

Agenda Item A12	Committee Date 12 December 2011	Application Number 11/00818/VCN
Application Site Anchor Buildings Westgate Morecambe Lancashire	Proposal Change of use of warehouse and office premises to retail use (in part) and external alterations (Pursuant to vary conditions 3 and 4 to allow sale of bulky goods to an extended retail area of 200sqm	
Name of Applicant Ian Rawlins	Name of Agent	
Decision Target Date 6 December 2011	Reason For Delay Committee cycle	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The 0.75 ha application site is located on the south side of Westgate on the outskirts of Morecambe. The portal framed industrial type building was last used as a storage and distribution (B8) warehouse (480 sq.m) with ancillary A1 retail (80 sq.m, though restricted to the sale of cut flowers and related items) on the ground floor. There is also 420 sq.m of office (B1) space on the first floor. The front elevation has a 'retail styled' frontage to Westgate due to the large glazed sections.
- 1.2 The north side of Westgate, opposite the application site, is characterised by single storey, semi-detached residential properties. The south side, by contrast, has a mix of building types and uses, including 2 tyre outlets, carpet clearance centre, a vehicle repair garage, Focus DIY store, semi detached 2 storey houses and a large car park for 2 Sisters (prepared poultry products).
- 1.3 The site is allocated as an Existing Employment Area (White Lund) in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application seeks to vary conditions 3 and 4 on planning permission 02/00970/CU to allow sale of bulky goods to an extended retail area of 200 sq.m.

The rear ground floor area (360 sq.m) would continue to be used for B8 use with the front ground floor area (200 sq.m) used as a bulky goods retail unit for the sale of sofas and related furniture items. The retail space would share on site car, cycle and motorcycle parking with the building's other uses (B1 offices and B8 storage and distribution). The building has a loading bay and turning area for small commercial vehicles.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
02/00970/CU	Change of use of warehouse and office premises to retail use (in part) and external alterations	Permitted
11/00093/CU	Change of use and sub-division of existing commercial building into one milk delivery unit and one bulky goods retail unit	Refused
11/00444/CU	Change of use and sub-division of existing commercial building into one milk storage and delivery unit and one bulky goods retail unit, with the first floor to remain as offices	Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	<p>There is no issue with the uses proposed, only with the implications on levels of parking, resulting from the changes of use.</p> <p>The Highway Authority has good reason to question the adequacy of the parking levels and is not prepared to accept a level of parking that may result in additional parking being transferred onto neighbouring streets. These streets already suffer as a result of inadequate parking provision from neighbouring developments, which is compromising road safety.</p> <p>The site scores at the low end of medium accessibility, using the County Council's nonresidential accessibility questionnaire. Furthermore, the applicant's own statement is that the retail use is for bulky goods, which by their very definition will require vehicular transport, parking close to the point of purchase. This emphasises the need for adequate levels of parking on site and against the risk of further parking on the public highway.</p> <p>Therefore, despite the applicant's attempt to justify the parking levels, I have no option but to yet again recommend refusal.</p>
Environmental Health	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> ▪ Hours of operation (09.00 to 20.00 Mon to Sat and 10.00 to 16.00 Sun) ▪ Hours of deliveries (09.00 to 18.00 Mon to Sat only)
Morecambe Town Council	No comments have been received during the statutory consultation period.

5.0 Neighbour Representations

5.1 No comments have been received during the statutory consultation period.

6.0 Principal Development Plan Policies

6.1 Emerging National Planning Policy

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is not in conformity with the provisions of the Draft NPPF as the proposal cannot be

defined as being sustainable given it is a retail proposal in an out of centre location, which undermines regeneration priorities for the local shopping centre (as set out in Section 7 below).

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – ‘**Planning for Growth**’. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 National Planning Policy Statement (PPS) and Guidance notes (PPG)

PPS1 (Delivering Sustainable Development) - sets out the overarching planning policies on the delivery of sustainable development, advocating high quality design, accessibility to services and facilities, reducing the need to travel, inclusiveness, efficient use of land and improvements and enhancing biodiversity and landscape character.

PPS4 (Planning for Sustainable Economic Growth) - All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives; and
- The impact on local employment.

