

COMMITTEE REPORT

Committee: East Area

Ward: Huntington/New Earswick

Date: 12 March 2009

Parish: Huntington Parish Council

Reference: 08/02816/FULM

Application at: C D Bramall Garage 260 Malton Road Huntington York YO32 9TE

For: Change of use from car showroom to tile and stone warehouse/distribution outlet with ancillary retail sales (Sui Generis) (resubmission)

By: Direct Tile Importers

Application Type: Major Full Application (13 weeks)

Target Date: 25 March 2009

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 stone warehouse with subsidiary sales.

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 frontage 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.

1.4 A similar application was refused at the Committee meeting in July 2008 for the following reason:

'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'.

1.5 Following this decision, officers met with the applicant and their agent in order to better understand the extent of the retail element of the use, hence enabling officers to consider whether the proposal should be assessed against the Council's retail

development policies. Following these discussions, further information was submitted with this application in order to address the refusal. This included the following:

i) A schedule summarising daily sales records at the applicant's York, Scarborough and Northallerton branches identifying retail sales as a proportion of total sales, by turnover and by number of sales.

ii) Spreadsheet sales records on which the above schedule is based.

1.6 Other than some amendments to the car parking layout and the internal layout of the building, the application details are identical to the previous application.

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:

CYGB1

Development within the Green Belt

CYGB3

Reuse of buildings

CYGP1

Design

CYGP4A

Sustainability

3.0 CONSULTATIONS

3.1 Highway Network Management.

The applicant states, based on their experiences at their other sites, that typically a maximum of 20 customer vehicles will be at the site at any one time and that most of the customers will be tradesmen. The applicant also states that there will be at least 12 employees.

Officers have raised concerns over the parking layout given that the applicant has stated that the majority of customers are trade customers who would probably be expected to arrive in vans, therefore officers have requested that the layout is adapted to allow better manoeuvring space for vans and pick ups etc. A deletion of

two spaces is also recommended in order to allow better movement within the site for HGV's. Also request that some safe and secure cycle parking be provided on site, primarily for staff. Removing the existing gravel area to the front of the site and replacing it with grass is acceptable in principle but seeking confirmation that this was not put in for drainage purposes. If so then there are no objections to this, however this would require separate consent through highway legislation.

Amended plans have been submitted to address the above but the additional comments of highway officers are awaited. Officers will update this situation, and any required conditions, at the meeting.

3.2 Environmental Protection Unit.

The environmental protection unit have no objections to this application. The stated delivery times are unlikely to be to the detriment of local residents. The proposed re-location of the lighting pole is also unlikely to have a negative impact.

3.3 City Development.

A record of daily sales has been provided here to help assess the level of sales direct to the public, in order to define the proposed use. This shows that direct sales account for a maximum of 13% of total sales turnover at any one of the Direct Tile Importer branches. On this basis officers would define the proposed use as "sui generis", in that it does not fall within any defined use class. As such, we would not seek to determine the proposal as a retail use. Planning permission would be required for any subsequent move to A1 retail sales. Should any future occupier wish to intensify the retailing function on site, planning permission would be required, at which stage the Council could fully assess retail impact. Approval here would not give open retail consent, but consent for warehousing with ancillary retailing.

Given the above, do not object to the change of use to warehousing/distribution with ancillary retail sales, and will not require the undertaking of a Retail Impact Assessment or sequential assessment in this case.

EXTERNAL

3.4 Huntington Parish Council.

No objection. The proposed change of use would supply a development which would contribute aesthetically to the area. Proposed landscaping and fencing of the area would provide a vast improvement to the street scene.

3.5 Neighbours / Third Parties

No's 262-266 Huntington Road were consulted by letter and a site notice was placed close to the site. No objections received.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Impact on Green Belt
- Highways and Access
- Impact on Neighbours
- Retail Impact on the City Centre.
- Sustainability.

4.2 The main issue for consideration is whether this application addresses the previous reason for refusal. The main issue here therefore is whether the additional information submitted is sufficient to convince the Council that the proposed use will not harm the retail vitality or viability of York City Centre. The issue of the relative unsustainability of the site will also be considered further.

Green Belt.

4.2 The application is identical in terms of the re-use of the building and the general layout, both externally and internally, remains similar to before. The application site is in the Green Belt where there is a general presumption against development unless it falls 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 than the existing use. 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 proposal 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 layout of the car parking remains under discussion but any subsequent changes will take place within the present hard surfaced area and will not require any extension to this area.

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/business type use in the past..

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 has been home to a large and established car showroom and garage which accommodated 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 previously existed and would reasonably be expected to be lower given the extent of the uses associated with the previous occupier. In total, 27 car parking spaces are shown within the site as opposed to the 57 shown previously and to which members had expressed some concern. The applicant considers this to be more than enough to accommodate need in this instance. The reduced area of parking allows for some additional landscaping / planting to be provided along the site frontage. This will improve the visual appearance of the frontage area which had become somewhat poorly maintained and previously overrun by cars. Highway officers have raised no objections in principle to the reduced parking as it is in accordance with their minimum requirements. Some minor amendments have been requested to the layout to allow better HGV manoeuvring and the applicant is addressing this.

