

Agenda Item A6	Committee Date 6 January 2014	Application Number 13/01172/FUL
Application Site Market Hall Common Garden Street Lancaster Lancashire		Proposal Alterations (including selected demolition) and extension to former Market Hall and existing retail units to create a 2-storey retail unit, including associated realignment of existing pedestrian mall and creation of a new pedestrian mall into Marketgate
Name of Applicant Allied Lancaster Ltd		Name of Agent Mr Julian Monaghan
Decision Target Date 17 February 2014		Reason For Delay None
Case Officer		Mr Mark Cassidy
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The former Market Hall building is located north of the junction of Common Garden Street and King Street. It forms the most westerly part of the Marketgate Shopping Centre, although it has been vacant since the Indoor Market closed in 2012.
- 1.2 The structure is constructed predominantly from stone although there are substantial areas of glazing, most notably along the King Street frontage and around the Common Garden Street rotunda at the southern end of the building. It had previously been accessible via Cornmarket (adjacent to Gillison's Lane), Sir Simon's Arcade and Common Garden Street. A secondary, elevated pedestrian entrance exists off King Street.
- 1.3 The building is within the City Centre's defined Primary Shopping Area. The current Saved Policies of the Lancaster District Local Plan (LDLP) define Common Garden Street, Gillison's Lane and Cornmarket frontages as Primary Retail Frontages, whilst the elevation fronting Sir Simon's Arcade is defined as an Other Key Frontage. The elevation fronting King Street is not defined in the LDLP. The emerging Development Management Document proposes changes to these retail frontage designations, with the former market building being defined as a Secondary Retail Frontage, with remaining areas of Marketgate identified as Primary Retail Frontage.
- 1.4 The site is located within the Lancaster Conservation Area. It is not a listed building, although there are listed buildings opposite and adjacent to the site (including Penny's Hospital Almshouses and 15 King Street). The rooftop car park, accessible from Common Garden Street, is identified as a Shopper and Visitor Car Park under the saved policies of the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 This is a full application and seeks to extend the current building into part of Gillison's Lane and Cornmarket to provide a new, single retail unit with its entrance taken from Cornmarket. To enable

this, Gillison's Lane will be partially closed at its northern end, except for emergency access. Pedestrian access will be maintained, albeit along a realigned route, at the southern end of Gillison's Lane towards Cornmarket.

- 2.2 The partial closure of Gillison's Lane results in a need for the provision of a compensatory pedestrian route within the Centre. This application proposes such a route, taken directly from Marketgate in a westerly direction towards Golden Ball Lane and Sir Simon's Arcade. This access will be constructed through part of the unit formerly occupied by Internacionale. This new route would be covered and lit and would be paved in granite, slate and stone to match the existing footways. Walls will comprise stone pillars and coloured render to match the existing.
- 2.3 The extension to the market hall building necessitates alterations, including partial demolition within the Centre, which will result in the loss of some of the surrounding smaller units/kiosks, although some of the kiosks along Gillison's Lane will be aggregated into one larger retail kiosk which will front Sir Simon's Arcade.
- 2.4 Other ancillary works to the Centre include new louvres to screen rooftop plant, the provision of an area of slate grey-coloured standing seam canopy roof and areas of new glazing.
- 2.5 The external appearance of the Market Hall building fronting Common Garden Street, King Street and Sir Simon's Arcade will not significantly change. The atrium in the building will be removed and filled to create additional retailing space and additional rooftop car parking (which remains obscured from ground floor views). Internally there are reconfigurations to the elevators and the provision of new customer lifts to improve accessibility.

3.0 Site History

- 3.1 There have been many applications affecting the site over the years, most of which relate to minor works. However there are milestones that are worthy of note in the context of the reuse and extension of the current building.
- 3.2 The covered market was constructed in the nineteenth century and quickly became established as a hub of community activity. However, in October 1984 the building was devastated by fire. The loss of the market hall was greatly lamented from an economic and social perspective. From an architectural viewpoint, the interior of the building had retained Victorian features that were lost to the fire. Externally, the building itself was less impressive and was partially screened by Arndale House, which was a flat-roofed, mixed-use block which clearly detracted from the streetscape in King Street and Common Garden Street.
- 3.3 The market hall operated in temporary tented accommodation whilst plans were drawn up for the reuse of the site. Eventually outline planning permission was granted for the current Marketgate Centre in July 1992 (Ref: 01/92/546), with the reserved matters submission being granted just over a year later (93/00747/REM). The scheme delivered a replacement market hall across two floors, a major retail building (Littlewoods) and other units, kiosks, rooftop car parking and servicing space.
- 3.4 Whilst Marketgate attracted a variety of retailers, Lancaster Market declined and continued to operate at a substantial loss. In 2012, the City Council took the decision to close the indoor market and seek a single occupier for the building. Some of the market traders found alternative premises within other parts of the City Centre, and they continue to trade successfully.

