

COMMITTEE REPORT

Committee: West/Centre Area
Date: 16 August 2007

Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 07/01222/FULM
Application at: 27 Tanner Row York
For: Use of ground and first floor of Unit 5 as offices (Use class A2 and B1)
By: Oakgate (Newcastle) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 11 September 2007

1.0 PROPOSAL

1.1 The application relates to the change of use of a recently refurbished retail unit (Class A1 of the Town and Country Planning (Use Classes) Order 1987) to offices (Class A2 and B1). The unit is located on two floors below the Tanner Row multi storey car park and has a frontage to Tanner Row. The refurbishment of the unit formed part of a larger scheme to form five retail units and 32 additional short stay parking spaces, together with the recladding of the multi storey car park, planning permission for which was granted in April 2005. Prior to that time the ground floor of the premises had been vacant for a considerable period of time, having been previously been in use as a supermarket. One of the retail units is now in use as an organic supermarket (Out Of This World), and planning permission has recently been granted for the change of use of the three remaining units on the George Hudson Street frontage to a restaurant. It is proposed that the offices would occupy Unit 5, amounting to approximately 900 sq. metres of floor space (net lettable). The site is within the Central Historic Core conservation area, and the application has been appropriately advertised. The adjacent property (25 Tanner Row - the former Burns Hotel) is a Grade II listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Floodzone 2 Flood Zone 2 CONF

Listed Buildings Grade 2; 25 Tanner Row York YO1 1JP 0109

2.2 Policies:

CYE4

Employment devt on unallocated land

CYE7
B1 office devt in Existing Buildings

CYHE3
Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS - According to the application, the "potential" staffing levels are 60 persons; 50 is considered to be the trigger point for a "Travel Plan". The submission of one may be covered by condition.

31 car parking spaces at ground floor are referred to on the application form whereas the proposed ground floor plan shows "31 spaces short stay". Is it the intention to convert the short stay parking spaces exclusively to long stay staff parking to serve the office development. It is considered contrary to policy to provide staff parking to of this type within the city due to its effect on commuter traffic. This is considered particularly relevant for a site which is conveniently situated close to the railway station and numerous bus routes including four "park and ride" routes.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT - This property is situated in Central Historic Core Conservation Area no.1.

The existing modern building is located within the context of a number of historic buildings including Nexus, the former Burns Hotel at no. 25 Tanner Row which is a Grade II Listed Building and the English Heritage Regional Offices at no. 37 Tanner Row which is a Grade II Listed Building.

The change of use to offices at ground and first floor level will complement established office uses in the vicinity. The proposed change of use is unlikely to detract from the character of the conservation area and is generally acceptable.

CITY DEVELOPMENT

Proposal and Site

The unit forms part of retail allocation S1b in the Draft Local Plan, which proposes the site be used for comparison/convenience goods retail.

Relevant Local Plan Polices/Government Guidance

Planning Policy Statement 6 (Planning for Town Centres)

Draft City of York Local Plan 4th Set of Changes: S1, E4, GP4a

The site falls within the Central Historic Core Conservation Area and Area of Archaeological Importance.

Comments

Loss of retail use

The proposed site is identified as a preferred retail location (comparison/convenience goods) in Policy S1 of the 4th Set of Changes Draft Local Plan. However, it is recognised that the unit has been marketed for retail use without success for several years, and that the future demand for retail development in the City may well be satisfied on other sites such as Castle Piccadilly, York Central and Hungate.

Proposed office use

The new Planning Policy Statement 6: "Planning for Town Centres" (PPS6) addresses new office accommodation as a main town centre use, to be directed to city centres in the first instance. In terms of addressing the requirements of PPS6:

- it is not necessary for the applicant to demonstrate need or assess impact as this is a City Centre site. The proposal also meets with the requirements of the sequential test in this respect.
- the scale of the development is comparative with other accommodation in the City Centre, offering around 900sqm net office floorspace.
- the site offers good public transport accessibility, having both easy access to frequent bus routes and to York's railway station.

In line with draft policy E4a of the local plan, the site can be considered as underused and the proposed new use would involve the redevelopment of existing buildings.

