

Agenda Item	Committee Date	Application Number
A7	30 March 2020	19/01302/FUL

Application Site	Proposal
Jump Rush 21 Northumberland Street Morecambe Lancashire	Change of use from trampoline park (D2) to a flexible use [to enable changes in accordance with Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)] comprising either retail (A1) or leisure (D2) use, and alterations to the external cladding of the building

Name of Applicant	Name of Agent
J.E.T. Ltd.	Mr Matthew Wyatt

Decision Target Date	Reason For Delay
Extension of time until 02/04/20	None

Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval subject to the receipt of amended elevation plans and site plan

(i) Procedural Matters

The application was deferred by Planning Committee at the meeting on 7 January 2020 to allow time for the applicant to re-design the elevation treatments and to provide a consistent site plan, to address the concerns raised at the meeting.

1.0 The Site and its Surroundings

- 1.1 The site comprises a large private car park and a large building located to the rear of properties which front onto Marine Road Central, approximately 200 metres to the west of the main town centre area of Morecambe. The car park is accessed from Northumberland Street to the east and is located adjacent to the Morecambe Conservation Area, which covers the buildings fronting onto both Marine Road Central and Northumberland Street. The building is located towards the eastern boundary of the site on land that was formally used as part of the larger car park prior to its construction in 2017, and is used as a trampoline park.
- 1.2 A number of large buildings, which face towards the seafront, back onto the site, including Winter Gardens (a Grade II* Listed building), which adjoins Pleasureland. These buildings are mainly two and three storey, although part of the rear of the Winter Gardens is approximately twice the height of the Pleasureland building. To the east of the site is a terrace of three storey properties, which front onto Northumberland Street. These contain a mix of uses including residential, offices and a public house. To the south and south east are Council-owned car parks which are adjacent to the Festival Market and accessed from Central Drive.
- 1.3 The site lies within Morecambe Town Centre boundary, is a Regeneration Priority Area and is within the Morecambe Area Action Plan area.

2.0 The Proposal

- 2.1 This application seeks to change the use of the building that was constructed in 2017 from a leisure use (D2) to a flexible use comprising either a retail use (A1) or a leisure use (D2). This would essentially allow the use of the building to be changed to retail, with the ability for this to be reverted back to the current use without requiring a further planning application. The building could be used for either use over a 10 year period from the grant of consent, but would retain the last use at the end of this period, under Class V of Part 3 (Schedule 2) of the current General Permitted Development Order.
- 2.2 The application also seeks to change the external finish of the building from that approved. An application to vary the conditions on the original consent for the trampoline park (17/00718/VCN) allowed the building to be finished in a vinyl which would be applied to vertical grey panels on the building, comprising various shades of blue. Unfortunately, this work was never undertaken. The current application originally proposed the building to be finished in three shades of grey, and gave three options for the arrangement. This was amended to incorporate some blue and provide a wave or hill line type pattern across the elevations. Following concerns raised at the Planning Regulatory Committee meeting in January, this has now been further amended but still incorporating a wave pattern although now divided horizontally rather than on each individual vertical panel. Full plans and details of how this will be applied are still to be provided by the agent, although a plan of one elevation has been submitted.

3.0 Site History

- 3.1 Planning permission (16/00578/FUL) was granted at the Planning and Highway Regulatory Committee, in August 2016, for the erection of a two storey indoor trampoline park with associated landscaping and parking and extension of a terrace to the rear of Pleasureland. In 2017 an application was submitted to vary conditions on this application in relation to the finish of the building and a boundary treatment and was subsequently approved (17/00718/VCN). The building was constructed in 2017 with the use commencing in the summer of that year.
- 3.2 In 2019, consent was sought for a flexible change of use, similar to the current proposal, but retaining the existing light grey finish to the building (19/00100/FUL). This was refused at the Planning Regulatory Committee in July 2019 for the following reason:

The proposed finish to the building fails to respond positively to its surroundings, fails to contribute to local distinctiveness and lacks architectural merit, giving the appearance of a large industrial building. The quality of the appearance of the building has been significantly diminished from the approved scheme and causes harm to the setting of the nearby designated heritage assets and the character and appearance of the town centre location in general. It is therefore contrary to the aims and objectives of the NPPF, in particular Sections 12 and 16, Policies DM32 and DM35 of the Lancaster District Development Management Development Plan Document and Policies SP1 and DO5 of the Morecambe Area Action Plan Development Plan Document.

