

Date: 18 June 2020 **Ward:** Osbaldwick and Derwent
Team: East Area **Parish:** Osbaldwick Parish Council
Reference: 20/00374/FUL
Application at: 16A Farndale Avenue York YO10 3PE
For: Change of use from clinic (use class D1) to retail (use class A1)
(retrospective)
By: Turnbull
Application Type: Full Application
Target Date: 30 June 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks retrospective permission for the change of use of a former chiropody and podiatry clinic to kitchen showroom.

1.2 The application site comprises of end unit in a parade of similar single storey units, all of which have a commercial use. The parade is located within a predominantly residential area and appears to primarily serve the local community. To the rear of the building 9 off road car parking spaces and four garages are provided within a courtyard, three of which are allocated to the application site. On street parking is available to the front of the site, although this is heavily used.

Planning History

13/03435/FUL - Conversion and change of use of building into 3no. shop and/or office units (use class A1 and A2) – Approved 27.12.2013

15/00298/FUL - Change of use from office (use B1) to chiropody and podiatry clinic (class D1) – Approved 30.04.2015

Call-in

1.3 The application has been called to committee by Cllr Warters who requests that a condition be added to require staff, visitors and deliveries take place within the rear service/parking yard due to congestion on the highway.

2.0 POLICY CONTEXT

City of York Local Plan – Publication Draft February 2018

D1 – Placemaking

R2 – District and Local Centres and Neighbourhood Parades

City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan. Approved April 2005

S10 – Local Shops

3.0 CONSULTATIONS

Osbaldwick Parish Council

3.1 No objections to the retrospective D1 to A1 change of use, but conditions are required to ensure use of rear car park for staff and customer car parking and use of the rear car park/service yard for loading/unloading operations associated with the A1 use.

Highway Network Management

3.2 The applicant has confirmed the number of staff, vehicles and deliveries expected at the shop. The parking and servicing outlined can be accommodated within the rear service yard for this operator.

4.0 REPRESENTATIONS

Councillor Warters

4.1 No objections in principle with the change of use. However, a condition added to require the use of the rear car park for staff and customer car parking, servicing of the shop unit with loading/unloading of deliveries

4.2 Any approval cannot be allowed to formally allow displaced parking and loading/unloading of HGVs on the public highway which would only lead to a worsening of the current situation for neighbouring residential properties.

Neighbours and Publicity

4.3 None received

5.0 APPRAISAL

Planning Policy

5.1 The National Planning Policy Framework (2019) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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 examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 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 evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.5 Policy R2 'District and Local Centres and Neighbourhood Parades' states that for development proposals for main town centre uses within any of the district and local centres and neighbourhood parades regard will be had to enhancing the function, vitality and viability of the centres and parades. Development proposals for main town centre uses will be considered acceptable in principle providing that it:

- consolidates, maintains or improves upon the function, vitality and viability of the centre or parade in relation to its retail, cultural and community facilities;
- is of an appropriate scale and nature to the existing centre or parade and the retail hierarchy, maintains or enhances the character and environmental quality of the centre or parade;
- contributes positively to the range of services on offer; and
- does not have a significant detrimental impact upon local residents or the historic and natural environment.

5.6 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Draft Local Plan Policy S10 is relevant. This states that permission will be granted for the development of, or extensions to, an existing local shop provided that: the proposal is within settlement limits; the shop is intended to serve a local need and there is no adverse effect on the amenity of neighbouring properties or on the character of the area.

Principle of the change of use

5.7 The application seeks retrospective permission for the change of use of a chiropody clinic to a kitchen display showroom (A1 retail). No external alterations are proposed to the building. In terms of the use of the premises the change of use to retail is considered acceptable. The unit is of an appropriate scale in relation to the parade of shops and the local environment. The parade was originally constructed as small individual units serving the local population and the change of use would respect this original use of the unit.

Car parking and servicing

5.8 Concerns have been raised by Osbaldwick Parish Council and the Ward Councillor, Cllr Warters, in connection with parking associated with the change of use. It has been requested that a condition be added to require that staff and visitors park within the existing car park to the rear of the site and that all deliveries also take place within this area.

5.9 The applicant has confirmed that there are three car parking spaces associated with the unit to the rear, within a private car park. The majority of the time there will only be one member of staff at the site. As the unit is proposed to be used as a

kitchen display showroom there is no stock stored on site and visiting members of the public would be limited. Only one delivery per month occurs from a 7.5 ton vehicle, all other deliveries go directly to the customer's house for fitting.

5.10 The concerns expressed are based on the general change of use to retail and not the current occupier. Approval of the application would allow any form of retail use which could require a greater level of servicing. However, it is considered that the size of the shop floor, of which this application relates, would generally not be suitable for businesses which would require significant HGV deliveries. HGVs would struggle to access and turn in the existing service yard safely. Smaller delivery vehicles as would be more likely for the size of this unit would be able to negotiate the yard around the existing parking places.

5.13 There are issues in the parade of shops as a whole in connection with deliveries and on street parking. However, this is an existing situation. The change of use of this small unit back to retail from that of a foot clinic would not have a detrimental effect on highway safety or operation. A condition cannot be attached in connection with the use of the service yard to enforce that specific users or deliveries to this shop use it or to prevent visitors/deliveries using the public highway as an alternative. However, a condition can be attached stating that the parking spaces and rear yard are available for use by those visiting/working/delivering.

6.0 CONCLUSION

6.1 Whilst concerns have been raised that the change of use would result in issues with on street parking and service vehicles resulting in obstructions it is considered that the unit has a small footprint which would not attract large visitor numbers or large delivery vehicles. It is considered that the application accords with the NPPF and policies contained with the Draft Plan 2018 and the Development Control Local Plan 2005.

7.0 RECOMMENDATION: Approve

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

Drawing number 607-P31 dated 2020

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

2 The car parking spaces identified on the approved plan shall be retained free of all obstructions during opening hours and used solely for the parking of vehicles in connection with the retail use of no. 16A.

Reason - To ensure that delivery/ service/ customer vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

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 attached appropriate conditions in order to achieve a positive outcome.

Contact details:

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