

COMMITTEE REPORT

Date: 20 June 2024 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish
Council

Reference: 24/00222/FULM

Application at: Unit 12A Monks Cross Shopping Park Monks Cross Drive
Huntington York

For: Installation of full cover Mezzanine to Units 12A and 12B.

By: Trustees Of The Monks Cross Shopping Park Trust

Application Type: Major Full Application

Target Date: 24 June 2024

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is within the Monks Cross Shopping Park (MCSP). The retail units are sited in three terraces positioned around the parking area. The application relates to existing units, 12A and 12B which are currently vacant and have a ground floor area across both units of 1,068sqm GIA. The proposal seeks to provide a full cover mezzanine of 1,054sqm, resulting in a Gross Internal Area (GIA) of 2,108sqm. No external alterations are proposed.

1.2 The application details that the unit shall be occupied by Everlast who will operate a gym. Following the introduction of Class E (Commercial, Business and Service) in September 2020, there is no change of use.

1.3 Prior to 2018, Unit 12 was one unit, however subsequent permissions have allowed the unit to be subdivided into two units with additional mezzanine, then subdivided into three retail units with a mezzanine level in each unit. This has created Unit 12, 12A and 12B. Unit 12 is currently occupied by JD Sports and has been since April 2021. The works to subdivide Units 12A and 12B have not been undertaken due to the absence of tenant interest.

Planning History

1.4 There is extensive planning history relating to the wider Monks Cross Shopping Park and the relevant history including:

3/66/650AK/OA - Outline planning application for a shopping centre 360,000 sq foot retail development (gross leasable area). Erection of ten retail units including one unit 100,000 sq ft, management suite, one restaurant diner, recycling centre and associated access, parking and landscaping – Approved

1.5 The relevant planning history for Unit 12 includes:

17/02952/FUL Sub-division of unit 12 to form 1no. additional unit and installation of additional mezzanine floor space; Application Permitted 06.02.2018

18/00471/FUL Variation of condition 3 of permitted application 17/02952/FUL to reduce gross floor space to 697sqm; Application Permitted 06.09.2018

19/01956/FUL Subdivision of Unit 12 into no. 3 retail units (A1 Use Class), including mezzanines levels within each of the three units; Application Permitted 14.01.2020

2.0 POLICY & LEGISLATIVE CONTEXT

Planning and Compulsory Purchase Act 2004

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is made in accordance with the development plan unless material considerations indicated otherwise.

Huntington Neighbourhood Plan (Huntington NP)

2.2 The site falls within the boundary of the Huntington Neighbourhood Area. The Huntington NP which was formally adopted by the Council on 20 July 2021. The relevant policy relating to the Vanguard/ Monks Cross Shopping Park is H10.

National Planning Policy Framework (NPPF)

2.3 The NPPF (December 2023) sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.4 The sections of the NPPF that are considered to be of relevance to this planning application include: 7) Ensuring the vitality of town centres.

Draft Local Plan (2018)

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2.5 The City of York Draft Local Plan 2018 (DLP) was submitted for examination on 25 May 2018 with four rounds of hearings undertaken to date. In accordance with paragraph 48 of the NPPF (as revised), the relevant 2018 emerging plan policies are capable of being a material consideration in the determination of planning applications. Policies from the DLP which are considered relevant and can be attached moderate weight due to their compliance with the NPPF and lack of unresolved objections include:

- R1 Retail Hierarchy and Sequential Approach
- R4 Out of Centre Retailing

Emerging local plan evidence base

2.6 The evidence base that underpins the emerging policies is a material consideration and can be afforded weight when determining planning applications. The evidence base that is considered to be of relevance to this application includes:

- Retail Study Update (September 2014)
- Retail Study Update Addendum (2014)

3.0 CONSULTATIONS

City Development

3.1 Taking into account policies R1 and R4 of the DLP, there is a need for sequential testing to ensure that the proposals cannot be accommodated within a more 'sequentially' preferable location so that it does not impact vitality and viability of the existing city and district centres. There is a requirement to fulfil the requirements set out in the Huntington Neighbourhood Plan.

Highways Network Management

3.2 There are no highway concerns.

Huntington Parish Council

3.3 No objections.

4.0 REPRESENTATIONS

4.1 No letters of representation have been received.

5.0 APPRAISAL

5.1 Key Issues:

- Principle of development and the retail sequential test
- Marketing
- Highways and Parking

ASSESSMENT

Principle of development and the retail sequential test

5.2 It is outlined in Section 7 'Ensuring the vitality of town centres' of the NPPF that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. A health and fitness centre, which this proposal falls within is a main town centre use as defined by Annex 2: Glossary of the NPPF. It states in NPPF para. 91 that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The NPPF continues in para. 92 stating that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Paragraph 92 also states that applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

5.3 The Planning Practice Guidance sets out that it is for the Applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). The purpose of the test is to consider the impact over time of certain out of centre and edge of centre proposals on town centre vitality/viability and investment.

