

COMMITTEE REPORT

Date: 20 May 2024 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

Reference: 23/01765/FULM
Application at: Vue Cinema Stirling Road York YO30 4XY
For: Use of section of car park to construct 5no. padel courts and
erection of cabin accommodation with associated landscaping
and boundary treatment

By: Mr Erik de Wit
Application Type: Full Application
Target Date: 23 May 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site comprises a substantial brick-built complex set within a large car parking area to the south of the Clifton Moor Retail Park. Planning permission is sought for use of a section of the car parking area to form five padel courts with cabin accommodation to provide a changing and refreshment area with associated landscaping and fencing. The proposals have been amended since submission to address concerns in respect of highways and access matters.

Planning History

16 August 2011 – Planning permission refused for the erection of a 70-bed hotel (app ref. 11/00620/OUT) for the reason that the site was considered to be an unsustainable location and it had not been demonstrated that the demand for hotel accommodation could not be met on a city centre, edge of centre or sustainable mixed use development site.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

DRAFT LOCAL PLAN (DLP 2018)

2.2 The Draft Local Plan 2018 was submitted for examination on 25th May 2018, Hearing Sessions have taken place and the examination is on-going. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

- 2.3 Key relevant DLP 2018 policies are:
- HW3 Built Sports Facilities
 - ENV2 Managing Environmental Quality
 - T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 No objection to the proposal subject to a condition covering electric vehicle charging points and detail of flood lighting specifically in respect of a curfew at 23:00 and the submission and prior approval of a lighting impact assessment.

Highway Network Management

3.2 Raise concerns in respect of the accessibility of the site for public transport users and pedestrians, the arrangements for parking for the site, accessibility for deliveries and refuse vehicles and the availability and location of cycle parking.

EXTERNAL

Clifton Without Parish Council

3.3 No objection to the proposal subject to suitable parking arrangements being made for vehicles and cycles, the provision of disabled toilets and children being able to play for free.

4.0 REPRESENTATIONS

4.1 One letter of support has been received.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of the Development
- Highways and Access
- Amenity

PRINCIPLE OF THE DEVELOPMENT

5.2 Central Government Planning Policy as outlined in paragraph 96 c) of the NPPF indicates that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles through the provision of safe and accessible sports facilities. Policy HW3 of the Draft City of York Local Plan which may be afforded moderate weight in the planning balance , states that development of new built sports facilities will be supported where it is well located, accessible to all and where suitable infrastructure exists or can be created to manage and maintain the facility.

5.3 Padel is a comparatively new sport incorporating elements of lawn tennis but with the physical intensity of squash. The sport can be played indoors or outdoors with courts intermediate between squash and tennis courts in size. It became very popular with younger players after the COVID pandemic as it could be played outside with minimal physical contact. There are no current formal facilities for the sport in York although other courts besides those within the current proposal are projected.

5.4 The application site lies directly to the south of the Clifton Moor Retail Park within the complex associated with Vue Cinema which in addition to the cinema includes a range of restaurant uses. Within the wider area is a large indoor bowling complex and further to the southeast within the Clifton Moor Business Park are a number of gyms offering a range of activities and other more specialist sport and

leisure uses including an indoor golf centre and an indoor (bouldering) climbing centre. The proposed development may therefore be seen as complementary to the existing leisure uses taking place in the wider vicinity and may lead to “linked trips” taking in other businesses in the local area. The proposal furthermore incorporates a shop related to the sport and a café/seating area for spectators.

HIGHWAYS AND ACCESS

5.5 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that planning permission should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the network would be severe. Policy T1 of the Draft Local Plan which may be afforded moderate weight in the planning balance from the level of unresolved objection, indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it including those with impaired mobility such that it maximises the use of more sustainable means of transport.

