

COMMITTEE REPORT

Date: 6 June 2013
Team: Major and Commercial Team
Ward: Haxby and Wigginton
Parish: Haxby Town Council

Reference: 13/00802/FUL
Application at: The Co-operative Group 1 Ryedale Court The Village Haxby York
For: Change of use from shop (use class A1) to coffee shop (mixed use class A1/A3) and external air conditioning units to the rear
By: Tamp 'n' Swirl
Application Type: Full Application
Target Date: 4 June 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of 1 Ryedale Court in Haxby from an A1 retail unit into a mixed use A1/A3 coffee shop. The original application included an external seating area under the covered canopy; this has now been removed from the proposed development. There would be two air conditioning units located at low level on the rear of the building.

1.2 It is understood that the property has been vacant for approximately two years. The unit is located within a parade of commercial outlets which are primarily retail in nature but also include hot food takeaways. Ryedale Court is a two storey building set back approximately 20m from "The Village". A car parking area is located between the building and roadside. The application site unit is at the eastern edge of the building. The site is within Haxby District Centre as defined by the Development Control Local Plan. The site is within Haxby Conservation Area.

1.3 This application has been called in by Councillor Cuthbertson due to the amount of concern expressed by local residents and other community groups and organisations. A site visit is recommended to understand the objections of local residents within the context of the application site.

1.4 The proposed change of use would create five full time and four part time jobs.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Haxby CONF

City Boundary GMS Constraints: York City Boundary 0001

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2.2 Policies:

CYS6

Control of food and drink (A3) uses

CYHE3

Conservation Areas

CYS3

Mix of use in certain shopping streets

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - No objections to the application, an informative is recommended to be added to any approval to ensure that the developers are aware of relevant demolition and construction legislation.

3.2 Design, Conservation and Sustainable Development (Conservation Officer) - Modest seating area well set back from Main St. No signage should be displayed on the barriers. Air-conditioning units located at low level to the rear of the building.

EXTERNAL

3.3 Haxby Town Council - strongly object to this application on the following grounds:

- The current car parking facilities throughout the village are inadequate to cope with the proposed new café.
- There are concerns regarding the proposed outdoor seating area in respect of the limited space on the pavement and its proximity to the traffic using the already busy car park.
- Major concerns on the additional noise impact on local residents emanating from air conditioning and delivery wagons.
- Strongly supports the objections from numerous residents concerning the potential detrimental impact on local businesses.

3.4 Police Architectural Liaison Officer - No issues or concerns.

3.5 Local Residents and Response to Site Notice - Three letters of support have been received from local residents.

The letters state that the silent majority would welcome Costa with open arms and Haxby would become a destination for shoppers, families, and elderly alike. People will walk to the coffee shop and pick up local groceries on the way home. There is sometimes difficulty in getting a seat in one of the other local coffee shops and the proposal would allow for takeaway coffee which currently is not available in the village. The proposal would provide local residents with choice and this shop unit has been closed for a long time and no local businesses have come forward to take it over in that time.

One letter has been received from a local resident who neither objects nor supports the application. Costa would open on Sunday which would be a welcome facility. There are already numerous chain shops in Haxby so objections based on the end user are not grounds for objection. The proposal would serve a demographic in Haxby which is currently unrepresented.

144 letters of objection have been received from local residents who object to the application. Many of the letters make very similar points, a summary of the comments received are below:

- Haxby does not need another coffee shop; there are already three in the area;
- Haxby does not need or want a large corporate chain, it should be free to retain its unique character, the independent retailers in Haxby are valued;
- Existing small local businesses support other small local businesses in the area, Costa would not;
- Existing food and drink outlets in the area will suffer a loss of trade at a time when many are already struggling;
- The corporate name of Costa would give them an unfair advantage over local shops which in the long term would result in other shops being empty;
- There are not sufficient customers in Haxby to warrant an extra coffee shop, the introduction of Costa would kill the trade and life of The Village;
- There is a Costa at Clifton Moor less than two miles away;
- The existing car park is already busy, this proposal would add more demand and reduce availability;
- The proposal will result in more litter in the area from takeaway food and drink;
- Aroma coffee shop is owned and managed by Haxby and Wigginton Methodist Church which is a charitable organisation and puts any profits back into the community, approving this application would adversely impact on this;
- The plans for outdoor seating will impede pedestrian flow and access for those with mobility problems;
- The plans include two large air conditioning units which will generate noise for the residents of South Lane;

A petition signed by 1267 people has also been submitted. The petition objects to the opening of a Costa shop in Haxby.

4.0 APPRAISAL

4.1 Key issues:

- Impact of the change of use on the primary shopping function of Haxby District Centre
- Impact on the character and appearance of the Conservation Area
- Impact on Residential Amenity

4.2 Development Control Local Plan Policy S3a 'Mix of Uses in Shopping Streets' states that within Haxby District Centre (amongst others) that proposals for the change of use of ground floor premises from retail to other uses will only be permitted where it does not detract from the primary shopping function and the proposal contributes to the vitality and viability of the area. The assessment of proposals for the change of use of a shop shall be guided by the following factors:

- a) The location and prominence of the frontage;
- b) The floorspace and frontage of the premises;
- c) The number (a maximum of 35%) distribution and proximity of other ground floor premises in use as A2 or A3 uses;
- d) The particular nature and character of the proposed use; and
- e) The proportion of vacant ground floor property in the immediate area.

4.3 Unit 1 at Ryedale Shopping Centre is not the most visually prominent of the units within this parade. The unit is larger than a number of other units within this row, however its frontage does not directly face The Village. Ryedale Court itself is set back from the roadside and Unit 1 is tucked into the corner. It is therefore considered to be one of the least prominent frontages of the commercial units within Haxby District Centre. The unit has a larger footprint than units 2 to 8, however is significantly smaller in size to the double unit at numbers 9 and 10.

