



## 1.7 RELEVANT PLANNING HISTORY

1.8 3/104/141AD/PA: Outline planning permission for retailing, the sale of food, a petrol station and car parking. Planning permission was granted on 10 July 1986 subject to a series of conditions, one of which was to impose restrictions on the type of goods sold (condition5). This condition reads as follows:

"The non-food retailing element shall be restricted to those goods types as specified in the Greater York Shopping Policy, except for the sale of clothing within the food store, not exceeding 92,500 sq ft and other sales within the four retail units not exceeding 8,000 sq ft,

Reason - To satisfy the requirements of the Greater York Shopping Policy".

1.9 06/00948/FUL: Change of use to health and fitness centre (Use D2) and retail unit (Use A1) to part of unit 3, rear extension to form plant room and external alterations to front and rear and addition of mezzanine first floor. This application is also reported to this committee for a decision.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

CYSP7A

The sequential approach to development

CYSP6

Location strategy

CYS1

Land allocated for shopping sites

## 3.0 CONSULTATIONS

INTERNAL:

3.1 City Development Team: latest response received 23 January 2007 following the submission of revised sequential assessment. The Team has no objections, subject to conditions being imposed to control the proposed use.

3.2 Highways consulted: No objections are raised. It is the officers view that the changes to the restrictions limiting the types of goods sold within a non food retail use is unlikely to have any material impact on traffic that will be generated by the unit.

#### EXTERNAL:

3.3 Site notice posted and neighbours notified, expired 13 June 2006. A letter of objection received 11 July 2006 in connection with planning application ref. no. 06/00948/FUL but not the variation of condition application (06/00941/FUL).

3.4 Rawcliffe Parish Council. Response received 16 June 2006 and 2 November 2006. The Council support the application.

3.5 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

### **4.0 APPRAISAL**

4.1 The issues to be considered include the impact the proposed variation of condition would have on the vitality and viability of the City of York Central Shopping Area and district centres.

4.2 Paragraph 3.20 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states "Impact assessments should be undertaken for any application for a main centre use which would be in an edge-of-centre location and which is not in accordance with an up-to-date development plan strategy". In addition, when assessing such applications, "Local Planning Authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, development under construction and completed developments" (paragraph 3.21, PPS6, 2005).

4.3 In the case of this proposal, a retail impact assessment has been carried out and has concluded that:

- 1) there is both a quantitative and qualitative need for an additional health club with a sport retail unit within the site,
  - 2) the sequential test conducted found that there are no sites within the city centre or the District centre of Haxby and Acomb which are available or suitable,
  - 3) the scale of the proposal is appropriate given that the proposed uses are entirely contained within the existing building,
  - 4) the proposed development would create new employment opportunities,
  - 5) the proposal will bring viable and vibrant new use to a retail unit which has remained vacant for over 24 months and will therefore contribute the upgrading of the image and attractiveness of this part of Clifton Moor Retail Park, and
  - 6) the retailer's (JJB) existing retail stores within the City Centre will remain open.
- This highlights JJB's presence in the city centre will remain as the result of their business expansion in York.

4.4 The arguments put forward have been looked at by City Development Unit, which has concluded that because only part of Unit 3 will be affected by condition 5 of the original permission, and that within this part of the unit only 50% of the net floorspace will be used for the sales of non-bulky goods, it is not considered that the scale of the proposed variation would create a harmful effect on the vitality and the viability of the York City Centre, to the extent that could justify the refusal of permission.

4.5 JJB have been trading from Clifton Moor for several years, selling an unconstrained range of goods. The additional ancillary floorspaces proposed by this application is considered unlikely to be detrimental to the City's vitality and viability as vacancy levels in the city centre remain low.

4.6 The unit has been vacant for some 24 months, and the vitality of the shopping park is a material consideration in relation to this application. Therefore by bringing the premise back into retailing use would not just enhance its current appearance but would also contribute positively to viability and vitality of the retail park.

4.7 Conditions have been recommended to restrict the percentage of part of Unit 3 to be used for the sale of non-bulky goods.

4.8 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## **5.0 CONCLUSION**

The proposed development will not create a condition prejudicial to the vitality and viability of York's existing centres. The development is in accordance with the national and local planning policies.

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

6798 01 A, 6798 05 B, 659805/04, YK/FC/001, and 6798 08 C as received by the City of York Council on 28 April 2006 and on 26 January 2007

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.

- 3 A maximum of 50% of the Class A1 net floorspace hereby approved shall be used for the sale of small scale sports equipment (including sports clothing and footwear), the remainder being for the sale of bulky goods ancillary to the D2 Health and Fitness Centre.

Reason: To minimise the impact of comparison goods sold from this unit competing with goods sold from York City Centre retail outlets.

## **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 York's existing centres. As such the proposal complies with Policies S2, SP7a, SP6 and S1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

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