

COMMITTEE REPORT

Date: 4 February 2016 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 15/01995/FULM
Application at: Nanometrics Uk Ltd 3 - 7 Rose Avenue Nether Poppleton
York YO26 6RU
For: Change of use from warehouse/ industrial (use class B2/ B8)
to leisure centre (use class D2)
By: Mr Guy Kilner
Application Type: Major Full Application (13 weeks)
Target Date: 11 February 2016
Recommendation: Approve subject to the signing of a Section 106 legal
agreement

1.0 PROPOSAL

1.1 The application seeks consent for the change of use 5 units (Use Class B2 and B8) to a trampoline centre (D2 use) including a cafe with 104 covers. The proposed development would result in minor external alterations to the building structure to replace a roller shutter door with a glazed entrance. The majority of the internal walls would be removed to provide the trampoline space, within Unit 7 a first floor would be added to create the cafe. There would also be a re-organisation of the car park to create 75 spaces. The maximum number of trampoline users at one time would be 75, most sessions would be 1 to 1.5 hours in length and sessions would start every 15 mins. The proposed development would create 20 - 25 full time positions and 35 - 55 part time positions.

1.2 The anticipated peak times are expected to be Mondays to Fridays 04.00 to 20.00, and Saturdays and Sundays all day. The proposed opening hours would be : Monday to Friday 09.00 to 21.00 Saturdays, Sundays, and Bank Holidays 09.00 to 22.00.

1.3 During the application process information was requested and submitted including details of the marketing of the unit, a sequential test, and impact assessment, revisions to the car parking layouts, revisions to the elevations to include extraction, details of the business including the nature of the employment, number of cafe covers.

1.4 The site has the York/ Harrogate railway line running to the south and is surrounded by industrial units to the north, east and west. The site is enclosed by palisade fencing and has landscaped borders within the site.

2.0 POLICY CONTEXT

2.1 Policies:

CYSP7A The sequential approach to development

CYGP13 Planning Obligations

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYT18 Highways

CYE3B Existing and Proposed Employment Sites

CYS6 Control of food and drink (A3) uses

CYL1A Sites for Leisure development

CYV1 Criteria for visitor related devt

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections to the proposed development from a highways point of view. The proposal is for a change of use from warehouse/ industrial to leisure use. The facility proposed is a trampoline park which uses a pre booking system to regulate the number of attendees at any one time.

3.2 Traffic generation at peak times is unlikely to be materially different from the existing use due to the staggered pre-booked start times.

3.3 The site will utilise the existing access from Rose Avenue. The car parking area including turning area for HGVs is to be removed to accommodate a total of 75 car park spaces. The proposed parking provision is considerably lower than the CYC Appendix E standards relating to leisure use; however, the applicant has provided parking accumulation figures based on their experience of other parks, which shows that 75 spaces will accommodate visitors and staff parking.

3.4 The site is in a relatively unsustainable location located just within the ring road. There are no bus stops within suitable walking distance. The estate is served by off road cycle lanes which connect to nearby settlements of Poppleton and Boroughbridge Road via Millfield Lane.

3.5 A change of use would mean that any leisure use operator could occupy the premises lawfully. Mindful that a change of operator or management of the facility could lead to changes in parking requirements which due to the relatively low car parking provision for the class use, may lead to indiscriminate car parking in the vicinity. The site is located on a predominantly industrial road. To ensure that free

flow of traffic including HGVs is maintained, request a S106 contribution of £3k for TRO measures should they be deemed necessary.

3.6 Request HWAY 18 and HWAY 19

Public Protection

3.7 No objection, request condition for vehicle recharging point

Planning and Environmental Management (Forward Planning)

3.8 The applicant has provided evidence of the marketing the premises for employment uses. Colleagues in economic development must be satisfied that the marketing was effective and for a reasonable period of time. The information provided does not appear to prove that the site is no longer appropriate for employment use because of business operations, and/or condition. However, should colleagues in economic development consider that the loss of office space in this location is acceptable there would be no policy objection.

3.9 On review of the submitted sequential test, agree that the sequential test has been satisfied and that there are no sequentially preferable sites.

3.10 Agree with the conclusions of the Impact Assessment that there are no sequentially preferable sites and that it would not have a significant adverse impact on the vitality and viability of City of York with no comparable uses located within the catchment area which the proposed use would impact upon

Economic Development Unit

3.11 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.12 No objections however have concerns regarding vehicle parking and request a condition on the planning approval restricting parking to within the site.

Network Rail

3.13 No comments.

Neighbour Notification And Publicity

3.14 One letter was received making the following comments:

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- Will result in more traffic to Rose Avenue and increase in on street parking.
- Existing issues regarding parking on Rose Avenue and concerned proposed use will exacerbate the issues. In addition concerned that HGVs by virtue of the street parking issues will not be able to access the neighbouring industrial units.

4.0 APPRAISAL

KEY ISSUES

- Location of the use and loss of industrial accommodation
- Highways
- Employment

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles and character of different areas; conserve heritage assets in a manner appropriate to their significance.