5.4 The DLP now at an advanced stage, with the relevant retail policies (R1 and R4) capable of being a material planning consideration in the determination of planning applications. In line with paragraph 48 of the NPPF (as amended) the retail policies R1 and R4 of the DLP can be attributed moderate weight. Policy R1 seeks to maintain and enhance the vitality and viability of the city centre, district and local centres and neighbourhood parades. It states that proposals for main town centre uses outside an identified centre should undertake a sequential test to identify why the proposals cannot be accommodated in a sequentially preferable location. Should there be no sequentially preferable sites available at this time an impact assessment would not be required in this instance given the scale of the proposals are under the locally set threshold of 1,500sqm.

5.5 DLP Policy R4 considers out of centre retailing, stating that further expansion in such locations has the potential to undermine the viability, occupier interest and investment in the city centre. As such proposals for out of centre retailing will only be permitted where it cannot be accommodated in a sequentially preferable location in accordance with Policy R1; will not result in significant adverse impact on existing, committed and planned public and private investment in York city centre, and other relevant defined centres in the catchment area of the proposed development; and will not result in an individual or cumulative (significantly adverse) impact on the vitality and viability of any defined centres including local consumer choice and trade in the centre and wider area up to five years from the time the application is made.

5.6 The Applicant has undertaken a sequential assessment and a number of sites assessed for suitability, viability and availability. This has considered Hungate, York Central, Acomb and Haxby District centres as well as other sites in York city centre. It is accepted that there are no sequentially preferable development sites within or on the edge of York city centre or within surrounding district centres which are suitable, viable and available for this scheme.

Marketing

5.7 The Huntington NP (policy H10) requires proposals for non-retail uses and other uses which would detract from the retail vitality of the Vanguard and Monks Cross Shopping Park unless it can be demonstrated that the continued retail use of the premises concerned is not viable and that they have been professionally marketed for alternative or replacement retail use. The marketing period should be for a minimum of 6 months.

5.8 The proposal is for main town centre use as defined by Annex 2: Glossary of the NPPF. The Applicant has provided a letter from one of the two Leasing and Asset Management agents for Monks Cross Shopping Park which clearly sets out that marketing has been undertaken in respect to this unit since 2021. Policy H10 of the Huntington NP is therefore satisfied.

Highways and Parking

5.9 The application is accompanied by a transport assessment by Optima which concludes that parking demand generated by the increase in floorspace and gym provision when compared with the retail provision can be satisfactorily accommodated. The existing servicing/delivery arrangements will continue to take place from the existing servicing yard to the rear. The site is accessed by a variety of other transport modes, with the Park and Ride service (no. 9) operating along Monks Cross Drive, connecting MCSP with the city centre. There is pedestrian accessibility from various points along Monks Cross Drive to the Shopping Park. There is a dedicated cycle lane through the MCSP which passes along the front of

Unit 12 along with cycle parking within the Shopping Park. As such there are appropriate opportunities for travel to the site by sustainable transport modes. The proposed development is therefore unlikely to have any significant impact on the local highway network or highway safety.

6.0 CONCLUSION

6.1 The proposal is to increase the size of the mezzanine in Unit 12 at Monks Cross Retail Park. In accordance with policy R4 of the DLP, proposals for out of centre retailing will only be supported where it has been evidenced that there are no sequentially preferable sites; will not result in a significantly adverse impact on existing and planned investment in the city centre and other defined centres; and will not result in an individual or cumulative impact on the vitality and viability of any defined centre. The applicant has completed the sequential test which indicates that there are no sequentially preferable sites in the city centre or any other defined centre. The proposal does not meet the thresholds for submission of an impact test. The Applicant has demonstrated the units have been marketed for over 2 years without interest and the increase in the floorspace would not have significant local impacts on the local highway network or parking demand at MCSP.

6.2 As a result the proposal is considered to meet the policy requirements of H10 of the Huntington Neighbourhood Plan and policies R1 and R4 in the DLP as well as the NPPF.

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:-

- 1820 URB U12 [03] Rev 01 Unit 12A/12B Ground Floor
- APM-EVLST-YORK-1002A Revision A Proposed Plans - Ground and First Floor Plans

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

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 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Negotiation and discussions regarding sequential assessment and marketing.

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575