In terms of retail development, the emphasis is on the protection of existing town and local centres. The proposal should not have an adverse impact on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer. Economic development (which includes offices) should be assessed in terms of accessibility and reducing carbon emission, impact on local employment and economic regeneration, and secures high quality design.

PPG13 (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

6.3 Regional Spatial Strategy - adopted September 2008

Policy **W5** (Retail development) - promote retail investment where it assists in the regeneration and economic growth of the town and city centres. In considering proposals and schemes any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.

6.4 Lancaster District Local Plan (saved policies) - adopted April 2004

Policy **S1** (Retail Hierarchy) - new shopping development, other than small local shops, will be permitted only within the identified District centres. Development will only be permitted that is appropriate to the size and function of the centre concerned.

Policy **EC5** (Existing Employment Areas) - White Lund is allocated as an employment site suitable for B1, B2 and B8 uses.

6.5 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **SC2** (Urban Concentration) – 95% of new employment floorspace will be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy **ER2** (Regeneration Priority Areas) - the key area identified for regeneration is central Morecambe where a tourism, housing renewal and heritage led regeneration, based around an office and service centre, is prioritised.

Policy **ER4** (Town Centres and Shopping) - to maintain vitality and viability of the town centres by focusing comparison shopping to Lancaster City Centre as well as developing its role as a tourist destination.

Policy **ER5** (New Retail Development) - new comparison retailing will be focused on Lancaster or central Morecambe. New local food retailing to be provided in town or local centres, or at an appropriate scale in sustainable locations in areas of deficiency.

Policy **E2** (Transportation Measures) - this policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

7.0 Comment and Analysis

7.1 Retail

7.1.1 The site is allocated for B1, B2 and B8 uses. It is not designated for retail uses. Though there are some trade counters within White Lund, which are ancillary to the main use, retail uses that are in no way connected to the employment generating use are not supported in policy terms. Creating a retail unit which is independent to the primary use of the site would be contrary to the employment allocation on this site. Whilst it is recognised that there are also some premises within White Lund that are solely used for retail purposes, these have a varied planning history, and do not set a precedent for further retail uses.

7.1.2 New retail space should be developed in established shopping centres. The nearest 2 centres to the proposal are Morecambe and Lancaster. National, regional and local planning policies all seek new retail space to be developed in existing centres. This is clearly an out of centre location, and therefore contrary to those policies. Furthermore, the proposal is contrary to Core Strategy ER2, which seeks to regenerate central Morecambe. This development would be detrimental to this objective by locating new retail space remotely from Morecambe's established shopping centre, and therefore drawing trade and possible linked trips away from existing and designated retail centre.

7.1.3 The applicant has argued in their submission that the proposed type of retail use (selling sofas which could be collected at the door, or delivered) is not suited to a town centre location even if such premises were available. They state that the proposal falls below the threshold for formal sequential testing and an impact assessment, though they have researched the availability of alternative premises to help argue their case. They also state that Westgate already supports a number of retail operators in the vicinity of the application site.

7.1.4 The flower retailing previously approved in 2002 was ancillary to the main use of the building. The proposed sofa shop would be entirely separate to the building's other uses and also significantly larger than the previous retail space. The 2002 permission only granted consent for the sale of cut flowers and related items because it was associated with the main ground floor use. The reason attached to this particular condition (no.3) states that "the City Council would wish to give particular consideration to the establishment of a general retail use in this location". It is now considering this 'establishment' in light of current adopted planning policy.