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Morecambe Town Council	Comments. Raise concerns that an isolated retail type outlet between the Arndale Centre and Morrisons site may damage the overall existing retailer offer.
County Highways	No objection to the leisure elements and a restricted food retail use, subject to conditions requiring a scheme for off-site highway works; a car park management plan; a delivery and servicing plan; and a scheme for secure and covered cycle parking.
Environmental Health	No comments received to the current application, however no objections were raised to the previous application subject to the restriction of delivery times, particularly during weekend periods. For Sundays, recommend restricting deliveries to between 10.00 and 16.00.

Conservation Officer	Object in relation to the original submission. The proposal would have a harmful impact on the setting of a Grade II* Listed Building and Conservation Area. The proposed façade treatment is unimaginative and commonplace and fails to take design cues from its context, and therefore cannot be considered to contribute to local distinctiveness in the context of Policy DM35. Concerns raised in relation to the amended scheme, considered at the January Committee meeting. Considered an improvement with greater visual interest but that the design continues to be of a lower quality than is necessary to mitigate the harm caused by the building to the significance of the grade II* Listed Building. Comments in relation to the amended scheme to be reported at the meeting once full detailed plans have been received.
Winter Gardens Preservation Society	No comments received
Cadent Gas	Comments. There are low or medium pressure gas pipes in the vicinity of the site.

5.0 Neighbour Representations

5.1 No comments have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraphs 85 and 86 – Ensuring the vitality of town centres

Paragraph 108, 109 and 110 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 180 – Impacts from noise

Paragraphs 185, 192, 193-197 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and,
(A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications was undertaken and expired on 7 October 2019.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Core Strategy

SC1 – Sustainable development

SC5 – Achieving quality in design

SC6 – Crime and community safety

6.4 Development Management Development Plan Document

DM1 – Town centre development
DM3 – Public realm and civic space
DM12 – Leisure facilities and attractions
DM20 – Enhancing accessibility and transport linkages
DM21 – Walking and cycling
DM22 – Vehicle parking provision
DM30 – Development affecting Listed buildings
DM31 – Development affecting Conservation Areas
DM32 – The setting of designated heritage assets
DM35 – Key design principles
DM39 – Surface water run-off and sustainable drainage

6.5 Morecambe Area Action Plan Development Plan Document

Spatial policy SP1 - Key pedestrian routes and spaces
Spatial Policy SP4 – Town Centre
Development Opportunity Site DO5 – Festival Market and area
Action Set AS8 – The Town Centre

6.6 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the change of use to retail
- Design and impact on heritage assets
- Highway impacts
- Impact on residential amenity

7.2 Principle of the change of use to retail

7.2.1 As set out above, the application seeks to change the use of the building from a leisure use (D2) to a flexible use of either retail (A1) or leisure (D2). If granted, this would allow either use to operate from this building over a 10 year period with flexibility to move between the two uses, but not operate them at the same time. This is allowed by virtue of Class V of Part 3 (Schedule 2) of the current General Permitted Development Order (2015). Consent was originally granted in 2016 for the erection of an indoor trampoline park, with a subsequent application granted in 2017 to vary some details on the approved plans. The consent was not restricted to this specific use so therefore any leisure use, falling within use class D2, could be operated from the building. Therefore, the principle of a leisure use has been established. The main consideration in terms of the principle of the proposal is the acceptability of a retail use in this location. Whilst there would be potential to revert back to a leisure use, after a retail use has commenced, there is no guarantee of, or requirement for, this.

