

<b>Agenda Item</b> A7	<b>Committee Date</b> 27 July 2015	<b>Application Number</b> 15/00294/CU
<b>Application Site</b> Pharmacy Heysham Health Centre Middleton Way Heysham	<b>Proposal</b> Change of use of pharmacy (D1) to foodstore (A1), recladding existing elevations, erection of an extension to the front and side elevations, creation of additional parking and associated landscaping works	
<b>Name of Applicant</b> ML (Heysham) Limited	<b>Name of Agent</b> Mr Matthew Sobic	
<b>Decision Target Date</b> 15 June 2015	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Colin Hartley for the application to be determined by the Planning Committee. The reason for the request relates to concerns in relation to noise and disturbance for the nearby residents from delivery vehicles, shopping traffic and air conditioning units, loss of privacy, impacts on highway safety and impacts on employment and the local economy.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to a relatively large single storey building which was previously used as a health centre but has been vacant for some time. It is located adjacent to Middleton Way in Heysham, opposite the more recently constructed Heysham Primary Care Centre. In addition to the building, the site comprises a car park which is served by an existing access from Middleton Way. It includes an area of green open space, which is outside the boundary of the former health centre, and extends up to the bus lane/terminal on Middleton Way. The building is constructed of a buff coloured brick and has a shallow pitched tiled roof. There are some trees within and adjacent to the site, mainly close to the access and the western boundary. Some of these are covered by a Tree Preservation Order. There were previously a row of trees on the grassed area to the north of the site, but these were removed before the application was submitted.
- 1.2 To the west of the site are a number of residential properties and a funeral home. The latter is in close proximity to the site boundary, adjacent to the existing car park, and has windows facing the site. Four of the adjacent dwellings front onto Middleton Road, to the west, and as such are separated by long rear gardens of approximately 28 metres. Close to the south west corner of the site are a row of semi-detached dwellings which front onto Ripon Place and have shorter gardens. The only one which shares a boundary with the site is number 1, which is approximately 6 metres from the site.

## **2.0 The Proposal**

2.1 Planning permission is sought for the change of use of the former health centre to a food store with an internal floor area of approximately 650 sq.m. The proposal involves the extension of the building by 162 sq.m, cladding of the existing building, creation of a replacement access from Middleton Way, an extension to the existing car park and the provision of a plant equipment area. The extension to the car park will involve the removal of a grassed area to the north of the site.

## **3.0 Site History**

3.1 The most recent site history is set out below.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>04/00176/FUL</b>	Alterations and general refurbishment works to include new canopy and associated works	Approved

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	No comments received
<b>County Highways</b>	Following revisions, no objection subject to conditions requiring: a scheme for the construction of off-site highway improvement works (improvement of existing bus stops facilities, a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way, implementation of pedestrian refuge provision, alteration of Middleton Way carriageway centre-line markings in the vicinity of the site's point of access); provisions to enable vehicles to enter and leave the highway in a forward gear; protection of visibility splays of 2.4 by 43 metres; access to be a minimum wide of 6 metres for 5 metres from the carriageway; and removal of a length of guard rail in the grass verge area.
<b>Environmental Health</b>	No objection subject to conditions in relation to plant noise (Rating Level 26dB is not exceeded) and servicing hours (7.30am and 7pm Monday to Saturday and 10am until 4pm Sundays and Bank Holidays).
<b>Tree Officer</b>	No objection subject to conditions requiring: development carried out in accordance with submitted Arboricultural Implications Assessment and Arboriculture Method Statement; and implementation of landscaping scheme.
<b>Public Realm Officer</b>	There is minimal loss of amenity space, with sufficient remaining for aesthetic purposes. The development is in close proximity to play spaces on the opposite side of the main road. Recommend options to facilitate the safe crossing of pedestrians.
<b>Lancashire Fire and Rescue</b>	The Fire Authority will make a detailed report on fire precautions at building regulation application stage and the Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