4.4 Within the parade of units at Ryedale Court are two hot food takeaways, a bakery and deli, off-license, dry cleaners, opticians, funeral care, with the double unit containing food retail. Of the 9 units currently in use at Ryedale Court, it is understood that 7 of them fall within the A1 retail use class. The proposed development is a mix of A1 and A3 use and would add to the mix of active retail use available within this parade. More widely, Haxby District Centre contains a variety of retail and non-retail commercial uses which have created a centre which is active and vibrant and has a very low vacancy rate. The area functions as a retail area for local residents but also by providing other services. Policy S3a above seeks to retain a good balance between retail and non-retail uses. District centres provide more than simply a retail function.

4.5 The application site is understood to have been vacant for more than two years. Supporting information submitted by the applicant states that there has been some interest in this building over this time; however the unit has proved to be too large for those interested. The fact that another A1 occupier has not taken on the unit despite it being vacant for 2 years is considered to be a strong justification for allowing a new use which retains some element of retail whilst adding an A3 use. The need to give the unit an economic use after a long period of inactivity has to be given significant weight in the determination of this application. The proposal would create 5 full time and 4 part time jobs.

4.6 It is considered that the proposed use has the potential to increase footfall within the district centre. Cafes can complement surrounding retail uses and are generally now considered as part of the retail experience. Such a use has the potential to not only increase the amount of people visiting the centre but also to increase the amount of time which customers spend in the area. This can create additional linked trips to surrounding units. The proposed use would provide day time activity which is compatible with a vibrant shopping area. There are a high percentage of retail units in the area and it is not considered that the proposed mixed A1/A3 use would have a significantly adverse impact on the primary retail function of Haxby District Centre.

4.7 A number of letters of objection from local residents have commented on the fact that the applicant wishes to open a "Costa". Members should be aware that the potential end user of the unit is not a material planning consideration and should not be taken into account when considering this application. Members are asked to consider a change of use from an A1 retail unit to a mixed use A1 and A3 unit, and any permission granted would not be limited to a certain operator. Other objections relate to the impact that the proposed A1 and A3 unit would have on existing cafes in the area. When a proposed unit is within a defined and designated retail area, issues of competition are not a planning consideration. Competition between users within District Centres is not a material consideration. Competition is only important when considering the impact of a proposed development outside of a city or district centre on those within it. Therefore weight should not be given to the issue of competition or the potential end user in determining this application.

4.8 Policy HE3 'Conservation Areas' of the 2005 Development Control Local Plan allows external alterations to buildings where there is no adverse impact on the character and appearance of the Conservation Area. The alterations proposed in relation to the proposed development consist of the addition of two air conditioning units to the rear of the building.

4.9 The proposed air conditioning units are modest in scale measuring 0.9m in width and 1.3m in height. The units would be at ground level and be attached to the external rear wall of the building.

The air conditioning units would not be visually prominent as the building is set back 10m from South Lane behind a 6 foot high wall. The rear area acts as a bin storage, delivery and service area where there are a number of other similar wall mounted pieces of equipment. For this reason the air conditioning units would not harm the character and appearance of the Conservation Area.

4.10 Development Control Local Plan Policy S6 states that residential amenity and the means of extraction need to be considered when assessing applications for new food and drink uses. The hours of operation proposed for the coffee shop are 06:30 to 19:00 hours Monday to Saturday and 08:30 to 17:00 hours on Sundays and Bank Holidays. Given the level of activity associated with a coffee shop, the low potential for noise generating activities, and the distance between the unit and residential dwellings, it is not considered that there would be any significant impact on residential amenity. The Environmental Protection Unit have assessed the application and raise no concerns about the proposed use. Two external air conditioning units would be placed on the rear of the building. There is similar plant along the rear of other commercial units within Ryedale Court. It is not considered that these air conditioning units would harm residential amenity.

4.11 Some local residents and the Town Council have expressed concerns about the impact that the coffee shop would have on parking demand. Concern is raised that there is not sufficient space to accommodate the additional demand. Officers cannot find any justification for this argument. The application site is an empty existing retail unit which the applicants are looking to bring back into use. It could re-open as a shop and create additional parking demand without requiring planning permission. Additionally it is not considered that a coffee shop of the scale proposed would generate significant additional traffic movements in the area. It is the case that District Centres often attract large numbers of visitors who arrive on foot. It is not considered that the proposed development would have any significant impact on highway safety or the availability of car parking spaces.

5.0 CONCLUSION

5.1 It is considered that the proposed change of use would add to the vitality and viability of Haxby District Centre. The application site has been vacant for 2 years and the proposed use is considered compatible and appropriate in this location. The proposal would retain an element of A1 use within Haxby District Centre.

5.2 The proposed change of use and rear wall mounted air conditioning units would not harm the character and appearance of Haxby Conservation Area. It is not considered that the proposed use would harm the amenity of local residents. It is considered that there are no planning policies at a local or national level which would justify refusal of this application. The application is therefore recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Rear Elevation Drawing Number 0709-Haxby/10

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

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:

- Impact of the change of use on the primary shopping function of Haxby District Centre
- Impact on the character and appearance of the Conservation Area
- Impact on Residential Amenity.

As such the proposal complies with Policies S3a, S6, and HE3 of the City of York Development Control Local Plan.

2. 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority provided pre-application advice and has sought the implementation of appropriate conditions to ensure the development protects interests of acknowledged importance.

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