7.2.2 The site is located within the Morecambe Town Centre boundary and is within land identified as 'Development Opportunity Site DO5' as set out in the Morecambe Area Action Plan (MAAP). As such, proposals for main town centre uses are encouraged in principle subject to the specific details being acceptable. Both leisure and retail are main town centre uses. However, it is disappointing that the leisure use would potentially be lost given the benefits that this type of use is considered to provide in this area, contributing to specific aims of the MAAP, particularly in a location which was previously devoid of activity. In relation to the Opportunity Site, the MAAP sets out that the location as a whole affords much potential as a leisure and entertainment hub and development here can augment the town centre, anchoring it at its western end. It goes on to say that there is scope for investment and

development to improve and extend what is on offer in this area and to increase vitality and activity. It is considered that a retail use would not provide the same benefits, though it would be difficult to resist given the location within the town centre and that it would be the change of use of an existing building.

- 7.2.3 The applicant provided a supporting statement, as part of the previous application, in relation to the proposed change of use. This sets out that after investing £2.7m in constructing and fitting out the purpose-built trampoline park, Jump Rush was opened in the summer of 2017. However, the business performance is following a downward trend. It goes on to say that turnover this year is 32% below what it was for the same period last year and visitor numbers are down 28%. The turnover that is being generated is not enough to be able to cover the running costs of the property, high insurance premiums, business rates and service the higher purchase payments for the equipment fit out. The business owners do not take a salary from the business and a process of non-domestic rates hardship relief is currently being sought from the Council. The trampoline park is therefore not profitable long-term and is a resource drain for other investment projects. By making better use of the building, the applicant has advised that it can be transformed into a use that is more profitable, thus covering business costs, which would then free up cash to be invested in other projects.
- 7.2.4 Whilst the loss of the leisure use is unfortunate, particularly so soon after it was brought into use, retail is a main town centre use and is therefore an acceptable use in this location.

7.3 Design and impact on heritage assets

- 7.3.1 The site is on the boundary of Morecambe's Conservation Area and immediately behind the Grade II* Listed Winter Gardens. The Conservation Area is designated for its historic linear development of seaside resort, its mixture of late-19th and early-20th terraced houses some with ground floor shopfronts and its eclectic mix of revival architectural styles. The Winter Gardens, formerly known as the Victorian Pavilion, is a landmark feature in Morecambe and is a particularly important example of a late-Victorian theatre. The significance of the building relates to its rarity as an example of late-Victorian theatre, its retention of architectural merit and its historic association with the exponential development of Morecambe as a seaside resort in the late-19th century.
- 7.3.2 The trampoline park is sited immediately behind the Winter Gardens and along the boundary of the Conservation Area. During the consideration of the planning application for the building and its use, it was acknowledged that the location and design of the proposal would have a direct impact on the setting of the Listed building and Conservation Area. The building measures 48 by 50 metres, with an external footprint of approximately 2,400sq.m, and is sited approximately 11 metres from the rear of the Listed building. The originally submitted design proposed horizontal profiled metal cladding in a silver finish, with a grey brick plinth and a blue cladded panel marking the entrance. The plans also showed some large panels containing images, spaced along the side of the building. It was considered that the original design had an overly industrial appearance and related poorly to the proposed leisure use and the town centre location, and was more akin to a building found on an industrial or retail estate. The Conservation Officer raised concerns regarding the proposed materials, massing and architectural design and set out that they would not make a positive contribution to the setting of surrounding heritage assets. In addition to the design, it was advised that consideration be given to moving the facing elevation further from the heritage assets. The applicant did not want to reduce the footprint of the building as it was considered that this was the optimal size for the use proposed.
- 7.3.3 Concessions were made with regards the scale and shape of the building, given the space and, in particular, the height that was required for the proposed use as a trampoline park. It was acknowledged that, given the size of building required for the type of leisure use proposed, it would never be able to fully respect the scale of the surrounding buildings, in particular the adjacent terraced properties, and would be seen as a stand-alone building. In this respect, the benefits of the proposed leisure use were a strong consideration in the determination of the application and the acceptance of the scale and design of the approved building. It was considered important to ensure that the proposal provided a high quality building, taking a contemporary approach, and possibly making it an attraction in its own right. As a result of the concerns, the design was amended to incorporate a new glazed entrance at the southwest corner with the remainder of the building finished in vertical cladding panels in three tiers, with varying thicknesses, with one background colour and two tones of blue, increasing in frequency towards the entrance to give an impression of movement. It was considered that the effect proposed with the use of the cladding could significantly enhance the appearance of the building and help to break up its overall bulk and massing. However, whilst the cladding was acceptable in principle, there

were some concerns regarding the arrangement proposed and, as a result, the precise details were covered by a condition on the planning consent.

