

COMMITTEE REPORT

Date: 10 March 2022 **Ward:** Rawcliffe And Clifton Without

Team: West Area **Parish:** Rawcliffe Parish Council

Reference: 21/02344/FUL
Application at: Argos Unit 6 Clifton Moor Retail Park Hurricane Way York
For: Extension to mezzanine floor
By: Go Outdoors Ltd
Application Type: Full Application
Target Date: 14 March 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 Unit 6 Clifton Moor Retail Park comprises a substantial brick clad retail unit of approximately 2,000 sq metres in floor area lying at the north western edge of the Clifton Moor Retail Park. The unit was formerly occupied by Argos. Planning permission is sought for a 1,366 sq metre extension to the existing internal mezzanine floor to allow for the relocation of Go Outdoors from its present city centre Foss Bank site.

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies
R1 Retail Hierarchy and Sequential Approach
R4 Out of Centre Retailing
T1 Sustainable Access

2.2 York Development Control Local Plan (2005)
CYS2 Out of Centre Retail Warehouses

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Having considered city centre, edge of centre and alternative out of

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centre sites, the applicant has found the application site to offer an accessible and well connected suitable alternative. The applicant has submitted sufficient information to satisfy the sequential test. No objection in policy terms.

Highway Network Management

3.2 Sought further information to support trip rate assumptions within the submitted Transport Statement.

EXTERNAL

Rawcliffe Parish Council

3.3 No objection to the proposal subject to the incorporation of additional cycle parking at the site.

4.0 REPRESENTATIONS

4.1 None received.

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 Impact upon the vitality and viability of the City Centre and Local District Centres - Transportation

5.2 The National Planning Policy Framework (revised in July 2021) (“the NPPF”) sets out the Government’s planning policies and how they should be applied. It is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. In applying the presumption in favour of sustainable development, where there are no relevant development plan policies or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would so significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

LOCAL PLAN

5.3 The Publication Draft City of York Local Plan 2018 (‘2018 Draft Plan’) was submitted for examination on 25 May 2018. Phase 1 of the Hearings into the Local Plan were held in December 2019. In accordance with paragraph 48 of the NPPF as

revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

IMPACT UPON THE VITALITY AND VIABILITY OF THE CITY CENTRE AND LOCAL DISTRICT CENTRES

5.5 The application site comprises a single large detached unit surrounded by car parking at the western edge of the retail park. It has for some years been used by Argos for its standard range of goods although its size and configuration allows for a range of bulky goods also to be sold. The unit is not subject to any planning restrictions in terms of the range of goods which may be sold. The unit has a small mezzanine floor. The proposal seeks permission to extend the mezzanine to cover approximately 40% of the internal floor plate. The proposal would facilitate the relocation of the Go Outdoors store from its existing city centre site and aims to provide a similar floorspace to their existing store. The additional floor space would be used for the sale of fishing and equestrian equipment along with a click and collect counter and cycle sale and repair facility. Go Outdoors currently trades from a retail warehouse on Foss Bank within the defined city centre, a site shared with a Sainsbury superstore. The relocation is required as the lease of the existing premises is shortly to expire and the landlord has indicated that the premises is no longer available them.

5.6 Central Government planning policy as outlined in paragraphs 87 and 88 of the National Planning Policy Framework indicate that Local Planning Authorities should apply a sequential test in respect of applications for main town centre uses which are neither in a town centre nor in accordance with an up to date development plan. Only if suitable sites are not available should out of centre sites be considered. Where considering out of centre proposals, preference should be given to those sites easily accessible from the town centre. Paragraph 90 of the Framework further indicates that in dealing with out of centre applications the Local Planning Authority should require the submission of a retail impact assessment where proposals fall above a locally set threshold and where that is not in place, a default threshold is established of 2,500 sq metres. The current proposal is seeking permission for an additional 1,366 sq metres and so falls short of the requirement.

5.7 Policy R4 of the Publication Draft Local Plan states that proposals for out of centre retailing will only be permitted where they cannot be accommodated in a sequentially preferable location, would not result in significant adverse harm to committed investment in York City Centre and would not result in any defined impact upon the vitality or viability of the City Centre.

5.8 The applicant's existing site is considered a sequentially preferable site. However, the lease on the premises is shortly to expire and the applicant has indicated that the landlord is not willing to make the site available to them from then on. A sequential test has been submitted which identifies three sites of the appropriate size available within the City Centre, the former Debenhams premises in Davygate, the former Top Shop premises at Coppergate and a unit in the basement of Stonebow house. The internal layout of each is however difficult to configure to suit the business model of the applicant and they are physically remote from car parking which is of importance to a retailer needing a bulky goods capacity. Edge of city centre sites have also been considered however no suitable sites have been identified as available. Furthermore no existing vacant and available out of town unit of suitable size has been identified.

5.9 The application site is easily accessible from the principal road network and is accessible from the City Centre by bus and by the network of cycle routes. On balance it is considered that there are no more sequentially preferable sites available. The impact of the proposal upon the vitality and viability of the City Centre would be broadly neutral and the requirements of the NPPF and Policy R4 of the 2018 Draft Plan would be complied with.

TRANSPORTATION

5.10 The site is surrounded by the parking area for the western sector of the Clifton Moor Retail Park with a specific allocation of 61 spaces. The existing maximum peak demand from the Argos store is estimated at 42 with the maximum peak demand from Go Outdoors at 55 which can be accommodated within the existing site allowing for traffic flows from adjacent sites. In terms of trip generation, the peak in additional journeys would be 20 during the pm weekly peak which would not be significant for local highway network.

5.11 The site is in a reasonably sustainable location. It lies within a 20 minute walking distance of Rawcliffe, along with sections of Clifton and Skelton. It is also located in close proximity to two major bus routes serving the Tesco store within the central section of the retail park and is in close proximity to several cycling routes. Concern has been expressed by the Parish Council in respect of a lack of suitable visitor cycle parking and the applicant has expressed themselves to be sympathetic to addressing the issue. In view of the additional footfall to be generated by the mezzanine and the ability of many of the items on sale to be transported sustainably by bicycle it is recommended that any permission be conditioned to require further cycle parking provision in accordance with the Authority's standards.

6.0 CONCLUSION

6.1 Unit 6 Clifton Moor Retail Park comprises a brick and curtain wall clad retail unit approximately 2,000 sq metres in floor area lying to the western edge of the Clifton Moor Retail Park formerly occupied by Argos. Planning permission is sought for a 1,366 sq metre extension to the existing internal mezzanine to allow for the relocation of Go Outdoors from its present City Centre site. The relocation is sought as a consequence of the lease on the current City Centre premises coming to an end without the possibility of extension. A sequential test has been undertaken in accordance with the requirements of paragraph 87 of the NPPF, however no suitable and readily available alternative sites have been highlighted in the City Centre, at the edge of Centre or in terms of existing out of Centre capacity. On balance the proposed mezzanine extension is felt to be acceptable in planning terms and approval is recommended.

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: JD_TBC000_01-02 0.4; JD_TBC000_01-03 0.4; JD_TBC000_01-04 0.4; JD_TBC000_02-00 0.4; JD_TBC000_02-01 0.4

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

3 Prior to the bringing into use of the mezzanine floor, details of a minimum of 12 short stay cycle parking spaces located close to the store entrance, and a minimum of 6 secure and covered long stay cycle parking spaces including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The mezzanine hereby authorised shall not be brought into use 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 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.

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:

Sought additional sequential test information and clarification in respect of the provision of additional cycle parking.

Contact details:

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