



subject to a series of conditions, one of which was to impose restrictions on the type of goods sold (condition 5). This condition reads as follows:

"The non-food retailing element shall be restricted to those goods types as specified in the Greater York Shopping Policy, except for the sale of clothing within the food store, not exceeding 92,5000 sq ft and other sales within the four retail units not exceeding 8,000 sq ft,

Reason - To satisfy the requirements of the Greater York Shopping Policy".

1.9 04/02478/FUL: Alterations to existing roof to form a gable feature. Permission granted on 24.8.2004.

1.10 06/00946/FUL: External alterations to front and rear, new gable roof extension and addition of mezzanine first floor to part of Unit 2. This application is also reported to this committee for a decision.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

CYSP7A

The sequential approach to development

CYSP6

Location strategy

CYS1

Land allocated for shopping sites

## **3.0 CONSULTATIONS**

3.1 Site notice posted and neighbours notified. expired 13 June 2006. No response received.

3.2 Rawcliffe Parish Council. Response received 16 June 2006. The Council object due to the following reasons:

-insufficient information has been provided as to the new use of the premise and the type of goods to be sold.

3.3 Clifton Without Parish Council. Response received 16 June 2006. The Council supports the application.

3.4 Highways consulted: No objections.

3.5 City Development Unit: First response received 15 June 2006 and a revised sequential test was requested.

3.6 Second response received 12 December 2006 following the submission of revised sequential assessment. The unit has no objections.

#### **4.0 APPRAISAL**

4.1 The issues to be considered include the impact the proposed variation of condition would have on the vitality and viability of the City of York Central Shopping Area.

4.2 Paragraph 3.20 of the National Planning Policy Statement no.6 (PPS6):'Planning for Town Centres' states "Impact assessments should be undertaken for any application for a main centre use which would be in an edge-of-centre location and which is not in accordance with an up-to-date development plan strategy". In addition, when assessing such applications, "Local Planning Authorities should consider the impact of the proposal on the vitality and viability of existing centres within the catchment area of the proposed development, including the likely cumulative effect of recent permissions, development under construction and completed developments" (paragraph 3.21, PPS6, 2005).

4.3 In the case of this proposal, a retail impact assessment has been carried out and has concluded that:

- 1) there is both a quantitative and qualitative need for a clothing, footwear and homeware retail unit within the site,
- 2) the sequential test conducted shows Clifton Moor is a sequentially preferable site,
- 3) the scale of the proposal is appropriate given that the proposed uses are entirely contained within the existing building,
- 4) the proposed development would create new employment opportunities,
- 5) the proposal will bring viable and vibrant new use to a retail unit which has remained vacant for over 30 months and will therefore contribute to the upgrading of the image and attractiveness of this part of Clifton Moor Retail Park, and
- 6) the retailer's (Next) two existing retail stores within the City Centre will remain open as the result of the development. This highlights Next presence in the city centre will remain as the result of their business expansion in York.

4.4 The arguments put forward have been looked at by City Development Unit, which has concluded that due to the fact that only part of Unit 2 will affect condition 5 of the original permission, and that within this part of the unit only 45% of the gross floorspace will be used for the sales of non-bulky goods, it is not considered that the scale of the proposed variation would create a harmful effect on the vitality and the viability of the York City Centre, to the extent that could justify the refusal of permission.

4.5 In addition, the current state of Unit 2 has been taken into account in arriving to this decision. This unit, which was previously occupied by Northern Electric Plc has

been left vacant for over 30 months. Therefore by bringing the premise back into retailing use would not just enhance its current appearance but would also contribute positively to viability and vitality of the retail park. The prosperity of the retail park should also be taken into account when assessing the merits of this application, as by virtue of its siting, the retail park can be seen, to some extent as a shopping centre that serves the local needs of the residents living in the Rawcliffe area.

4.6 Conditions are recommended to restrict the percentage of part of Unit 2 to be used for the sale of non-bulky goods and to ensure that this permission will benefit the applicant only, so that should the applicant decide to vacate the site this premise will revert back to the use as described in condition 5 of the original permission.

4.7 The information submitted by the applicant is sufficient to determine this application. Therefore planning permission cannot be refused on the ground that insufficient information has been provided.

4.8 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

## 5.0 CONCLUSION

The proposed development will not create a condition prejudicial to the vitality and viability of York City Centre. The development is in accordance with the national and local planning policies.

**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:-  
  
674405/02, 6798 01 A, 6798 05 B, 6798 07 B and 6798 15 as received by the City of York Council on 28 April 2006  
  
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 The approval hereby granted shall be restricted to those goods types as specified in the Greater York Shopping Policy, and for part of unit 2 only as shown on the approved plans will additionally allow for the sale of clothing, footwear and homeware to a maximum of 45% of the gross floorspace hereby approved.

Reason: In order to prevent the unit being used as open retail and conflicting with retail uses in the city centre.

- 4 The variation of condition hereby granted permission shall enure for the benefit of the applicant, Next Plc, only and shall not enure for the benefit of the land. The variation of condition hereby granted shall enure only so long as the applicant, Next Plc, occupy the premises, after which the premises shall revert to use as prescribed in condition 5 attached to planning permission 3/104/141AD dated 10th July 1986.

Reason: The permission has been granted bearing in mind particular circumstances and the position of the applicant as an existing retail operator within York City Centre, and the Local Planning Authority would wish to re-assess the situation in the event of a change of owner/operator.

## **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 vitality and viability of York City Centre. As such the proposal complies Policies S2, GP1, SP7A, SP6 and S1 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** Billy Wong Development Control Officer  
**Tel No:** 01904 552750