4.0 Consultation Responses

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

Statutory Consultee	Response
County Highways	No comments received within statutory consultation period.
Lancaster District Chamber of Commerce	No comments received within statutory consultation period.

English Heritage	A response is anticipated and will be verbally reported to Members.
Lancaster Civic Society	The Civic Society has confirmed that they will be submitting a response which, due to Planning Agenda deadlines, will be reported verbally to the Committee.
City Council – Conservation	The proposals are acceptable – they would not unduly impact on the significance of the surrounding heritage assets.
City Council – Environmental Health	Hours of construction and unforeseen contaminated land conditions are both required. With regard to air quality, it is acknowledged that the retail use – in planning terms – exists and that the proposal is for an extension to the building and other alterations. On this basis that the additional impact will be relatively small, no air quality assessment or mitigation measures are requested. Given the cumulative nature of air quality impact, any measures that can be sought to reduce the air quality the impact of the proposal (particularly transport emission related) would be recommended and fully supported.
City Council – Property Services	No comments received within statutory consultation period.
Lancashire Constabulary	No comments received within statutory consultation period.
Fire Safety Officer	The project appears to include building regulation matters which are the responsibility of the building control body. Advice on these matters is provided.
United Utilities	No comments received within statutory consultation period.

5.0 Neighbour Representations

5.1 At the time of compiling this report, there have been no representations from members of the public.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph **14** of the NPPF states that development proposals that accord with the Council's Development Plan should be approved without delay. Other relevant paragraphs of the NPPF include:

Paragraph **17** establishes Core Planning Principles relating to community involvement, sustainable economic development, high standards of design, promotion of mixed use development, the conservation of heritage assets and management of patterns of growth.

Paragraphs **18-22** seeks to build a strong, competitive economy where planning acts to encourage, not impeded growth.

Paragraphs **23-27** contain measures to ensure the vitality of town centres.

Paragraphs **56-68** emphasise the importance of good design in the built environment.

Paragraph **96** requires developers to comply with any local requirements for decentralised energy supply unless it is not feasible or viable; and take account of scale/massing/orientation of the building to minimise consumption.

Paragraphs **126-141** seek to conserve and enhance the historic environment, including requiring the applicant to demonstrate the significance of heritage assets affected. Paragraph **137** is especially relevant as it relates to new development in Conservation Areas and states that proposals which preserve positive elements of the setting (or better reveal the significance of the asset) should be treated favourably.

Finally, Paragraph **215** requires due weight to be given to relevant policies in existing (development) plans, according to their degree of consistency with the NPPF (i.e. the closer the policies in the Plan, to the policies in the NPPF, the greater the weight that can be given). The Development Plan for Lancaster consists of the District Core Strategy and the Saved Policies of the Lancaster District Local Plan.

6.2 Lancaster District Core Strategy (2008)

Policy **SC1** seeks to ensure proposals are locationally sustainable, makes use of energy-efficient design and technologies and (relevant to this case) can be developed without harming features of heritage importance.

Policy **SC5** strives to achieve quality in design by, amongst other criteria, reflecting and enhancing the positive characteristics of the surroundings and enhancing the public realm.

Policy **SC6** includes community safety matters, such as managing the City centre to promote vitality, viability and delivering of safe, high-quality public realm.

Policy **ER2** recognises the need to strengthen Central Lancaster as a shopping destination as well as enhancing its' visitor and historic attraction roles.

Policy **ER4** confirms Lancaster as a sub-regional City Centre and the main comparison shopping destination for the Lancaster District.

Policy **ER5** notes the importance of the expansion of Lancaster's Primary Shopping Area. Whilst the current proposal is separate from that expansion, the application proposal has the potential to reinforce the vitality and viability of the existing centre.

Policy **ER7** promotes micro-renewables and energy efficiency within the district.

Policy **E1** requires developments in Lancaster to conserve and enhance their sense of place.

