

## COMMITTEE REPORT

**Date:** 18 April 2019                      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team                      **Parish:** Huntington Parish Council

**Reference:** 19/00451/FULM  
**Application at:** Monks Cross Shopping Park Trust Unit 10 Monks Cross Shopping Park Monks Cross Drive Huntington  
**For:** Installation of full cover mezzanine  
**By:** Trustees Of The Monks Cross Shopping Park Trust  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 7 June 2019  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal is for internal changes only to create a full mezzanine across the entire unit to create a mezzanine of 1619sqm gross external area (GEA). This is an increase of 336sqm GEA to an already approved mezzanine (17/02516/FULM).

1.2 The unit was previously occupied by Outfit who vacated it in August 2018. The unit is currently 1619sqm with a mezzanine of 224sqm. It sits within the Monks Cross Retail Park which is sited to the North East of the city centre. The retail units are sited in three terraces positioned around the parking area. The unit in question is in the North West corner of the site. The site is relatively well screened from the public highway to the front by soft landscaping.

### PLANNING HISTORY

1.3 Consent (17/02516/FULM) was granted in January 2018 for the subdivision of the existing retail unit into 2 no. units with additional mezzanine space subject to conditions to control further subdivision. The additional mezzanine space produced 2 units with floor areas as below:

	Ground floor sqm	Mezzanine sqm	Total sqm
Unit 10A	616.5	616.5	1233
Unit 10B	1002.5	666.5	1669
Total sqm	1619	1283	2902

1.4 A certificate of lawfulness (19/00515/CPU) has recently been granted for unit 10 to confirm that the unit is in an unrestricted A1 use. A non-material amendment (19/00594/NONMAT) has also been granted for the realignment of doors and windows in accordance with the return of the unit to a single, not-subdivided, unit.

## **2.0 POLICY CONTEXT**

2.1 Policies: Emerging Draft Local Plan  
R1 Retail hierarchy and sequential approach  
R4 Out of centre retailing

## **3.0 CONSULTATIONS**

### INTERNAL

#### Forward Planning

3.1 The principle of retail (use class A1) in this out of centre location can only be supported subject to detailed site specific considerations including the sequential and impact tests. The sequential test has been completed by the applicant who concludes there are no sequentially preferable sites. We agree with these conclusions. An impact assessment is not considered necessary in this case given the scale of floorspace proposed. As such, there is no objection, subject to the inclusion of a restrictive condition on floorspace in order to ensure the vitality and viability of the city centre is maintained , should planning permission be granted..

#### Highways Network Management

3.2 No objection to the proposal as the impact of additional staff and customers will be limited when considered within the site as a whole.

### EXTERNAL

#### Huntington Parish Council

3.3 No objections.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Policy background
- Principle of the development considering the sequential test

4.2 The National Planning Policy Framework (February 2019) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.3 Paragraph 38 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to say that they should seek to approve applications for sustainable development where possible.

4.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications. Policies R1 and R4 of the emerging Local Plan are both relevant to consideration of the proposal.

#### Principle of the development considering the sequential test

4.5 Policy R1 'Retail Hierarchy and Sequential Approach' seeks to ensure that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. Issues raised in response to the publication stage consultation related to the inclusion of neighbourhood parades in the retail hierarchy contrary to the NPPF; concern about parking proposals at Designer Outlet; support for relocation of existing Park & Ride at Designer Outlet; and no provision in sites ST1 or ST2 for retail space.

4.6 Policy R4 'Out of Centre Retailing' seeks to ensure that further expansion in out of centre locations does not undermine the viability, occupier interest and investing in the city centre. The broad issues raised in response to the consultation related to concern that the retail policy restricts growth; the Designer Outlet should not be Green Belt; and an objection related to increased traffic and out of centre retailing.