- 7.3.4 During the course of agreeing the details covered by the conditions, a vinyl finish was proposed to vertical cladding panels, rather than using individual coloured panels. Concerns were raised with the agent in relation to this including: the finish; how it would be divided to look like individual panels of colour; how it would weather; and how any damage to the applied vinyl would be repaired. The original condition did not include maintenance of the panels and that raised concerns about ensuring that if the applied finish starting peeling or significantly fading, whether there would be sufficient control to ensure that this was replaced. As such, the use of a vinyl was considered acceptable in principle, as it would ultimately achieve the same aim as coloured cladding panels, providing that maintenance was covered by a variation to the original condition in relation to the materials. An amended scheme was subsequently agreed, which comprised four shades of blue and each vertical panel divided into three sections, varying in size.
- 7.3.5 The finish to the elevation was originally conditioned to be completed before the building was brought into use. However, when the application to vary the conditions was approved, the building had already been constructed and the applicant wanted to be able to open the trampoline park for the beginning of the school summer holidays. As such, the decision was issued with a condition requiring the works to be undertaken within a three month period. Further correspondence took place and we were advised that the works would be undertaken later on in the year, but unfortunately this never happened, but again we applied some flexibility as dry weather was required to install the vinyl finish. After some time it was realised that the only way to secure the required works would be to commence enforcement action. However, before any formal notices could be served, the applicant contacted the Council regarding the likelihood that the use would need to be changed and it was agreed that enforcement action would be held off to allow for an application to be submitted and it was envisaged that the works to the elevations would be resolved through this.
- 7.3.6 A similar application was submitted earlier in 2019 which sought to revert to the grey base colour of the cladding panels, which is its current appearance, without the coloured vinyl finish. This was similar to the originally submitted proposal which was considered to be unacceptable. The application was refused as a result of the proposed finish to the building and the impact on the setting of the Conservation Area and a Grade II* Listed Building and character and appearance of the town centre location in general. The external finish that was approved to the building was required to make the development acceptable in planning terms and that position has not changed. It currently has the appearance of a large utilitarian building, which does not respect the character and appearance of the area or the setting of the designated heritage assets. As discussed above, significant flexibility was employed by the Local Planning Authority in both the determination of the application, allowing such a large building in this location, principally due to the benefits that the leisure use would bring but also as it would have a high quality modern finish. The quality of the finish was then diluted by the use of a coloured vinyl rather than individual coloured panels, but was accepted, again to help establish the leisure use that would hopefully bring some wider benefits to this part of the town centre in particular. Officers also allowed the building to be operated without the completion of the building and were flexible in increasing the time for compliance that that set out in the condition in order to help the local business. However, this did not mean that the works were not essential to make the development acceptable.
- 7.3.7 The current application is a resubmission of the previous one that was refused. It includes a document which puts forward four options for the treatment of the elevations. Three of these use three shades of grey, incorporating the existing colour of the cladding panels, in different arrangements. The fourth just uses a light grey and a dark grey. It is considered that the use of the grey does not overcome the concerns regarding the industrial appearance of the building. It is considered that the options put forward are unimaginative and fail to take design cues from its context and therefore cannot be considered to contribute to local distinctiveness. In addition, Policy DO5 of the Morecambe Area Action Plan relates to the Festival Market and area and, in particular relation to the proposal, sets out that development should relate well in urban design terms to the rear elevations of the Winter Gardens, those of the other premises fronting Marine Road and the residential and other properties fronting Northumberland Street. The proposed vinyl film offers infinite design opportunities in terms of colour and layout, and it is felt that much more could be done to arrive at a façade treatment that does justice to its historic context and makes a positive contribution to the streetscape.