6.3 Saved Policies of the Lancaster District Local Plan (2008)

Policy **S1** requires new shopping development to be sited in appropriate locations, one of which is the sub-regional centre of Lancaster.

Policy **S4** confirms that all frontages of the Marketgate Centre are Primary Retail Frontages where A1 Retailing is expected to remain the dominant use, and that the elevation facing Sir Simon's Arcade is an Other Key Frontage.

Policy **T13** protects Shopper and Visitor Car Parks (such as the Marketgate rooftop car park) and resists reductions in parking levels. Additional parking proposals are permitted where there is an equivalent reduction in commuter parking. Policies T15 and T16 set out staff parking and planning contribution requirements (although these have been partly superseded by the Core Strategy).

Policies **E35**, **E37**, **E38** and **E39** consider the surroundings of Conservation Areas including demolition, new build and alterations and they set criteria which aim to ensure proposals are sympathetic to their surroundings.

Policy **E42** requires high standards in the former City Centre Conservation Area (now part of the Lancaster Conservation Area).

6.4 Existing Supplementary Planning Guidance (SPG)

SPG 6 is the Lancaster City Centre Strategy (2004). Whilst the general direction of the document is to enhance the city centre, the document is clearly of its time as it refers to reviewing the performance, role and future requirements of the Market Hall.

SPG 7 is the Shopfronts and Advertisements Guide (2004) and it sets out design principles. The detail remains relevant in urban design terms even if the references to previously-named Conservation Areas indicate the document's age.

6.5 Emerging Development Plan Documents (DPDs)

There are two emerging DPDs that are relevant to this proposal. The first is the Development Management DPD which contains development policies and this document is progressing towards Examination. The degree of weight that can be afforded to the policies is dependent upon the stage of the DPD and the extent to which there are unresolved objections to any of the policies contained therein. Limited weight can be afforded to the following policies:

Policy **DM1** supports retail proposals that are located within the defined Primary Shopping Area.

Policy **DM2** sets out the Primary and Secondary Retail Frontages (see paragraph 1.3 of this report).

Policy **DM3** encourages improvements to public realm and civic space within the Centre.

Policy **DM21** seeks to improve existing pedestrian infrastructure, including design and lighting.

Policy **DM22** seeks to provide appropriate and adequate levels of parking provision.

Policy **DM31** requires all development to preserve or enhance the character and appearance of Conservation Areas.

Policy **DM32** similarly protects the setting of designated heritage assets whilst **DM33** offers a presumption in favour of the retention of any non-designated heritage assets affected by proposals.

Policy **DM35** establishes key design principles including protection of the historic environment.

Policy **DM36** seeks to improve the overall sustainability of proposals by including measures to reduce energy consumption and emissions, amongst other criteria.

Policy **DM37** requires new developments in Air Quality Management Areas to not have a negative impact upon air quality.

The second DPD is the Land Allocations DPD, which sets out preferred options for land allocations in future years. This document has progressed through initial consultation although it can only be afforded limited weight at present. In relation to this proposal, only Policies **RET1** (supporting town centre uses within town centre boundaries) and **RPA1** (establishing Central Lancaster as a Regeneration Priority Area) have direct significance to the proposal.

7.0 Comment and Analysis

7.1 The matters that are material considerations in this case are:

- The principle of the development, including retailing matters;
- The impacts upon pedestrian accessibility arising from the extension and alterations;
- Urban design and Conservation Area impacts;
- Effects of additional car parking; and,
- Environmental impacts.

7.2 Principle of the Development

This application proposes work to the existing building to accommodate an extended single retail unit (approximately 40,000 sq.ft over two floors) and reconfigurations to other units, kiosks and walkways. It is not a change of use application, as the building retains its (former) A1 retail use class. Therefore, the principle of a retailer using the building is already accepted and this is a central location where one would expect retailing activity to be focused.

7.3 Whilst the name of the retailer is, at the time of compiling this report, not yet in the public domain, planning officers have always maintained that the site requires a popular, vibrant retail use to act as a major anchor tenant for Marketgate and this part of the city centre. Following discussions with the developer, officers are satisfied that this will be the case.

7.4 All other considerations relate to specific detail arising from the proposed works. Subject to these being acceptable, then the development can be considered for approval.

7.5 Impacts upon Accessibility

To enable the extension of the former market hall building, the northern section of Gillison's Lane will be closed off. Gillison's Lane is not a historic route; it originates from the 1992/1993 planning approvals and is less than 20 years old. However it is relatively well used as a link towards Sir Simon's Arcade, New Street and (upper) Market Street; and also as a link to Common Garden Street in the opposite direction. The link also plays an important role in facilitating access to the Marketgate toilet facilities, baby-changing facilities and rooftop car park.

