

COMMITTEE REPORT

Committee: West and City Centre
Date: 21 September 2006
Ward: Rural West York
Parish: Nether Poppleton Parish Council

Reference: 06/01244/FULM
Application at: Plot 13 Great North Way Nether Poppleton York
For: Part change of use of block B (currently under construction) from B1, B2 or B8 uses (business, light industry or storage/ distribution) to use as indoor childrens play centre
By: Mandi Riley
Application Type: Major Full Application (13 weeks)
Target Date: 25 September 2006

1.0 PROPOSAL

1.1 The applicant seeks planning approval to part change the use of block B (currently under construction) from B1, B2 or B8 (business, light industry or storage/distribution) to use as indoor childrens play centre.

Relevant History

1.2 Consideration should be given to the Inspectors Report from the 1999 York Business Park Inquiry. Two appeal decisions were made; one for a new Health Club within York Business Park, and the second for a renewal of outline permission for York Business Park as a whole.

1.3 Plot A1 (Health Club) Reserved Matters (ref:99/1023647). The Inspector accepted that this application would be consistent with the outline permission on site, as B1, B2 and B8 uses would predominate, and this sole D2 use would be ancillary to the uses defined for the site. "The proposed development would not tip the balance of uses so far that the mixed business, commercial and industrial employment character of the overall site would be jeopardised".

1.4 Renewal of outline permission (ref: 99/1023645). It was recognised that the attractiveness of the site for a wide range of uses could lead to a plethora of non - Business class uses. The Inspector considered that if many more types of non-employment development were to be built the site would no longer be perceived as a Business Park, which would undermine York's economic position at a regional and national level.

The appeal was allowed with the revised condition restricting development on site to B1, B2 or B8 uses only.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams West Area 0004

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYL1A
Sites for Leisure development

CYGP4A
Sustainability

CYSP7A
The sequential approach to development

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - Recommend for Refusal

- * Highway Safety
- * Sustainability

City Development - Objections

- * Dilution of employment uses on site would detract from the sites image as a serious contender in the Business Park market at a regional and national level.
- * Site allocated as a "standard employment site" on the City of York Proposals Map, therefore the approved B1, B2 and B8 uses should be retained.

Environmental Protection Unit - No Objections

3.2 External

Nether Poppleton Parish Council - Objections

- * Contrary to originally agreed use
- * Increased Traffic
- * Highway Safety

4.0 APPRAISAL

4.1 Key Issues

- Planning Policy
- Sustainability
- Highway Issues

4.2 Policy E3b (Existing and Proposed Employment Sites) states that the identified standard employment sites, and any other site or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where:

- a) there is sufficient supply of employment land to meet both immediate and long term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

4.3 Revised Government Guidance PPS6 (Planning for Town Centres) highlights that when assessing proposed leisure developments regard needs to be taken of the following considerations before the application can be approved:

- a) the need for development
- b) that the development is of an appropriate scale
- c) that there are no more central sites for the development
- d) that there are no unacceptable impacts on existing centres
- e) that locations are accessible.

4.4 Policy GP4 (Sustainability) states that all development should have regard to the principles of sustainable development. Specifically, the applicant should provide details setting out the accessibility of the site by means other than the private car and, where the type and size of the development requires, to be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists.

4.5 Policy SP7a (The Sequential Approach to Development) states that to ensure development is highly accessible by non-car modes of transport, a sequential approach will be taken in accessing planning applications for new retail, commercial, leisure and office development. Planning permission will be granted for new retail, leisure and office development over 400m² floor space (net) in accordance with the following hierarchy:

- a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in
- b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in
- c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting development requirements of the proposal.

4.6 Also related to this is Policy L1a (Leisure Development) which highlights that leisure development is considered appropriate on the following sites:

York Central
Hungate
Land at Foss Islands
Part of Heworth Green

Out of centre locations will only be considered for leisure developments when it can be demonstrated, in accordance with policy SP7a, that none of the above or alternative City Centre or Edge of Centre sites are suitable to accommodate such a proposal, or if the proposal is primarily to serve local need and is of a suitable scale.

4.7 By its nature the proposed use is considered to involve a large amounts of children arriving and departing from the site. These users will be attracted from a large catchment area, with the majority arriving by car; as no public transport currently exists within the site. Those that do arrive by non car modes will need to walk through the service yards of the

remaining units, jeopardising highway safety and reinforcing the location of the site as being car orientated.

4.8 In order to meet the requirements of Policy E3b and to determine whether there is a sufficient supply of employment land to meet both the immediate and longer term requirements over the plan period in quantitative and qualitative terms the site would need to be marketed for a minimum period of six months. The applicant has not demonstrated or submitted any additional information as part of the application, showing this to have taken place. Notwithstanding the lack of this assessment regard should also be had for the conclusions of Inspector's decision letter when renewing the permission on this site and the desirability of retaining the site for B1, B2 and B8 uses in the interests of the local economy.

4.9 Similarly, the applicant has also failed to submit any additional information, which demonstrates that a comprehensive assessment of other available sites (highlighted within Policy SP7a) has been carried out. Without this information being available a sequential approach to the assessment of this particular planning application is not possible, contrary to Policy SP7 and PPS6 guidance.

5.0 CONCLUSION

5.1 The applicant has failed to demonstrate that there exists a sufficient supply of employment land to meet the requirements of the city's economy to warrant the loss of this employment site, similarly in this out of centre location, it has not been demonstrated that no alternative city centre or edge of centre sites exist as an alternative location for the proposal. The proposal is not considered to be genuinely accessible by a wide choice of transport and is therefore considered to be in an unsustainable location that would primarily serve a car-borne clientele.

5.2 The proposed change of use is considered to be contrary to policy SP7a, GP4a, E3b and L1a and is therefore recommended for refusal.

6.0 RECOMMENDATION: Refuse

- 1 By reason of the location of the proposal within an employment site those arriving at the site by sustainable means are likely to be placed in conflict with motor vehicle traffic associated with the employment uses nearby including manoeuvring service traffic this would prejudice road safety conditions.
- 2 The proposal would result in the loss of B1, B2, B8 (business, light industry or storage/distribution) employment uses and the applicant has failed to demonstrate that there is sufficient supply of employment land to meet both immediate and long term requirements over the development plan period in both quantitative and qualitative terms and that the development of the site will lead to significant benefits to the local economy; as such it is considered that the change of use would harm the City Council's objectives of creating the conditions necessary to stimulate the local economy and to provide for a wide range of new employment opportunities to meet the needs of local and incoming employers, this is contrary to policy E3b of the City of York Development Control Draft Local Plan.
- 3 The proposed out of centre location is not considered to be genuinely accessible by a wide choice of means of transport and the applicant has failed to demonstrate that sites within York City Centre or on the edge of the City Centre have been assessed and are incapable of meeting the development requirements of the proposal. As such the location is considered to be inappropriate for leisure

development and contrary to policy SP7a, GP4a and L1a of the Development Control local Plan and Central Government advice contained in PPG13 (Transport) and PPS6 (Planning for Town Centres).

7.0 INFORMATIVES:

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