

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Heworth

**Date:** 7 August 2008

**Parish:** Heworth Planning Panel

**Reference:** 08/00823/FULM

**Application at:** Yortec Ltd 58 Layerthorpe York YO31 7YW

**For:** Change of use from Class B2 (general industry) to Class A1 (retail), limited by condition to the sale of bulky goods, amended car-parking layout, cycle parking and external alterations

**By:** Mr Tim Marks

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 18 July 2008

### 1.0 PROPOSAL

1.1 This application seeks planning consent to change the use of 58 Layerthorpe from B2 (general industry) to A1 (retail). An application (Ref. No. 06/01996/FUL) was approved in 2007 to convert the premises into a healthclub/gymnasium, however this was never implemented and the site has remained unused since 2004. Its most recent use was as a vehicle repair workshop.

1.2 External changes are proposed to the existing building, consisting of brick infills with display windows to the front elevation in order to enclose what is currently an open ground floor area. This would give the unit a larger ground floor area which would be included as part of the retail floorspace. Two roller shutter doors towards the rear of the premises would be bricked up.

1.3 The internal floorspace of the premises is 1218 sq m with 1036 sq m of this being commercial floor space. There would be 20 car parking spaces in total, 3 of which would be to disabled standards. Access to the car parking area would primarily be from Layerthorpe under the archway which runs under the first floor of the premises. Access from Redeness Street will primarily be used for deliveries.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYE3B  
Existing and Proposed Employment Sites

CYSP7A  
The sequential approach to development

CYS2  
Out of centre retail warehouse criteria

CYT4  
Cycle parking standards

## 3.0 CONSULTATIONS

### INTERNAL

#### 3.1 City Development - No objections.

- Loss of employment land - policy E3b. The recent permission for the change of use of this site to a gymnasium (06/01996/FUL) has established that the change of use of this site from B1 to other employment generating uses is acceptable in principle. The application site has been vacant for in excess of 3 years, despite ongoing marketing for B1, B2 or B8 since August 2005. As a non-strategic site, economic development would not wish to raise concern over the loss of employment use.

Proposed 'bulky goods' retail use - Sequential Test (draft policy SP7a): The applicant has considered and discounted the following allocated sites:

- \* Castle Piccadilly - unviable, as site is likely to attract a department store and a range of high-quality comparison units. In addition, as a strategic development opportunity the site should not be built out incrementally;
- \* George Hudson Street - allocated for comparison to small-scale convenience retailing;
- \* Hungate - bulky goods retailing would not be appropriate to the mix of small-scale comparison and café/bar style proposals.

- The Retail Study (2008) identifies other development opportunity sites to accommodate York's long-term comparison retailing needs. In considering the sequential test it is important to establish that allowing the proposed development would not be prejudicial to the City's overall strategy for retail growth. As such, whilst the York Northwest site is recognised as a major development opportunity with potential for retail, the scope and type of retailing has not yet been determined. In

relation to the other development sites identified in the core shopping area, neither Stonebow House nor the adjacent Telephone Exchange are to be considered as part of the 'area of search' prior to 2011, and can therefore be considered unavailable. Potential for comparison retailing has been identified at Fossgate, Goodramgate, Museum Street, and along the Ouse frontages, although given that the Local development Framework is not yet at a stage where scale and range of retail development has been established, these locations can also be discounted from the site search.

- Scale (draft policy S2): The proposed unit would have a net sales floorspace greater than 1,000sqm. This would be large enough to prevent occupation by smaller specialist comparison goods stores normally found in the city centre.

- Need: The Retail Study also estimates capacity for 9,245sqm additional floorspace by 2012, showing quantitative scope to accommodate the proposed 1,036 sq m. Whilst there is a recognised need to meet growing demand from retailers for larger modern units in York's city centre, in qualitative terms, the proposal could support linked trips to the bulky goods stores at Foss Islands Road.

- Impact: York city centre continues to have a high level of vitality and viability. Based on the 2008 Retail Study the Retail Impact Assessment identifies an overall level of trade diversion of only 0.3% (of which only 0.1% would be from York City Centre). In light of the current health of the City Centre this is not considered to be detrimental.

- Flood risk: The site falls within flood zone 2. This comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding. Less vulnerable uses (including A1) are appropriate within this zone, without the need to undergo sequential testing. PPS25 (Dec 2006) advises that a flood risk assessment (FRA) should accompany an application for such a use within zone 2, however given that this is a change of use within the same flood risk class we do not feel submission of a revised FRA to be necessary.

3.2 Highway Network Management - No objections. It is considered that the proposed change of use is likely to generate similar levels of traffic to the sites existing lawful use (B2). Access to the car parking area is to be via the existing access which is to be improved and widened to provide two-way vehicular flow. The parking levels proposed accord with CYC maximum standards and surrounding streets are protected from indiscriminate parking by waiting restrictions.