4.7 The policies in the emerging Plan have been written to be in conformity with the 2012 NPPF. The policies in the revised 2019 NPPF are also material considerations to be taken into account in determining planning applications 'from the day of its publication' (from 24 July 2018). Importantly, the policies in the 2012 NPPF still apply to examining plans submitted on or before 24 January 2019, which include York's emerging plan.

4.8 Policy R1 and R4 are consistent with section 2 of the 2012 NPPF and Section 7 of the 2019 NPPF which suggests policies should be positive, promote competitive town centre environments, and set out policies for the management and growth of centres over the plan period. Policies R1 and R4 set out an approach that will ensure the vitality and viability of the hierarchy of centres will be maintained and enhanced, including the imposition of restrictions on floorspace or goods sold secured by condition. This will help to promote sustainable shopping patterns as people should not have to travel far to meet their day to day needs, thereby reducing congestion in larger centres. This approach will help to ensure that lively, thriving

places to visit and live are created which provide for the retail needs of the local population.

4.9 With reference to NPPF 2019 paragraph 48 it is considered that Policy R1 of the emerging plan can be afforded moderate weight. Policy R1 directs main town centre uses to the city, district and local centres. The application proposes a main town centre use in an out of centre location. A sequential test is therefore required to establish if there are any sequentially preferable sites in relation to the proposed food retail A1 use. The sequential test has to be proportional but must demonstrate flexibility. 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 (over and above that already in place) are under the locally set threshold of 1,500sqm.

4.10 Make it York (a company owned by City of York Council and set up to develop and promote York) has confirmed that there are no existing units within or on the edge of the city centre which are suitable and available. In addition there are only two sequentially preferable sites to consider for the sequential test- York Central and Castle Gateway. Neither of these will provide retail space of the footprint currently proposed. On review of the submitted sequential test it is agreed that there are no sequentially preferable sites available at this time.

4.11 It is considered that the additional retail floorspace proposed in this application is in accordance with the provisions of Policy R4 'Out of Centre Retailing'. The applicant has successfully demonstrated the proposals cannot be accommodated in a sequentially preferable location. It is also not considered that additional retail provision in this location will have a significant adverse impact on investment in the city centre or district centres. Nor will the proposals result in an individual or cumulative significantly adverse impact on the vitality and viability of the city centre or district centres, subject to restrictions on floorspace being secured by condition.

4.12 Policy R4 states that 'Restrictions on floorspace or goods sold will be secured by condition to prevent out of centre proposals having a negative impact on the vitality and viability of the city centre.' Given that it has recently been accepted (19/00515/CPU) that the unit operates in an unrestricted A1 use, it is not considered appropriate to control goods sold but a condition restricting the subdivision of the unit in to smaller ones which might compete with the city centre or district centres is considered appropriate and has been recommended.

#### Other considerations

4.13 Given that the works are entirely internal then it is not considered that the proposal will result in any harm to visual or residential amenity.

## **5.0 CONCLUSION**

5.1 The proposal is to increase the size of the mezzanine in Unit 10 at Monks Cross Retail Park. There are no sequentially preferable sites in the city centre or any other defined centre and the proposal would not significantly adverse impact on the vitality and viability of the city centre or district centres. As a result the proposal is considered to meet the policy requirements of R1 and R4 in the emerging Local Plan.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan URB-U10 08 00 01-D00

Proposed mezzanine URB-U10 08 10 02-D01

Proposed ground floor URB-U10 09 00 05-D00

Existing and proposed sections URB-U10 08 80 01-D00

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

3 No retail unit created pursuant to this planning permission shall be less than 929 sq.m. (10000sq.ft.) gross floor area and no unit shall be subsequently subdivided to form any unit of less than 929 sq.m. (10000sq.ft.) gross floor area.

Reason: To safeguard the rights of control of the local planning authority to protect the vitality and viability of the city centre in accordance with advice in the National Planning Policy Framework.

**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 (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: Use of conditions

**Contact details:**

**Author:** Alison Stockdale Development Management Officer

**Tel No:** 01904 555730