

2.2 Policies:

GP1 - Design

S2 - Out of centre retail warehouse criteria

SP6 - Location strategy

SP7A - The sequential approach to development

SP7B - York City Centre and Central Shopping Area

SP8 - Reducing dependence on the car

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAYS NETWORK MANAGEMENT: No objection.

3.2 CITY DEVELOPMENT: Proposal

3.3 The application site is for units 18 and 19 at Monks Cross Shopping Park, currently occupied by PC World. PC World will vacate the unit in 2008. Application 07/01498/FULM has been submitted for external alterations and construction of a first floor, which involves changes to the recent planning permission (2006) for units 18 and 19 (ref 06/01725/FUL & 06/01727/FUL) to meet Debenham's requirements. At the time of this decision the applicant demonstrated that a material commencement had been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. The mezzanine floors could therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park. This was a 'fall-back' position against which applications were assessed. A pragmatic view was taken at that time that whilst the mezzanine floors differed slightly from those, which were previously deemed lawful, the additional floor space that resulted did not exceed that subject of the Lawful Development Certificate.

3.4 The extant planning permission splits units 18 and 19 down the middle to create 2 units of circa 1900 sqm each. This new proposal seeks to reconfigure the approved floor area to create 2 alternatively sized units - unit 19 (2899 sqm/31,000 sqft) and unit 18 (929 sqm/10,000 sqft). The extant permissions and the proposed development both have full cover 1st floors.

3.5 The second application (07/01515/FUL) seeks to amend the existing condition 3, which applies to Monks Cross Shopping Park to allow Debenhams to occupy the larger unit (unit 19) and operate as a 'mini department store'. Condition 3 of the original consent restricts the minimum size of the units and also restricts the nature of goods to be sold in units that exceed 15,000 sqft. Any unit greater than 15,000 sqft cannot sell: men's, women's and children's clothing and footwear; fashion accessories; watches and jewellery; music and video recordings and video/CD Rom, games; cameras and other photographic equipment; domestic tv, video and hi-fi equipment and toys.

3.6 National Guidance. To deliver the Government's objective (Planning Policy Statement 6) of promoting vital and viable town/city centres development should be focussed in existing centres in order to strengthen and where appropriate regenerate them. Need must be demonstrated for any application for a main town centre use which would be in an edge or out of centre location and which is not in accordance with the City of York Development Control Local Plan. In addition an assessment of impact is required.

3.7 Regional Guidance . Policy E1 (Town and City Centres) of the existing Regional Spatial Strategy (RSS) states that: "Existing city and town centres (including market and coalfield towns) will continue to be the main focus for shopping, cultural, social, leisure and business services, development plans should make adequate provision for this and require proposed developments to reflect the scale and character of the centres to which they relate; where a development represents a variation in these terms a full appraisal of sustainability will be required."

3.8 Policy SOC3 (Retail and Leisure Facilities) of the existing RSS states that: "In preparing development plans, local planning authorities should establish hierarchies for the centres in their areas which should identify the regional, sub-regional and local roles of city and town centres and, in particular those centres to which policies SOC3a) and E1 should apply". "Local Planning authorities should: (i) maintain a good quality, level and range of provision for retail and service needs appropriate to serve the catchment area;"

3.9 Policy E2 (Town Centres and Major Facilities) of the emerging RSS states that: "City and town centres will be the main focus for office, comparison shopping, health, education, casino, leisure, recreation, entertainment, cultural, public services, business services and other uses which generate a high level of people movements. These uses should not be located outside of these centres if they would undermine the delivery of the Plans Core Approach (YH1 - YH8)"

3.9 Finally, policy Y1 (York Sub Area) of the emerging RSS states that: "All plans, strategies, investment decisions and programmes for the York sub area will, where relevant, seek to: Diversify and grow the York economy by encouraging the business and financial services sector, knowledge industries (including 'Science City'), leisure and retail services and the evening economy and developing its tourism sector and 'Tourism Gateway' function for the region and the whole of Northern England".

3.10 PPS6 states that retail is a main town centre use and therefore should be encouraged. Government objectives encourage a range of shopping services with the choice to meet the needs of the local community. This is supported within the RSS, which states again that shopping will be one of the main focuses of existing city and town centres. We are also encouraged to maintain a good quality, level and range of provision for retail with the overall for York to diversify and grow the economy.

3.11 Local Guidance. York gives clear priority to its City Centre as the main focus of commercial activity in order to protect its continuing role as a sub-regional shopping centre and commercial centre for North Yorkshire. The local plan supports the City's central shopping area as the main focus for retailing activity. Policy SP7b (York City

Centre and Central Shopping Area) stipulates that the City Centre is to remain the main focus for commercial leisure and tourism and retail development to ensure its continuing role as a major sub-regional shopping centre.

3.12 Conclusion. There are no specific policy objections. It is recognised that this proposal seeks to reconfigure the approved floor area to create 2 alternatively sized units both of which would meet the minimum floor space threshold of 10,000 sqft as set out in Policy S2 of the Development Control Local Plan. The applicant has demonstrated that a material commencement has been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. The mezzanine floors could therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park.

EXTERNAL

3.13 HUNTINGTON PARISH COUNCIL: No comments received.

3.14 PUBLICITY: The application has been advertised by neighbour letter, site notice and press notice to which no public response has been received.

4.0 APPRAISAL

4.1 The applicant has demonstrated that a material commencement has been made on works for which a certificate of lawfulness was granted prior to changes to the GDPO that brought some mezzanine floors under planning control. Mezzanine floors can therefore be lawfully installed within units 18 and 19 at Monks Cross Shopping Park. This is the 'fall-back' position against this application is assessed.

4.2 It is recommended that a pragmatic view is taken, and whilst the mezzanine floors differ slightly from those which have previously been deemed lawful, the additional floor space that would result does not exceed that subject of the lawful development certificate.

4.3 Externally the proposals include first floor windows to front and side elevations, an additional entrance feature tower (to match existing) and fire exit.

4.4 The external alterations are well organised and sympathetic to the existing building. The impact of the additional floor space does not exceed that which could be lawfully constructed without consent. Hence there is no objection to this application.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality of the City Centre, highway impact and visual amenity. As such the proposal complies with Policies GP1, SP8 and S2 of the City of York Local Plan Deposit Draft. The application is therefore recommended to be approved.

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:-

Drawing Number P/30K revision C received 20 June 2007

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 VISQ1 Matching materials

7.0 INFORMATIVES:

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