3.3 Environmental Protection Unit - No objections to the application.

## EXTERNAL

3.4 Heworth Planning Panel - Support the application.

3.5 Public Consultation - No correspondence received.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Loss of Employment Site
- Creation of Retail Store
- Design/Appearance
- Highways/Car Parking

### PRINCIPLE OF DEVELOPMENT

4.2 Loss of Employment Site - Policy E3b of the Draft Local Plan seeks to protect existing employment sites from loss to other uses. However, the policy sets out criteria by which a change of use from an employment site (generally accepted to be B1, B2, and B8 uses) can take place. In summary these are if the land is no longer required to meet employment needs in the future and if a change of use will bring benefits to the local economy. The site has been vacant for a number of years and has been marketed since 2005 but there has been no interest in retaining it for employment purposes. Thus it is considered that it has been demonstrated that the site is not required for employment purposes. The proposed retail use would create a number of jobs within a unit which has been vacant for approximately 4 years and would bring benefits to the local economy. It is therefore considered that the proposed development conforms to the criteria for the loss of an employment site identified in Local Plan Policy E3b. The same conclusion was reached when the application to change the site into a gym was approved in 2007. There has been no significant change in site circumstances which justify the protection of this site for employment purposes. It is also worth noting that the character of this area has changed significantly in recent years. A significant amount of the recent developments around Layerthorpe have been of a retail and residential nature with employment uses becoming less common.

4.3 Proposed Retail Use - The applicants wish the retail use to be for bulky goods only. Local Plan Policy S2 states that out of centre shopping units are permissible as long as the floorspace is above 1000 sq m and only bulky goods are sold. This is to reduce competition with specialist city centre shops and to maintain the vitality of the city centre. The proposed development is above 1000 sq m and a condition can be added to any approval to ensure that only bulky goods are sold at the premises.

4.4 The applicant has analysed sequentially preferable sites in the city centre as part the application. These sites were analysed and discounted for a number of reasons. There were no viable sequentially preferable sites available and therefore the proposed development is considered to be in accordance with local Plan Policy SP7a. A need for additional retail floorspace has also been established through the carrying out of a Retail Impact Assessment. The principle of a bulky goods retail unit on this site is therefore considered to be acceptable.

### DESIGN

4.5 The building has been vacant for a number of years but remains in a reasonable structural condition. A few minor alterations are proposed to bring the unit back into

use. The only significant alterations proposed for the unit itself is the addition of a new shop front on the ground floor front elevation. This area is currently open with the building supported by three pillars. The space between these pillars is to be bricked up with display windows added. The gap which serves as the vehicular access point to the site is to remain open. The application site building is of flat roof design with little design detailing of interest. The existing building does not positively contribute to the character and appearance of the area. It is considered that through the addition of display windows in the premises a degree of interaction with the street will be established. The proposal will add visual interest to the building and immediate locality. Therefore, it is considered that the proposed external changes to the premises would enhance its appearance subject to the use of suitable materials, which could be conditioned.

## HIGHWAYS/CAR PARKING

4.6 Car parking levels are provided in line with highway standards. The existing access is being altered in accordance with Highway Network Management requirements to allow two-way traffic at the entrance. A cycle parking area has been incorporated within the site layout, and a condition is recommended to ensure that a suitable level and quality of cycle parking is provided. The cycle parking area is to be used by staff and customers. The site is in a sustainable location with a number of bus services running close to the site with bus stops in close proximity.

4.7 The planning, design and access statement submitted with the application states that a retail use at this site is likely to generate less traffic movements during the AM or PM peaks than its lawful use as a B2 unit. Exact vehicle movements are difficult to predict, particularly given that no end user is known at present. However, the highways team have accepted the assumptions contained in the applicant's statement based on previous experience of such sites and land uses. Access into the site has been deemed acceptable given a small increase in the width of the entrance from Layerthorpe. It is also likely that the proposed development would give rise to a number of linked trips bearing in mind the new retail units at Foss Islands Road and existing retail units in and around Layerthorpe.

## SUSTAINABILITY

4.8 A full sustainability statement was submitted with the application, addressing each of the criteria a) to i) contained within Policy GP4a of the Draft Local Plan. The report highlights the sustainability of the site in terms of access by non-car modes. The report also states the benefits of bringing a redundant building back into use and providing local jobs, therefore increasing the economic viability of the area. The report goes on to say that re-using a vacant building is the most sustainable way of developing this site.

## 5.0 CONCLUSION

5.1 It is considered that the principle of changing the use of the site from B2 to A1 retail is acceptable subject to the use of a condition controlling sales to bulky goods only. Access arrangements are suitable for a use of the type proposed and car and cycle parking are provided in accordance with highway standards. The proposed development will result in a long standing redundant building being brought back into use and provide a degree of interaction at the street level. This application is therefore recommended for approval in line with local and national planning guidance.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Numbers BS1529-04 Rev A and BS1529-05 received by The CoYC on 18/04/08

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ8 Samples of exterior materials to be app

4 The following range of goods cannot be sold unless ancillary to the main range of goods:

- Food and Drink
- Clothing, footwear and fashion accessories (including watches and jewellery)
- Music/Video/DVD recordings and computer games
- Camera and Photographic Equipment (Including camcorders)
- Electronic goods, including TV/Video/DVD/PCs and HiFi equipment
- Toys
- Pharmaceutical Goods
- Books/Magazines and Stationery
- Household Textiles
- Sports goods

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

5 HWAY13 Access to be improved

6 The development shall not come into use until all existing vehicular crossings

not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

7      HWAY18      Cycle parking details to be agreed

8      HWAY19      Car and cycle parking laid out

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of an employment site, the creation of a retail unit, the impact on the local highway network, and design. As such the proposal complies with Policies GP1, GP4a, E3b, S2, T4, and SP7a of the City of York Draft Local Plan.

#### 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### **Contact details:**

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