7.6 Pedestrian access will still be maintained from Common Garden Street, along a reconfigured southern section of Gillison's Lane which will be diverted slightly towards Cornmarket. This is an important route and its reconfiguration will ensure continued footfall from the well-used bus stops in Common Garden Street to Marketgate, and from Marketgate to other areas of the city.

7.7 However during pre-application discussions, officers have maintained the opinion that the partial loss of the northern section of Gillison's Lane would be detrimental to the city unless there was some form of compensation – either via public realm improvements to Sir Simon's Arcade, or via the provision of a new pedestrian walkway linking the heart of the Marketgate Centre to Sir Simon's Arcade.

7.8 For much of the discussion efforts were concentrated upon the provision of a Section 106 contribution to enhance the public realm at Sir Simon's Arcade. However attention turned to the provision of an alternative new pedestrian walkway, which was considered to deliver greater benefit, not just for the Marketgate Centre, but for pedestrian permeability through the city as a whole.

7.9 Therefore the proposals now include a new pedestrian walkway, to be provided through part of the former 'Internationale' Unit off Marketgate. This walkway will emerge at Golden Ball Lane, which is an existing (but less well-used) open ginnel located close to Sir Simon's Arcade. It is envisaged that the new walkway – which will be covered, have improved lighting and include CCTV – will bring a number of benefits. Firstly, it will provide a more direct pedestrian access for people arriving at the rooftop car park to access the heart of the Marketgate Centre. Secondly, it has the potential to breathe new life back into Golden Ball Lane, which has become a rather forgotten thoroughfare. Finally, the new link will enable the developer to enhance this part of the Centre via ancillary, minor improvements to the surrounding public realm.

7.10 The works to partially close Gillison's Lane will require a separate Walkway Agreement between the developer and the County Council. However that is a separate process outside the planning system and it does not have any impact upon the planning decision.

7.11 The northern part of Gillison's Lane will accommodate an emergency exit, which will be suitably obscured by decorative gates. Details of these would be controlled via a planning condition. The existing doors off Common Garden Street and King Street will also act as emergency access only.

7.12 If the planning application is approved, the provision of the new pedestrian walkway will be conditioned so that it must be delivered in full in accordance with the plans, and be available for pedestrian use, prior to the first opening of the new retail unit in the former market hall.

7.13 Urban Design and Conservation Area Impacts

The current building is described as a 'landmark' building in the March 2013 Lancaster Conservation Area Appraisal. The external-facing elevations of the market hall building (i.e. towards King Street and Common Garden Street) represent a relatively sympathetic and successful insertion into the historic street pattern of this part of the city, despite the challenges posed by the building's original scale. The current proposals do not greatly alter these elevations, with the exception of small areas of new louvre panelling under the existing eaves (to screen new rooftop plant). Clearly there will be new signage for the retailer, but that will be considered under a separate application for Advertisement Consent in due course.

- 7.14 Whilst the extended retail use necessitates an increase in the amount of rooftop plant, this is to be sensitively positioned. The building already benefits from a plant room at the upper car park level (with mezzanine) and this will be reused. The area will be extended slightly to allow for improved air ventilation to the retailer's cooling plant. The new louvre detail, measuring 2.25m in height, will screen this additional area. The existing roof-form of the building also assists in masking the plant equipment.
- 7.15 The existing building has a central atrium, around which some of the rooftop car parking occurs. This atrium, which is barely visible from pedestrian level because of the roof-form of the existing building, will be removed and the space given over to car parking. The loss of the atrium will not have any impact upon the streetscene. The atrium is visible from some areas of elevated ground at either end of the city; but its loss is considered to be neutral in relation to this scheme and so the setting of the Conservation Area is preserved. Most importantly, the retained building roof-form will continue to screen rooftop parking from elevated vantage points.
- 7.16 The double-height extension into Cornmarket will introduce a new shop frontage, which will act as the new retailer's customer entrance. This frontage will mirror shopfront design within the centre, although all details are to be conditioned (including stone pillars, pilasters & stallrisers, colour of render, details of new walkway ceilings and details of first floor windows). The works also result in an extended (separate) retail kiosk being created at the northern end of Gillison's Lane (adjacent to the existing toilets and changing facilities). This extended kiosk is potentially well-located as it will benefit from footfall arising from the new pedestrian mall.
- 7.17 The merits of the realigned and new pedestrian walkways are discussed in paragraphs 7.5 – 7.12. The material palette being suggested is acceptable and it is envisaged that the new routes will benefit the Conservation Area in terms of design and setting, and it will encourage greater vibrancy of the centre and the surrounding parts of the city.
- 7.18 Subject to the conditions recommended, the scheme is considered to enhance the Conservation Area.