Sustainability

Policy GP4a (Sustainability) states that all commercial developments should be accompanied by a sustainability statement, describing how the proposal fits with the criteria a-i listed in the policy. It may be appropriate in this case to add a condition to ensure the development addresses the issues of energy, water and materials consumption in particular.

4. Conclusion

In conclusion, we would not object to the proposed redevelopment of unit 5 as office accommodation, but would ask that if the application is approved a condition be attached to ensure proper consideration is given to the issue of resource efficiency during the design and use of the development.

3.2 EXTERNAL

MICKLEGATE PLANNING PANEL - No objections

ADJACENT OCCUPIERS - No replies

4.0 APPRAISAL

4.1 Key Issues

- principle of the proposed change of use
- policy considerations
- impact on character and appearance of conservation area/listed buildings
- transport and travel implications
- impact on amenity of adjacent occupiers

4.2 Planning permission for the use of the application site as a retail unit was granted in April 2005, as part of larger scheme to refurbish the Tanner Row multi-storey car park to create five retail units, the units on the George Hudson Street frontage being wholly at ground floor level. The unit on the Tanner Row frontage, to which this application relates, is on two floors and consists of approximately 900 sq metres of net lettable floor space. It is proposed to change the approved retail use of this unit to office accommodation, either within use class A2 (Financial and Professional Services) or B1 (Business). The site is within the Central Historic Core conservation area. When determining applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. The site is identified in Policy S1 in the City of York Council Draft Local Plan as appropriate for retail development (comparison/convenience goods).

4.3 Central Government advice in relation to town centres is contained within Planning Policy Statement 6: "Planning for Town Centres" (PPS6). The Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres, and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. Members should refer to the comments of the City Development Officer in paragraph 3.1 above, which indicate that the proposal is not considered to be at odds with the advice in PPS6.

4.4 Regional Planning Guidance(RPG) is contained within the Draft Yorkshire and Humber Plan, which was submitted to Government in December 2005 and issued for public consultation between January and April 2006. An "Examination in Public" took place in September 2006, and proposed changes to the Plan are to be the subject of a further consultation exercise. One of the fundamental objectives of RPG is to strengthen the role of existing city and town centres as a key focus of commercial activity. In particular, Policy E2 states that the role and performance of existing city and town centres will be strengthened, and that city and town centres will be the main focus for (amongst other things) office, comparison shopping, public services, business services and other uses which generate a high level of people movements. Policy E3 relates to the supply of land and premises for economic development and emphasises the need to take account of the regional pattern of projected growth in floorspace demand for office, retail and leisure uses, and the considerable scope for this to be accommodated mainly in or adjacent to city and town centres.

4.3 Neither George Hudson Street nor Tanner Row are included within the list of protected primary shopping streets within the Draft Local Plan, where ground floor

retail uses are protected. Policy E4 of the Draft Local Plan states that within defined settlement limits, planning permission will be granted for employment use of a scale and design appropriate to the locality where the site is vacant, derelict or underused, or it involves infilling, extension, redevelopment or conversion of existing buildings. Policy E7 of the Draft Local plan states that planning permission will be granted for B1 (office) uses in or adjacent to York City Centre. Change of use to B1 use at ground floor level will only be permitted where it would not harm the vitality of existing centres. The written justification for this policy states that the vitality and viability of York City Centre is dependent on a wide range of uses being established in or adjacent to the City Centre. The Plan seeks to encourage both business and residential development on upper floors. Whilst the policy refers specifically to B1 use, A2 type office uses are not excluded. Any proposal for change of use from retail to B1 or A2 offices will be considered against policy E7.

