

COMMITTEE REPORT

Committee: East Area
Date: 24 July 2008

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 08/00813/FULM
Application at: C D Bramall Garage 260 Malton Road Huntington York YO32 9TE
For: Change of use from car showroom to tile and floor covering, retail trade sales and distribution outlet
By: Mr Michael O'Neill
Application Type: Major Full Application (13 weeks)
Target Date: 28 July 2008

1.0 PROPOSAL

1.1 Planning permission is sought to change the use of the existing CD Bramall Garage and showroom into a tile and floor covering retail and distribution outlet.

1.2 The site is in the Green Belt located to the south of the southernmost roundabout access into the Monks Cross retail and Park and Ride site. Access is off Malton Road via an established two way entrance and exit road. It is the westernmost site in a group of otherwise residential houses, all of which take their access off this roundabout.

1.3 The proposal is to make use of the existing building and car park and does not propose any external alterations to the building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYSP7A

The sequential approach to development

CYS2

Out of centre retail warehouse criteria

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No objections.

3.3 Environmental Protection Unit.

No objections, however recommend a condition requiring details of all plant, machinery and equipment to be installed in or on the building and which would be audible outside of the site boundary when in use to be agreed in writing by the LPA prior to its installation. This is due to the close proximity of the site to noise sensitive premises, in this case residential houses.

3.4 City Development.

The application proposes retail sales in a unit allowing for over 400sqm net floorspace, in which case it would need to be determined against policies SP7a and S2 of the City of York Draft Local Plan. SP7a requires the undertaking of a sequential assessment, and also advises that no individual unit in out-of-centre locations should have a net floorspace of less than 1000sqm. No sequential test has been undertaken here and therefore the proposal is contrary to these policies and should be resisted.

EXTERNAL.

3.5 Huntington Parish Council

No objections.

3.6 Neighbours / Third parties.

The two immediate neighbours adjacent to the application site at 262 and 264 Malton Road were notified of the application by letter and a site notice was placed close to the site. No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green Belt
- Highways and Access
- Impact on neighbours
- Retail impact on the City Centre.

Green Belt.

4.2 The application site is in the Green Belt where there is a general presumption against development unless it comes within the definition of appropriate development in para. 3.4 of PPG2 (Green Belts) or if the proposal involves the use of land or the re-use of an existing building, that that use does not have a materially greater impact on the openness of the Green Belt. In this case, the proposal is for the re-use of an established and permanent building and no external alterations are proposed. Para. 3.8 of PPG2 outlines national guidance on this and states that the re-use of buildings in the Green Belt is not inappropriate development providing that:

- i) It does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it
- ii) Strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding the building such as storage, extensive hardstanding, car parking, boundary treatment etc.
- iii) The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction
- iv) The form, bulk and general design of the buildings are in keeping with their surroundings.

The above is largely repeated in Policy GB3 (Re-use of buildings) of the City of York Draft local plan.

4.3 In this instance, the proposed use makes full use of the existing building and does not alter or extend it in any way. The building is large enough to accommodate all the proposed uses (including storage) within the building and the extensive car parking and hardstanding which already exists within the curtilage of the site is sufficient for the needs of the proposed use and will not require any extension. The buildings are fully established and are of permanent and substantial construction and appear to have been either built or subsequently adapted for a showroom/buisness type use.

4.4 Given the above, officers consider that the proposal is in line with national guidance and local plan policy on the re-use of buildings in the Green Belt and will not harm openness. The proposal therefore constitutes appropriate development in the Green Belt.

Highways and Access.

4.5 The site is accessed off Malton Road via a roundabout and its own access road. This is fully adopted with a two way width entrance. The site is already home to a large established car showroom and garage which accommodates quite significant levels of traffic into the site, including car transporters. Levels of traffic associated with this proposed use are unlikely to be any greater than existing. In total, 57 car parking spaces are available within the site and this is considered to be more than enough to accommodate need in this instance. Highway officers have raised no objections.

Impact on neighbours.