5.6 In terms of vehicle parking the site lies within a substantial parking area jointly used by the surrounding leisure uses, the submitted Design and Access Statement indicates that this arrangement would continue. Adjoining uses in addition to the cinema include a number of restaurants. There are a total of 274 car parking spaces within the immediate area which would reduce to 181 in the event of the proposal being implemented. The surrounding parking area is substantial and at no point is it close to capacity even at peak times. The loss of parking spaces to accommodate the proposal is therefore felt to be acceptable and adequate spaces remain to cater for the mix of new and existing uses.

5.7 Concerns have been expressed by Highway Network Management in terms of the provision of cycle parking as well as parking for disabled users. The revised details show the provision of five wider disabled parking spaces in close proximity to the site entrance. Nine cycle parking spaces would also be provided within a lit space with a timber canopy adjacent to the site entrance. Full details of that could be conditioned as part of any permission.

5.8 Further highway concerns have also been expressed in respect of the lack of a dedicated segregated pedestrian access route from the adopted highway into the site. However, the surrounding parking areas have historically operated as a shared space and none of the adjoining land uses including the cinema has a dedicated pedestrian approach. In terms of bin storage, a dedicated store would be located within the site adjacent to the site shop and equipment store and the bins would be

presented at the site access on collection day in the manner of the adjoining land uses. The proposed arrangements are therefore felt to be acceptable.

AMENITY

5.9 Draft Local Plan policy ENV2 which can be afforded moderate weight in the planning balance from the level of unresolved objection, states that development will be permitted where it does not unacceptably harm the amenities of occupants of the site and neighbouring communities; developments that are likely to give rise to adverse noise or artificial light or glare must demonstrate how these matters have been considered.

5.10 The area surrounding the application site is in a mix of employment or retail uses. Some of the office units within the wider area have had changes of use to residential use however that does not apply to any including those directly to the southwest in the immediate vicinity. Otherwise, the closest residential properties lie approximately 400 metres to the west beyond Clifton Moorgate. A lighting assessment has been requested by Public Protection in addition to a condition requiring switch off of the flood lighting at 23:00hours. Up until that time the lighting associated with the neighbouring leisure uses will be in operation however after that time when the wider area quiets down there is greater potential for light pollution. On that basis a condition to secure switch off of the lights at 23:00hours is felt to be acceptable although the request for a lighting assessment would not appear to meet the NPPF tests in respect of planning conditions due to the character of the area. No significant harm has been identified to surrounding uses from increased noise/lighting from the proposal which is therefore considered to be acceptable in terms of policy ENV2.

6.0 CONCLUSION

6.1 The proposal seeks permission to develop an area of car parking for a sports use in an area characterised by a mix of employment, retail and leisure related uses. The proposal is therefore considered in principle to be acceptable. In highways terms adequate vehicle parking can be provided for the site and subject to any permission being appropriately conditioned to secure cycle parking of an appropriate standard then the proposal is acceptable in highway terms.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

3956-103A Proposed Boundary Treatments; 3956-104A Proposed Entrance Details; 3956-105 Proposed Demolition Plan; 3956-106 Indicative Drainage Proposals; 3956-200A Proposed Elevations; 3956-801 Overall Block Plan; 3956-800B Location Plan; 3956-102B Proposed Block Plan

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

3 A strategy for the provision of EV charging facilities on the site shall be submitted to and approved in writing by the local planning authority prior to commencement of development beyond site layout works and shall be implemented in accordance with the approved details prior to first use of the development hereby permitted. Charging facilities shall meet minimum requirements as set out in CYC's Low Emission Planning Guidance and the current Building Regulations.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance

4 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

Reason: To safeguard the amenities of the surrounding area.

5 Prior to the first use of the development details of the cycle parking areas including type of stand and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

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 took the following steps in order to achieve a positive outcome:

- i) Sought clarification of the vehicle and cycle parking arrangements for the proposal
- ii) Sought clarification of the servicing arrangements in terms of deliveries to and refuse collection from the site

2. FOOD PREPARATION

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc."

Contact details:

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