- 7.3.8 Following the refusal of the previous application, the Council was contacted by the agent and it was agreed that options could be considered before a resubmission was made, but unfortunately the agent failed to do this and instead submitted an application which did not fully take on board the previous concerns. Both previous Committee reports clearly set out that the proposed building was only acceptable in this location with a higher quality finish and a lot of correspondence has previously taken place in order to reach an appropriate solution. It is appreciated that there are concerns regarding the profitability of the current business, and there is sympathy for the applicant's financial situation. However, the requirements for the finish to the building were clear when planning permission was granted and compromises have already been made, allowing a less expensive solution and a longer timescale for completion to allow the applicant to operate the business.
- 7.3.9 Further discussions have been undertaken with the agent, and it was advised that more interest, and at least some colour, should be incorporated into the elevations. Some images of other developments that have used cladding or vinyl were provided to the agent to provide ideas of how the concerns could be addressed. One in particular incorporated a curved horizontal line, and it was thought that the use of such a feature could relate to waves or hills and provide more of a link to Morecambe. As such, draft amendments were provided incorporating two shades of blues to the existing light grey, with different thicknesses of blocks of colour that have a horizontal break forming a wave type effect. These amendments were reported to the Planning Regulatory Committee in January. The report set out that the proposed changes would provide a better finish to the building with more interest and a link to Morecambe. By retaining some of the existing finish to the building, the cost of the vinyl would be reduced, which is obviously a benefit to the applicant. It went on to set out that, once the amended plans have been received, the Conservation Team will be re-consulted and the response will be reported at the Planning Regulatory Committee. However, it is likely that the changes will adequately mitigate the harm that was previously identified, as a result of the scale and massing of the building, in relation to the setting of the designated heritage assets and the town centre area in general.
- 7.3.10 Following the receipt of these amendments, the Conservation Officer advised that the amendments are an improvement in conservation terms and the colour scheme provides a greater level of visual interest, with the 'wave' detail going a little way towards 'local distinctiveness'. However, it was still considered that the design continued to be of a lower quality than is necessary to mitigate the harm caused by the building to the significance of the grade II* Listed Building. In particular, that the erratic vertical pattern creates a type of visual restlessness which is overbearing in this context and it was suggested that the design was maintained on the lower half, with a solid blue introduced to the upper half. These comments were reported at the Committee meeting, and it was resolved that the application be deferred to allow the finish to the building to be reconsidered. It was generally considered that the introduction of the wave feature helped to break up the elevations, and the Conservation Officer's suggestion about having one colour on the upper half was welcomed, but recommended that this be retained as light grey. Particular concerns were raised about the prominence of the blue colours, and it was felt that these should be more muted, in line with the colouring of the rear of Winter Gardens and the stonework on the adjacent Northumberland Road terrace.
- 7.3.11 Following the meeting, discussions have been ongoing with the agent, and four different visualisations were produced with the existing grey retained on the upper half with either tones of blue or green on the lower half in a wave formation. Two of these retained vertical stripes of different thicknesses, and the other two incorporated a horizontal wave design. The agent advised that the architects looked at more of a sandstone colour but advised that it looked too much at odds with the rest of the building. Given that this is what was suggested by Councillors, it was asked that a photomontage could be provided for comparison. Having reviewed the suggested amendments, it is considered that the horizontal wave formation with more muted blue colours would provide the best visual appearance to the building, with this applied to all four elevations. Amended plans are being prepared on this basis. However, some concerns have been raised about how this will be applied as the building is constructed of individual panels. This means that there is a slight indent between each panel and it needs to be ensured that the vinyl can be applied to achieve what has been shown in the visualisation, with continued horizontal lines but also that it does not result in an air space between the panels under the vinyl which could impact on the long term retention and condition of the finish. As such, the agent has been asked to provide details of this before the application is determined.
- 7.3.12 The NPPF is clear that decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, and establish or maintain a strong

sense of place. Paragraph 130 sets out that Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme, such as through changes to materials used. The building as it is currently finished fails to comply with these requirements and therefore conflicts with the aims and objectives of the NPPF in addition to local design principles set out within DM35 of the Development Management DPD. However, it is considered that if amended plans are received in line with the discussions that have been undertaken, then it will provide an appropriate finish to the building.