4.6 There are 6 residential properties to the east of the application site, all of which are accessed off the same roundabout and of these, two share a boundary with the site. In the circumstances of a new build or the introduction of a wholly new use, such a relationship would raise concerns over the impact vehicle movements and the general retail / warehousing use might have on the living conditions of these neighbours. However, given the established use of the site, the proposed change is unlikely to result in any additional harm to these neighbours and in all probability it may result in an overall reduction in traffic (particularly the heavy variety) as well as noise from the car repairs element of the existing use and overall general outdoor use within the site boundaries, to the ultimate benefit of these neighbours. Opening hours and deliveries to the site could be controlled by condition if necessary.

Reduce impact on the City Centre.

4.7 The main issue here is the retail element of the proposal and the impact this has on York City Centre in retail terms. Policies SP7a and S2 are relevant to this issue. SP7a outlines the sequential approach to development to ensure that development outside York City Centre is highly accessible by non-car modes of transport. Planning permission should only be granted for new retail, leisure and office development over 400sqm in the following hierarchical sequence.

- a) The defined Central shopping area for retail and York City Centre
- b) Edge of centre sites or Acomb or Haxby centres where it can be demonstrated that all potential City centre locations have been assessed and do not meet the requirements of the proposal
- c) Other out of centre locations genuinely accessible by a wide choice of means of transport only where it can be demonstrated that criterion (a) and (b) locations have been assessed.

Proposals for individual retail units within (c) should not be permitted if they have a net sales floor space of less than 1000sqm.

4.8 Further to this, policy S2 of the local plan specifies that planning permission for out of centre retail warehouses will be granted provided that no development has a net sales area floorspace of less than 1000sqm and no unit shall be used for the retailing of specified goods such as food and drink, clothing, electronic goods, toys, pharmaceutical goods, books etc, household textiles, sports goods and any use

within Class A2 (Financial and professional services) of the Use Classes order. Any proposals for out of centre retail development will be expected to provide a retail impact assessment which should address the following issues:

- i) The quantitative and qualitative need for the development.
- ii) The sequential approach as outlined by Policy SP7a
- iii) The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres.
- iv) Accessibility by a choice of means of transport and the likely impact on car use.

4.9 In this instance, the site would fall with criterion (c) of Policy SP7a and the total floorspace of the building is shown to be 1783sqm, of which 743sqm is the net tradable area, 169sqm is office and 869sqm is storage and distribution. Therefore the sequential test outlined has to be carried out in order to consider whether there are more suitable sites within areas (a) and (b). The retail area is less than the 1000sqm specified in both policies and no Retail impact assessment has been provided as required in Policy S2. The proposal is therefore considered to be contrary to Policies SP7a and S2 of the draft local plan as the required tests and assessments have not been carried out in order to fully consider the impact of the proposal on local retail and to ensure that such uses are concentrated in sustainable locations.

5.0 CONCLUSION

5.1 Officers consider that the proposal represents appropriate development in the Green Belt and will not harm openness. Neither does it have any material impact on the local highway network or the amenity of neighbours. However, the use introduces a retail use into an out of centre location where there is a presumption that such uses should be resisted unless a sequential test to establish whether other more suitable sites exist and a retail impact assessment have been carried out first. Neither of these have been produced and therefore the applicant has not established the need for this site and buildings to be developed in this way. The site is also in an unsustainable location.

5.2 The proposal is therefore considered by officers to be contrary to Policies SP7a and S2 of the draft local plan.

6.0 RECOMMENDATION: Refuse

1 The proposed Change of Use introduces a retail use into an out of centre, unsustainable location and is considered contrary to the Council's retail policies which states that retail uses should be concentrated either within the defined central shopping area or on edge of centre sites. The applicant has not undertaken the sequential approach to development required in order to establish the availability and suitability of other sites. Furthermore, no retail impact assessment has been submitted with the application in order to establish the quantitative and qualitative need for the development and the impact on the vitality and viability of York City

Centre. The site is also considered to be in an unsustainable location which encourages car borne travel. As such the proposal is considered to be contrary to national guidance in PPS6 (Planning for Town Centres) and Policies SP7a, S2 and GP4a of the City of York Draft Local Plan (4th set of changes) approved April 2005.

7.0 INFORMATIVES:

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405