces. Whilst it would enhance the form and character of the wider street scene there are no landscape proposals within the application scheme. The impact on the existing urban environment and the character of the street would be neutral.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.15 Part C of policy CC2 requires that proposals for non-residential changes of use need to achieve BREEAM Non-Domestic refurbishment and Fit out 'excellent' as a minimum. Members will be updated on this issue at the meeting.

## PUBLIC SECTOR EQUALITIES DUTY

5.16 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.17 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.18 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with "due regard" to its equality implications. Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## 6.0 CONCLUSION

6.1 The proposal would not result in the loss of employment land and would provide an additional sport and leisure facility in a suburban location with reasonable bus and cycle access. The proposal would not harm residential amenity and is considered to comply with the relevant policies of the Local Plan.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: 2433 PL 106 Proposed Site Plan  
2433 PL 107 (A) Proposed Ground Floor Plan  
2433 PL 108 (A) Proposed First Floor Plan  
2433 PL 109 (A) Proposed Elevations  
2433 PL 100 Site Location Plan

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

3 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area and to secure compliance with Policy ENV 2 of the York Local Plan.

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed in accordance with the approved details and fully

operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area and to secure compliance with Policy ENV2 of the Local Plan.

5 A strategy for the provision of Electric Vehicle charging facilities on the site shall be submitted to and approved in writing by the local planning authority prior to fitting out works and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted.

Charging facilities shall meet minimum requirements as laid out in CYC's Low Emission Planning Guidance:

- A minimum of 5% of the total parking provision on a site to include active EV charge points. The points shall satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021)
- Charging points to be located in a prominent position on the site and to be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage shall reflect this.
- The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

Reason To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved



remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 Prior to the first use of the development details of the cycle parking areas including type of stand and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall be retained and shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and to secure compliance with Policy T1 of the Local Plan.

8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and to secure compliance with Policy T1 of the Local Plan.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) and having taken account of all relevant national guidance and local policies including imposition of appropriate planning conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **Contact details:**

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