Impact on neighbours.

4.6 The impact of the change of use on local amenity was not considered to be significant in the previous application and as such was not a reason for refusal. However, further information has been submitted relating to likely vehicle movements associated with the site. The applicant anticipates that there will be up to 3 commercial (HGV) deliveries per weekday and all deliveries will occur between 8.30am and 5.30pm Mon to Fri. It is not expected that there will be any commercial deliveries on Saturdays, Sundays or Bank Holidays. If two deliveries occur at the same time, a waiting bay has been designated in the rear yard to allow a HGV to wait clear of the car park area. There may be occasional 'inter-branch' deliveries on Saturdays but this is not considered a problem during opening hours.

4.7 In all there are six 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 use, such a relationship could raise concerns over the impact vehicle movements and the general warehousing / trade retail use might have on the living conditions of these neighbours. However, given the historic and 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 previous use and overall

general outdoor use within the site boundaries, to the ultimate benefit of these neighbours.

Retail Impact on the City Centre.

4.8 The main reason for refusal of the previous application was the unknown extent of the direct retail use and the impact this may have had on the retail policies of the Council which seek to protect the vitality and viability of the City Centre and other centres such as Acomb and Haxby. One of the main issues with this was a lack of information on the extent of the direct retail use to customers as a percentage of the total warehouse/trade outlet business. The layout plans accompanying the application previously indicated that much of the internal floor space was given over to retail use and based on this, officers concluded that a full retail impact assessment and sequential must be carried out in order to determine impact. In the absence of this information, the application was refused.

4.9 Following discussions with officers it was considered that it was important to establish the extent of the direct sales to the public as a percentage of total sales turnover. This would dictate whether the sequential test and Retail Impact Assessment required by policies SP7A and S2 of the Draft Local Plan would be necessary. A detailed interrogation of sales records over a two week period at the applicant's other premises in York and at their branches in York and Northallerton showed that direct sales to the public account for between 8% and 13% (average 10.5%) of total sales turnover and between 12% and 16% of all sales by number (average 14%). Therefore, following consultation with the Council's policy officers (see para.3.3 above), it has been concluded that the direct sales to the public account for such a low percentage of total turnover that the retail sales are ancillary to the principal use as a warehouse/wholesale/trade outlet. The proposed layout also reflects this, showing principally showroom and display areas (typical room layouts) and storage space. Therefore, based on this submitted information officers have concluded that a full retail impact assessment or sequential test is not necessary and consequently there will be little or no impact on the retail vitality and viability of York city centre or other local centres. The use as a stone and tile warehouse is reflected in the description of the application and planning permission would be required if the retail use expanded to a level of direct retail that the Council considered was no longer ancillary.

Sustainability.

4.10 The previous reason for refusal made reference to the unsustainable location which encourages car borne travel. Whilst officers still consider this to be the case, the site and buildings are established and have a long history of commercial development. The re-use of existing buildings is a sustainable form of development and it is unlikely that the buildings could be used for anything other than a commercial enterprise of this type. The building has been empty for several months and its derelict appearance is having a detrimental impact on the visual appearance and character of the area and the Green Belt. It is important therefore to return the building and site into use. The further information submitted with this application would suggest that vehicle movements are likely to be lower than that associated

with the previous car showroom user and given that such a use could occupy the site again without consent, this user potentially represents a more sustainable user than was previously the case. The nature of supplying to the trade means that it is always likely to be car dependant wherever it is located. In the circumstances therefore, officers do not consider that the site or proposed use represents an unsustainable form of development that on its own would warrant refusal.

5.0 CONCLUSION

5.1 It is considered that the additional information submitted with this application addresses the previous reasons for refusal. The development represents appropriate development in the Green Belt and will not harm the retail vitality or viability of local centres. It now complies with relevant national guidance and draft local plan policies. Subject to the submission of revised details addressing the layout concerns of the highways officer, no objections are raised.

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:-

- 3880 (0-) 06
- 3880 (0-) 04
- 3880 (0-) 02

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 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

4 Prior to the use hereby approved coming into use details of the new electric

sliding gate as shown on the drawing no. (0) 06 Rev. A (Proposed site plan) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason. In order that the Local Planning Authority can be satisfied with these details in the interests of visual amenity.

7.0 INFORMATIVES: Notes to Applicant

1. PLEASE NOTE: The use hereby approved falls outside any use class as defined in the Town and Country Planning (Use Classes) Order 1987 (or as in any amended order) and is therefore considered to be a "sui generis" use. Planning permission will be required for any alternative use not the subject of this application or if the extent of the retail sales increases above the limits described here. You are advised to contact the Local Planning Authority for further advice if any change of use from that described above is proposed.

2. 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 impact on the Green Belt, highway safety, retail impact on York City and other shopping centres, neighbour amenity and sustainability. As such the proposal complies with national advice within Planning Policy Guidance Note 2 ("Green Belts") and Policies GB1, GB3, GP1, SP7A, S2 and GP4A of the City of York Draft Local Plan.

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