7.19 Effects of Additional Car Parking

16 additional parking spaces are proposed on the roof, taking the total number of spaces to 127. This allows a minor reconfiguration of existing spaces, which will result in the relocation of the mobility-spaces to a position closer to the existing lift. There are no changes to the existing access arrangements and therefore any impacts upon highway capacity are negligible.

7.20 Environmental Impacts

The site lies within the Central Lancaster Air Quality Management Area (AQMA). Where such areas are declared, the Council works with other agencies to draft Action Plans aimed at reducing pollution levels.

- 7.21 Whilst there is a nominal increase in the amount of car parking being provided, and thus emissions could be marginally greater, it is considered that this alone would not constitute a reason for resisting this application. In reaching this conclusion, it is noted that the retailer could theoretically move into the building without requiring planning permission (if there were no changes to the external envelope of the structure), and thus the principle of the retail use is already established here. The main consideration in air quality terms is whether the impacts arising from the works proposed by the planning application (including the increase in the size of the building) are such to warrant a refusal. In determining this, Officers are mindful of the advice provided by the Planning Inspector at the Canal Corridor Public Inquiry:

"It is not the case that all applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of air quality. To do so would likely sterilise development in the very places where other policy encourages it. In this case, if Lancaster is to sustain a role as a sub-regional centre, if a significant amount of retail development is necessary to achieve that, if previously developed land is to be efficiently used, and if out-of-centre development is to be avoided, then not only the application site but other sites in or around the centre of Lancaster would be unable to provide for the very sorts of development encouraged in the Development Plan for reasons of sustainability".

- 7.22 National Planning Practice Guidance directs that when deciding whether air quality is relevant, local planning authorities should consider whether the development would “*significantly affect traffic*”. Given the quantum of new parking, this is not the case here.
- 7.23 There will of course be other environmental impacts arising during the construction phases of development, most notably with regard to noise and hours of working. Whilst the surrounding area is predominantly commercial, there are residential units on upper floors within the city centre. It is for this reason that an ‘hours of construction’ condition is required.
- 7.24 It is also acknowledged that given the alterations there is a relatively minor potential for contaminated soils to be exposed during development. A planning condition which sets out the process to be followed in the event of discovery of soil contamination is recommended.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider, for the reasons described in Paragraph 7.8 of your report (i.e. the provision of a compensatory pedestrian link from Marketgate to Golden Ball Lane/Sir Simon’s Arcade).

9.0 Conclusions

- 9.1 Much has been said regarding the loss of the indoor market in the city. The current planning application proposes a new chapter for the building; by extending the structure and modifying the surrounding pedestrian walkways. It is considered that the physical works being proposed are sensitive to their surroundings and will improve, rather than hinder, pedestrian movement around this part of the city.
- 9.2 The extensions to the building will provide a sizeable retail unit that is capable of anchoring this part of Lancaster’s shopping centre. In that regard, the proposal will assist with enhancing the viability and vibrancy of the pedestrianised retail centre.
- 9.3 Given the physical, social and economic benefits arising from the proposal, the development can be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3-year consent.
2. Development as per approved plans.
3. No opening of the main retail unit until the reconfigured pedestrian mall and the new pedestrian mall are both constructed in accordance with the approved plans, and are fully available for pedestrian use.
4. Prior to commencement (and notwithstanding the details indicated on the plans), precise details of the following materials to be agreed in writing:
 - All stonework
 - Render and paint colours and finishes
 - New escape gates
 - Footway treatments
 - Lighting
 - CCTV camera at Golden Ball Lane
 - All louvres and plant equipment
 - All new canopies, walkway ceilings and rainwater goods
 - Windows, doors, pillars, stallrisers, pilasters and shopfront glazing
5. Both of the reconfigured pedestrian malls shall be maintained as open malls at all times thereafter (i.e. no gating or enclosure)
6. Standard hours of construction condition
7. Standard unforeseen land contamination condition

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

None.