- 7.1.5 Policies ER4 and ER5 of the Core Strategy, together with the principle of PPS4, seek to maintain the vitality and viability of town centres and local centres by focusing new development in central locations with a presumption against retail development on out of centre sites. Needs which cannot be accommodated in existing centres should be in edge of centre locations. The submitted proposal is in neither of these locations. The applicant has tried to counter-argue this point by suggesting that the District currently does not offer such a retailer and therefore such provision would help to reduce leakage of trade out of the District and associated travel distances. However, this argument is discounted below (see Transport section).
- 7.1.6 The applicant argues that generally bulky goods stores require adjacent car parking. From a planning point of view, this is not a sufficient reason to dismiss more central sites; there are a number of bulky goods retailers operating from Lancaster City Centre and have been doing so for some time and have shown flexibility to trade successfully in central locations where space is more restricted. PPS4 makes it very clear that when promoting a proposal on a less sequentially preferable site, it will not be appropriate for a developer or retailer to dismiss a more central location on the basis that it is not available to the developer/retailer in question. Similarly sites should not be rejected based on self-imposed requirements or preferences of a single operator.
- 7.1.7 Whilst, as mentioned above, the applicant has included a long list of retail premises that are currently available, they have argued that none of them are of the appropriate size for the type of use proposed. Admittedly most of the units are very small, but the case officer is aware of 2 (and there may be others) addresses where there are retail units of a comparable size currently being marketed – below the Travelodge in Lancaster and below the Travelodge in the Arndale Centre in Morecambe. Whilst these units may not meet the applicant's specific requirements that is not a reason to discount such sites for the reasons set out above. Given that there are available units within existing shopping centres, the application fails on policy grounds.
- 7.1.8 Whilst the impact of the proposed change of use may be negligible, the change of use of the site for retail is contrary to retail policies ER4 and ER5 of the Core Strategy.

The applicant has failed to justify an exception to policy for the retail element.

7.2 Transport

- 7.2.1 Whilst the site is located on a bus route and is only about 350m from the Lancaster-Morecambe Cycleway (linked by a cycle track along Westgate), it is likely that staff and customers would travel to the site by car. In an out of centre location, there are few opportunities for trip linkages. Furthermore, there are no sustainability benefits to the proposal in terms of recapturing shopping trips to competing centres outside the District and retail parks as bulky good leakage out of the District is low.
- 7.2.2 The application has not been accompanied by a Travel Plan to encourage the development's users to use more sustainable forms of transport to access the site, though the applicant accepts that it may be appropriate to attach a condition (should planning permission be granted) to require any future office occupier (of the first floor) to draft and implement such a Plan.
- 7.2.3 The site has a total of 14 parking spaces. If filled, the site would not have little turning area for delivery vehicles. This would mean vehicles would be manoeuvring precariously on the site, and potentially will be leaving or entering the site in reverse gear creating a highway safety concern. Deliveries to the 3 separate uses could coincide causing vehicles to wait on Westgate, effectively reducing the efficiency of this busy highway. Again the applicant is willing to accept a condition requiring a Management Plan to be put in place to control delivery times.
- 7.2.4 Furthermore, the provision of 14 car parking spaces for 3 separate uses (A1, B1 and B8) operating out of one building would appear extremely low, putting pressure on on-street parking on local residential roads, thereby decreasing their safety and efficiency. Whilst the current B8 use operates at a different time to the A1 and B1 uses, there are no restrictions on its hours of operation, though the applicant has offered to accept conditions to limit its hours should planning permission be granted. However, the B1 office space could comfortably accommodate 45 workers, which would operate at the same time as the proposed retail space. Taking into consideration employees and customers, there would only be c25% provision of on-site parking for the B1 and A1 uses.

7.2.5 County Highways have revisited their comments on the earlier applications, and rerun the data through their highway data model known as TRICS (Trip Rate Information Computer System). Their response states that this building should be providing 26 car parking spaces given the different existing and proposed uses. At 14 on site space, the scheme fails to adequately address this parking issue and therefore the Highway Authority has recommended that the application be refused.

7.3 Employment

The application advises that the proposal would result in 3 full time equivalent jobs being created - 2 full time employees and 2 part time employees.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 In conclusion the proposal is unacceptable for the retail reasons set out above – its “out of centre” location and the availability of alternative “in centre” retail units. The proposal would also undermine the regeneration objectives for Central Morecambe, and it does not provide an adequate amount of on site parking to accommodate the scheme.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The proposed development by virtue of its out of centre location is contrary to Planning Policy Statement 4, Policy W5 of the Regional Spatial Strategy, Policy ER5 of the Core Strategy and Lancaster District Local Plan policy S1.
2. The proposed development by virtue of creating new retail space out of central Morecambe would have an adverse impact on the District's regeneration objectives and therefore is contrary to Policy ER2 of the Core Strategy.
3. The applicant has not been able to adequately demonstrate that the proposed level of parking within the site would be sufficient to accommodate the proposal. Therefore the proposal is likely to put additional pressure on the neighbouring residential roads in terms of on-street parking to the detriment of highway safety and efficiency.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. The applicant has asked for a Summary of Case to be attached to the Committee report