7.4 Impact on residential amenity

7.4.1 There are a number of properties fronting onto Northumberland Street, adjacent to the site. These have a mix of uses including residential, offices and one public house. The building is quite close to the rear of these properties, separated by a yard area, which is enclosed by a black metal fence. In order to fully assess the implications of the change of use to retail, a noise assessment has been provided. The main potential impacts are likely to result from deliveries, which would take place in the yard adjacent to these properties, in addition to any additional external plant or machinery.

7.4.2 It is proposed that opening hours will be between 08.00 and 22.00, although it is not specified which days of the week. The noise assessment has been undertaken to assess the impacts associated with delivery noise considering the close proximity to residential properties and is based on the assumption that there will be one delivery a day. The assessment indicates that there is a likelihood of adverse impacts at the nearest receptor. The Environmental Health Officer has advised that, looking at the calculation method for the specific sound levels derived for deliveries it would appear that this has been averaged over the opening period which would effectively lessen the outcome of the impact. If the calculations were adjusted to apply a 15 minute delivery time period the specific sound level would be 62dB(A) and not the 51dB (A) cited within the report . The effect of this would result in a Rating Level of 19dB above background sound levels and would instead be an indication of 'significant adverse' impact.

7.4.3 Notwithstanding the above, the Environmental Health Officer has advised that, considering the context, the existing use, the proposed opening times (assuming deliveries will take place within 'day-time' periods) and on the basis that one delivery per day will take place, whilst the noise associated with deliveries would be clearly audible, there would not be an unreasonable impact. However, and in the absence of relevant sound information for weekend time periods, impacts associated with deliveries during weekend periods should be considered differently and earlier morning time periods are likely to be less acceptable. For Sundays, it has been recommended that deliveries are restricted to the period between 10.00 and 16.00. The provision of an acoustic fence would mitigate delivery noise but will be less effective should there be a direct line of sight from a sensitive receptor into the delivery area, which is likely from upper floor flats. No concerns have been raised in relation to increased vehicular movements associated with the car parking given the current longstanding use and the location of the car park in relation to nearest sensitive receptors. From the information provided it appears that plant will remain at its existing location and will be contained within the building. However, a condition can be added to ensure that any additional plant is not sited on the elevation closest to the residential properties or that it has an acceptable noise level.

7.4.4 Given the floor area of the building, it would be unlikely that there would only be one delivery per day. The agent has advised that the use is speculative so the potential operator of the retail unit is not known and it would be difficult to condition that only one delivery takes place. Therefore, the assessment must be based on a worst case scenario. There are also concerns regarding the visual impact of a 2.5 metre high acoustic fence that has been recommended by the noise assessment and this would require consent in its own right. In response to this, the agent suggested that the proposed A1 use was restricted to non-food retail, with the total floorspace for the sale of food and drink not exceeding 30%. This is likely to reduce deliveries to some degree from a wholly food retail use and would hopefully mean that there would be less need for early morning deliveries. Following further discussions with the Environmental Health Officer, it has been advised that there would not be a significant adverse impact on the amenities of the neighbouring properties, without the acoustic fence, provided that delivery times were restricted. During the course of the previous application the agent set out that the applicant would be satisfied with a condition restricting servicing/deliveries to the periods between 08.00 and 19.00, Monday to Saturday and between 10.00 and 16.00 on Sundays and Public

holidays. It is therefore considered that a proposed retail use, with limited food and drink sales, would not have a detrimental impact on the amenities of nearby residential properties.