4.4 Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Policy HE3 of the Draft Local Plan states that within conservation areas, proposals for development involving changes of use (which are likely to generate environmental or traffic problems) will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 Whilst the Draft Local Plan identifies the site as appropriate for retail use, only one of the units has been successfully disposed of as a retail unit, and that is for a specialist organic supermarket. The remainder of the site has been extensively marketed for retail purposes for a number of years without success, and even the recent refurbishment of the premises has failed to attract another retail operator to the site. Thus the majority of the former retail area has remained vacant for a number of years, making little or no contribution to the city centre economy of York. Neither George Hudson Street nor Tanner Row are considered to be a prime shopping streets, and indeed the area is generally characterised by non retail uses such as clubs, bars and restaurants which are more associated with the evening economy of the city. Whilst the site is identified for retail purposes in the Draft Local Plan, the lack of marketing success perhaps indicates that it is not a realistic objective. It is considered that an alternative use such as office accommodation would also be appropriate in this city centre location. Planning permission has recently been granted for the change of use of the three vacant units on the George Hudson Street frontage to a restaurant. Public car (and cycle) parking is readily available in the vicinity of the site, in addition to public transport facilities (both bus and train) and the proposal is thus considered to be in an accessible and "sustainable" location.

4.6 The number of new staff to be employed within the offices is not certain at this stage, but the application indicates that there is potential for up to 60 employees. The trigger point for the submission of a Company Travel Plan is 50 employees, and it is considered that the submission of such a Plan could be controlled by condition. When planning permission was granted for the refurbishment of the car park and the establishment of the new retail units, an additional 31 car parking spaces were created at ground floor level within the car park. A condition was attached to the planning permission restricting the use of the car park spaces to short/medium stay (up to 5 hours) only, in order to prevent their use as long stay commuter parking,

which would be in conflict with Draft Local Plan policy T14a and Central Government advice in Planning Policy Guidance Note 13 that seeks to promote more sustainable forms of travel. Two subsequent applications to relax this condition to allow long stay parking have been refused, and it remains the case that the ground floor parking spaces are only available for short/medium stay car parking. An informative could be attached to any planning permission reminding the applicant that the restriction is still in place.

4.7 Bearing in mind the location of the site away from the principal shopping area, it is not considered that the proposal would adversely affect the vitality or viability of the city centre as a whole. Nor is it considered that the amenity of adjacent occupiers would be adversely affected by the proposal, bearing in mind that offices are normally only active during the day (the application specifies opening hours of 8am to 6pm Mondays to Fridays, and 8am to 1pm on Saturdays). The site is within flood zone 2, but the proposal does not relate to a more 'flood risk sensitive' use and therefore the implications would be similar to the existing approved use.

4.8 The only alterations proposed are the insertion of an additional first floor window on the Tanner Row elevation, extending an existing horizontal line of windows, with two further windows in the elevation fronting the covered access to the car park. These would be discreetly located. No other alterations to the external appearance of the building are proposed, shop fronts having already been installed as part of the refurbishment process, and it is not considered that the proposal would have any adverse effect on the character or appearance of the conservation area or the setting of the adjacent listed building. Indeed, bringing the premises into active use would add vitality to what has become an otherwise "dead" frontage within the street. Future proposals for any alterations to the appearance of the building or for the display of signage could be dealt with through the submission of separate applications.

5.0 CONCLUSION

5.1 The proposed change of use to office accommodation is considered to be acceptable in this location and not in conflict with Policy E4 of the North Yorkshire Structure Plan or Policies E7 or HE3 of the Draft Local Plan.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Dev't to commence within 3 years
- 2 All new windows shall match the existing in materials, colour and appearance.

Reason: In the interests of visual amenity.
- 3 Within six months of the occupation of the site, and subject to the total number of employees at the site exceeding fifty, a full company travel plan developed and implemented with national guidance and guidance currently

published by the City of York Council, shall have been submitted and approved in writing by the Local Planning Authority.

Reason : To ensure the development complies with Central Government advice contained in PPG 13 - "Transport" and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cyclists and other modes of transport to and from the site, together with provision of parking on the site for these users.

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:

- principle of the proposed change of use
- policy considerations
- impact on character and appearance of conservation area/listed buildings
- transport and travel implications
- impact on amenity of adjacent occupiers

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E7 and HE3 of the City of York Local Plan Deposit Draft.

2. You are reminded that the 31 car parking spaces adjacent to the site are restricted to short stay use only (up to a maximum of five hours), as stated in condition 5 of planning permission 04/02949/FUL dated 8 April 2005.

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