## **5.0 Neighbour Representations**

5.1 13 pieces of correspondence objecting to the proposal have been received, raising the following concerns:

- Impact on highway and pedestrian safety and increased traffic/encouragement of car use
- Noise from vehicles, associated plant machinery and opening hours
- Impact on privacy
- No need for additional food store in the area
- Impact on the character of the area
- Increase in litter, vandalism and anti-social behaviour
- Management of trees on boundary with residential properties
- Other uses would be more beneficial
- Impact on nearby shops and employees

- Reduction in property values

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles  
 Paragraphs 23 – 27 – Ensuring the vitality of town centres  
 Paragraph 32 – Access and Transport  
 Paragraphs 56, 58 and 60 – Requiring Good Design  
 Paragraph 69 – Promoting healthy communities  
 Paragraph 74 – Protection of open space  
 Paragraph 123 – Noise impacts from development

### **6.2 Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development  
 SC5 – Achieving Quality in Design  
 ER4 – Town Centres and Shopping  
 ER5 – New Retail Development

### **6.3 Development Management Development Plan Document (adopted December 2014)**

DM1 – Town Centre Development  
 DM21 – Walking and Cycling  
 DM20 – Enhancing Accessibility and Transport Linkages  
 DM22 – Vehicle Parking Provision  
 DM25 – Green Infrastructure  
 DM26 – Open Space, Sports and Recreational Facilities  
 DM29 – Protection of Trees, Hedgerows and Woodland  
 DM35 – Key Design Principles

## **7.0 Comment and Analysis**

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

- Principle of the development
- Impact on residential amenity
- Access and highway impacts
- Design and Impact on the character of the area
- Impact on trees and hedgerows
- Loss of open space

### **7.2 Principle of the development**

**7.2.1** The proposal is for the conversion of the Health Centre into a small food store which would be 650 sq.m (gross) in size. The creation of a food store represents a main town centre use, as defined by Annex 2 of the NPPF and, given its out-of-centre location, the sequential test must be passed to accord with both national and local planning policy. Given the small scale of the food store, it is reasonable to suggest that the sequentially preferable location for such a proposal would be the local centre at Heysham Road, some 0.7 km north of the site. The local centre at Heysham Road is identified in the Lancaster District Core Strategy and emerging policy with the Draft Preferred Options Land Allocations DPD (published in 2012). Opportunities for any expansion or regeneration within the Heysham Road Local Centre are limited given a lack of vacant sites/properties.

**7.2.2** It is considered that only one site exists which should be given consideration in the sequential test. That is land at Heysham Road and Knowlys Street (the former police station site). The total area of this site of this is c0.06ha (c600 sq.m) and, whilst it is capable of accommodating a foodstore of the size proposed at Middleton Way, it does not represent a realistic alternative when taking into account the space necessary for access, car parking and servicing – even if flexibility is applied to the scale and format of the proposed store. With regard to availability, the site has been subject to a number of planning applications over recent years and has planning permission (11/01089/FUL) for a ground

floor retail unit with residential uses above. The proposed retail unit is c350 sq.m (gross) in size. Whilst this may represent an implementable permission, it is not considered that it represents a reasonable alternative to the proposal at Middleton Way. It is therefore considered that the proposal passes the sequential test.

7.2.3 The comments made regarding existing food stores within the locality are noted. However, the number of stores in the local area and the competition which arise are not a material consideration in determining a planning application. The commercial risks associated with increased store numbers and any subsequent increase in competition is at the risk of the applicant and future operator.