7.5 Access and Highway Implications

- 7.5.1 Prior to the construction of the building, the site was used as a privately managed parking facility for 450 vehicles accessed off Northumberland Street. The previously approved site plan indicates that there are currently 214 spaces (including 7 disabled parking spaces) and 8 cycle hoops, although from counting the number of spaces on the plan it appears to show 211. Just before the application was reported to the January meeting, it was realised that the current scheme also sought to make changes to the approved car park layout. From further discussions with the agent and visits to the site, the application seeks consent for what has been marked on the ground which differs from what was previously approved. Whilst the plan still indicates that there are 214 spaces, from counting these indicated on the plan, there are 232 spaces and 6 cycle hoops. Of particular concern is the encroachment into the area at the rear of the existing properties fronting Marine Road which was to be clearly marked and retained as a service and delivery area for these property. The agent has now provided a vehicle tracking plan showing how this would be used, but it raises concerns about limited space for vehicles to pass leading to this area, that some turning encroaches into parking spaces and that one row of parking spaces faces directly onto this area with the potential for conflict with service vehicles when manoeuvring out of this area. It is considered important that sufficient serving space is retained to serve these buildings to ensure that existing and future uses are not prejudiced. The agent has therefore been asked to review this.
- 7.5.2 In the initial response from the Highway Authority, on the previous application, it was advised that a pm peak weekday and weekend day assessment of the signalised and roundabout junctions at the north and south ends of Northumberland Street was required. This was subsequently submitted, which demonstrated that there is adequate capacity to accommodate the development traffic for a food retail use. The Highway Authority has advised that there would not be unacceptable impact on highway safety or the capacity on the highway network, subject to the restricted retail use as discussed above.
- 7.5.3 The Highway Authority has requested some off-site highway works, as a result of the retail use, comprising the provision of tactile paving at the site access on Northumberland Street and at the uncontrolled pedestrian crossing point at the Central Drive/Northumberland Street roundabout to enhance the pedestrian provision for vulnerable users. It would be reasonable for this to be provided prior to any retail use of the building, and therefore should be conditioned as such.
- 7.5.4 The car park currently operates a pay and display system with charges up to 1 hour 90p, up to 3 hours £2.00 and up to 12 hours £3.00. Charges apply 24 hours a day, 7 days a week. Currently customers of Jump Rush, Vista Italian bar & kitchen and Soul Bowl can enter their vehicle registration details within the building, which provides up to 3 hours free parking. The system is managed by ANPR cameras and failure to comply results in a fine of £100. This system works well for mixed leisure uses, but it would be unusual for this system to operate for an A1 retail use, especially food. Even with the restricted use, it is still considered that further details of the car park management system would need to be submitted as part of a planning condition, applicable to the final uses of the premises.
- 7.5.5 There were also previously some concerns in relation to manoeuvring of large vehicles, more likely to be associated with deliveries for a retail use. As such, a swept path analysis has been provided. This shows that a full size articulated wagon can turn wholly within the site though it is a tight manoeuvring space and close to the vehicle access on Northumberland Street. This may impact upon movements at the site access. However, management of the deliveries would mitigate any impact upon highway safety. This can be controlled through a delivery and servicing plan that can be secured by condition. A scheme for covered and secure cycle parking has also been requested. There is a small amount currently provided, but a retail use is likely to increase staff numbers so further provision would be reasonable to encourage sustainable modes of transport for staff.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The proposed change of use to retail is acceptable in principle, given the town centre location. It is disappointing that the current leisure use is likely to be lost so soon after its commencement, particularly as the benefits of this use were a large part of the balance in favour of the development, in particular relation to the final design. The building would also retain the ability to revert to a leisure use within a 10 year period, although there is no guarantee that this would happen. It is considered that a restricted retail use could operate without having a significant impact on the amenities of nearby residential amenity or highway safety, subject to appropriate conditions.
- 9.2 A draft amended scheme for the finish to the building has now been informally provided. Subject to the formal receipt of suitable amended plans, it is considered that this would adequately mitigate the harm of such a large and more utilitarian type building in this town centre location close to heritage assets. The amended design will provide more interest and a connection to this location and is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to the receipt of amended elevation plans and site plan and the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Finish to elevation, including its application, and appropriate maintenance regime
4. Prior to implementation of a retail use, submission and implementation of: off-site highway works; car park management plan; delivery and servicing plan; and covered and secure cycle parking
5. Details of any additional plant/ machinery and assessment of noise impacts
6. Retention of pedestrian links, benches, cycle stands, bollards etc – shown on site plan
7. Hours of opening – 08.00 to 22.00
8. Hours of servicing/delivery – 08.00 to 19.00 Monday to Saturday and 10.00 to 16.00 on Sundays and Public holidays
9. Restriction of retail to non-food A1 (food and drink sales not exceed 30% of floorspace)

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None