4.2 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

LOCATION OF THE USE AND LOSS OF INDUSTRIAL ACCOMMODATION

4.3 Policies E3b of the Draft 2005 Local Plan seek to keep all employment uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF. The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations

although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 The NPPF states a sequential test is required for main town centre uses that are not within an existing centre. When considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. The applicant has eventually submitted a sequential test and impact assessment and they demonstrate that the proposed use could not be located within the city centre. The impact assessment demonstrates that it is unlikely to affect the viability and vitality of the town centre.

4.5 The unit is 1889 sq metres (including proposed first floor will total 2334 sq metres), it is currently split into 5 units and is unoccupied since the previous occupier - manufacture of electronic measuring, testing equipment vacated the premises. The unit has been marketed since October 2014 and has been widely advertised. The selling/letting agents advise that interest has been shown in the site for mainly for storage and distribution purposes. The businesses that viewed the property included a hot tub wholesaler, a brewery, an online home brewing retailer, commercial laundrette and a haulage company. The selling agents state there were varying reasons why the interested parties decided not to proceed including timing, budgets, some needed their own yard space and some did not fit the existing tenants requirements / landlords criteria to assign / sublet. However this is not considered to reasonably demonstrate that there is no longer a qualitative or quantitative need for these units. The proposal would result in the loss of the building/units being available for business use and would therefore negatively impact on the City's employment land requirements.

4.6 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14). Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development

principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning policies and decisions should, among other things, plan positively for the provision of community facilities. Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.8 The proposed development would result in the creation 20 - 25 full time positions and 35 - 55 part time positions which is similar to the number of jobs the current 5 units could create in their existing permitted use. A cafe with 104 covers is proposed, whilst relatively large, a cafe is a reasonable and expected requirement of this type of leisure use and is considered to be ancillary to the proposed use.

4.9 There is no bus service to the business park and it is separated from the larger residential areas. However there are a number of leisure uses already existing within the business park including gyms, restaurants, hotel etc. It is expected that majority of the proposed users would be children accompanied by adults and it is not considered that many of the customers would use public transport if it was available and majority would likely travel to the site by private vehicle. It is not considered that a refusal on this basis alone would be defensible at appeal.

4.10 The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. The NPPF is supportive of sports and recreation opportunities. The site is in a commercial area and the use of the trampoline centre would be unlikely to have any material impact on the adjacent occupiers. Therefore restrictions on opening hours are not considered necessary.

4.11 The proposal falls within class D2 (Assembly and leisure) of the Use Classes Order. Permitted uses within D2 use class include cinemas; music and concert halls, bingo and dance halls, swimming baths, and skating rinks. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D2 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the current use only and no other use within class D2.

HIGHWAYS AND PARKING

4.12 As the car park would be re-organised to provide additional parking spaces (75 in total) it is considered reasonable to require a recharging point for electric vehicles within the car park, this can be sought via condition. The site will utilise the existing access from Rose Avenue. The plans and the supporting information indicate there should potentially be sufficient parking for customers at peak times together with

some staff parking provision, and the applicant intends to use a pre-booking system to regulate the number of attendees at any one time. The proposed parking provision is considerably lower than the CYC Appendix E maximum standards relating to leisure use; however, the applicant has provided parking accumulation figures based on their experience of other parks, which shows that 75 spaces will accommodate visitors and staff parking. There are existing parking issues on Rose Avenue and given the larger numbers expected during peak hours (together with number of employees) there is some concern that that the use of the site would cause result indiscriminate parking and obstruct the free flow of traffic on Rose Avenue. As such it is considered that a contribution (£3,000) is sought via a legal agreement towards parking restrictions on Rose Avenue.

5.0 CONCLUSION

5.1 The proposed development would result in the loss of units of B1, B2, and B8 use, however the proposed use is considered to employ similar numbers to the permitted use. The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. Officers recommend approval of the scheme subject to the completion of a Section 106 agreement covering introduction of parking restrictions on Rose Avenue.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the signing of a Section 106 legal agreement

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

Drawing Number AL00 Revision C 'Proposed Site Plan' received 21 January 2016;
Drawing Number AL01 Revision A 'Proposed Layout' received 09 October 2015;
Drawing Number AV02 Revision A 'Proposed Elevations' received 19 January 2016;

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

2 TIME2 Development start within three years

3 The premises shall be used for a trampoline centre and for no other purpose, including any other purpose in Class D2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: Whilst the currently proposed use is acceptable in this area, the characteristics of other uses in class D2 may make this use unacceptable in terms

of highway and parking impacts and the impact to the surrounding road network. This condition is therefore required to enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 A minimum of one standard electric vehicle recharge points with 32A output sockets (single phase) and one dedicated electric vehicle parking bay shall be provided within the development. The location and detailed specification for the charge point and parking bay shall be agreed with the Local Planning Authority.

An electric vehicle management plan shall be submitted to and approved in writing by the local planning authority. This shall detail the specification and location of the proposed charging unit, the position of the dedicated charging bays, details of signage and line painting, a charging bay management plan, and details of the back office system to be used. Once approved the plan shall be implemented in accordance with the plan prior to the opening of the site.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

7.0 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 (paragraphs 186 and 187) 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:

- Requested sequential test and impact assessment
- Requested information of the marketing of the site
- Request information regarding the employment
- Request information as to the nature of the business, the number of customers expected and the traffic created
- Information regarding parking
- Request information regarding ancillary cafe and the number of covers proposed
- Request revised layout and elevations
- Use of conditions

- Use of legal agreement

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

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