### 7.3 Impact on residential amenity

7.3.1 There are a number of residential properties located to the west of the application site. Those fronting Middleton Road are separated by long rear gardens, whereas those on Ripon Place are sited further to the east, with significantly shorter gardens. Only one of these abuts the application site, number 1, and a further five dwellings back onto the area of open space to the south of the site. The entrance to the store is on the northern elevation with deliveries proposed adjacent to the western boundary. A plant area is also proposed adjacent to the south west corner of the building. The store opening hours have been indicated as 0600 to 2300 Monday to Saturday and 1000 to 1800 on Sundays and Public Holidays. A noise assessment has been submitted with the application, however a number of queries were raised regarding this by Environmental Health. These related to the location and types of delivery vehicles, the proposed barrier attenuation and why a BS41412 assessment was not carried out in relation to site operations including deliveries.

7.3.2 Further information was submitted and the plant area has been moved further along the southern elevation, approximately 16 metres from the boundary with the nearest residential property. A two metre high close boarded fence is also proposed for sound attenuation purposes along the western boundary adjacent to the residential properties, and part of the southern boundary. Following this, Environmental Health has recommended that delivery times are restricted between the times of 0730 and 1900 Monday to Saturday and 1000 to 1600 Sundays and Public Holidays, which would be consistent with other similar retail units in the area. It has also been recommended that condition is imposed requiring that a rating Level of 26dB (for fixed plant noise) is not exceeded at the nearest noise sensitive properties. The agent has agreed to both of these requirements.

7.3.3 The development is also in close proximity to a funeral home, to the west. A hornbeam hedge has been proposed along all of the western boundary, on the inside of the proposed fence towards the south west corner. These measures will prevent any overlooking into these properties. Subject to appropriate measures being put in place, as set out above, it is not considered that the proposal will have a significant adverse impact on the amenities of the nearby residential properties.

### 7.4 Access and highway impacts

7.4.1 The scheme proposes a new access point from Heysham Way, which would replace the existing one. It would be located further to the north in order to accommodate the extension to the building and some parking spaces adjacent to this. The Highways Officer originally raised some concerns with some aspects of the application given the likely increase in pedestrian and vehicle movements. These related to the width of the access point, turning within the site, under provision of parking facilities and offsite works that would be required.

7.4.2 Following the submission of further information and amendments, the Highways Officer has raised no objections to the proposal from a highway perspective, subject to the inclusion of various conditions. There has been no increase in parking spaces from the 35 originally shown, but the scheme now includes two motorcycle bays and two cycle stands. The Highways Officer has requested a number of off-site highway improvement works in order to mitigate the consequences of pedestrian movements over surrounding lengths of the public highway, namely:

- Improvement of existing bus stops facilities through the implementation of appropriate thermoplastic lining requirements;
- The developer pursue a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way (to include prohibition of loading and unloading of vehicles). With the same meeting all of the costs associated with advertisement and subsequent implementation should such be deemed necessary;

- Implementation of pedestrian refuge provision (exact location to be agreed) though preference would be for it to be sited on the Middleton Way in the vicinity of its junction with the Emmaus Road. Such would serve residential areas to the south of the site as well as the large residential community of "Mossgate Park";
- Alteration of Middleton Way carriageway centre line markings in the vicinity of the site's point of access with the same such as to include creation of a vehicular right turning facility; and
- Removal of a minor length of pedestrian guard rail situated in a grass verge area adjacent existing pedestrian means of access to the former health centre.

7.4.3 Subject to these works, prior to the first operation of the food store, it is considered that the proposal will not have a significant adverse impact on highway and pedestrian safety.

## 7.5 Design and Impact on the character of the area

7.5.1 The scheme proposes to utilise the existing building, with the addition of an extension to the north elevation of the building. The current building has low pitched sloping roofs and the walls are finished in a buff brick. The roof is proposed to be dark grey with a standing seam and the walls are proposed to be a mix of white render, grey cladding and glazing around the entrance. There were some concerns raised regarding the flat roof to the cladding being higher than the roof. However, the agent advised that this could not be changed for several reasons, setting out that it would not be possible to increase the height of the existing roof as this would be too costly as it would involve removing the existing roof, building up the building and replacing with a full new roof. It has also been set out that the fascia itself is at the lowest it can possibly be to join onto the ridge of the slope that it adjoins, with the parapet sitting 45.5 cm above the highest point of the existing roof. Given the proximity to the modern primary care building on the opposite side of Heysham Way, the design is considered acceptable. The precise details of the materials can be requested by condition.

## 7.6 Impact on trees and hedgerows

7.6.1 There are trees within the site that are protected by a Tree Preservation Order. These include a group of early mature silver birch, pine, and a mature ornamental cherry. A detailed Arboriculture Implications Assessment (AIA) and Arboriculture Method Statement (AMS) have been submitted. A number of trees were removed earlier this year from within the site and from land understood to be Council land at that time. As a result the remaining trees were assessed and found to have sufficient amenity value to justify protection with a Tree Preservation Order. Trees within the site are clearly visible from a range of locations within the wider public domain. They make an important contribution to the character and appearance of the site and that of the wider locality. They are in good overall condition and have long periods of useful remaining life potential. As such, existing trees must be retained within the proposed change of use of the site and design, in the interest of public amenity. They also offer important opportunities for wildlife in an otherwise highly urbanised area of Heysham.

7.6.2 A total of 5 individual trees and 2 groups have been identified within the submitted tree information. One of the groups (Cypress) is established within an off-site location and directly implicated by the development proposals. Measures have been identified within the submission that would allow for the proposed development and safe retention of the group. 3 trees (Cherry) are proposed for removal to accommodate the proposed alterations to the existing car parking arrangement. New replacement planting has been proposed and would in principle satisfy the Council's requirement for replacement planting at a ratio of 3:1. A detailed landscape scheme and maintenance regime has been detailed within the submission. This has now been amended to include a larger green area in the north west corner of the site, by reorganising the car park, and includes additional planting. A new hornbeam hedge has been proposed along all boundaries of the site, 1 metre high adjacent to the highway, with some additional tree planting between the car park and the highway.

## 7.7 Loss of open space

7.7.1 The site includes an area of green space to the north of the site which is outside the boundary of the former health centre. This was previously in the ownership of the City Council. Policy DM25 in relation to green infrastructure sets out that individual green assets should be retained wherever possible, particularly in relation to spaces which have recognised value, whether this is community or environmental. This is also reiterated in Policy DM26 in relation to open space, sports and recreational facilities. It is considered that there will be a minimal loss of amenity space, with

sufficient remaining to the north and south for aesthetic purposes. The proposed development is in close proximity to play spaces on the opposite side of the main road. The Public Realm Officer has recommended that options to facilitate the safe crossing of pedestrians are required as part of this development. This has been included in the requirements above set out by the Highways Officer.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 It is considered that the principle of a food store in this location is acceptable and that, subject to appropriate conditions, the proposal will not have a detrimental impact on the amenities of nearby residents or the character and appearance of the area.

## **Recommendation**

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

1. Standard time condition
2. In accordance with amended plans
3. Scheme for offsite highway works including (improvement of existing bus stops facilities, a review of existing Traffic Regulation Orders along the frontage of the site with Middleton Way, implementation of pedestrian refuge provision, alteration of Middleton Way carriageway centre line markings in the vicinity of the sites point of access, removal of pedestrian guard rail)
4. Details of materials
5. Details of bin store
6. Details of cycle stands
7. Lighting details (notwithstanding plans)
8. The development shall be carried out in accordance with the submitted Arboricultural Implications Assessment and Arboriculture Method Statement
9. Access, parking, turning and bike stands provided prior to first use/trading
10. Landscaping scheme implemented
11. Hours of construction
12. Protection of visibility splays
13. Hours of deliveries – 0730 and 1900 Monday to Saturday and 1000 to 1600 Sundays and Public Holidays
14. Opening hours - 0600 to 2300 Monday – Saturday and 1000 to 1800 Sundays and Public Holidays.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent 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.

## **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.