

Agenda Item A9	Committee Date 5 February 2018	Application Number 17/01377/VCN
Application Site Land Adjacent Campbell Drive Lancaster Lancashire	Proposal Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access (pursuant to the variation of conditions 24 and 25 on planning permission 17/01099/VCN to amend the business opening and delivery hours of the retail unit)	
Name of Applicant Ms Sarah Woolner	Name of Agent Mr Bal Tiwana	
Decision Target Date 1 February 2018	Reason For Delay Negotiating changes and Committee cycle	
Case Officer	Mr Andrew Drummond	
Departure	No	
Summary of Recommendation	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 Hamilton-Cox for the application to be reported to the Planning Committee as the proposal seeks a variation to the existing conditions, which could adversely impact on residential amenity.

1.0 The Site and its Surroundings

1.1 The 2.4 hectare application site is situated on the north side of Quernmore Road about 1.75km to the east Lancaster city centre. The Grade II Listed building, known as the Annexe, is located on higher ground to the west with its old cricket pitch to the north, the M6 motorway runs north-south on higher ground further to the east beyond 2 agricultural fields and the Standen Gate residential area falls to the south. The site is currently under construction. However, it was previously developed with maintenance buildings and associated parking areas in the southern half of the site, and an outdoor bowling green to the rear with natural landscaping to the western, northern and eastern boundaries. The road frontage is generally characterised by a low stone wall punctured by 3 existing vehicular access points.

1.2 In terms of designations affecting the site, the site is approximately split in two, with the southern half falling within a Housing Opportunity Site and the northern half and the eastern boundary within an Urban Greenspace. The Outdoor Playing Space lies across both of the aforementioned designations, but only affecting about half of the total site. There are 2 further constraints on the site, namely a Tree Preservation Order (no.381) that affects the whole site and the Mineral Safeguarding Area that primarily covers the eastern boundary and the north west corner.

2.0 The Proposal

2.1 The application seeks to vary conditions 24 and 25 to amend the approved hours of opening and hours of deliveries for the retail unit. Respectively conditions 24 and 25 currently state:

The retail premises hereby permitted shall not be open for business except between the hours of 0700 and 2200 Monday to Saturday, and 1000 and 1800 on Sundays or Public Holidays.

No deliveries to or from the retail premises hereby permitted shall occur outside the hours of 0730 and 1900 Monday to Saturday, and 1000 and 1600 on Sundays and Bank Holidays.

2.2 The applicant was originally seeking to extend the opening hours of the store and delivery hours to the store to an extent that the Environmental Health Officer was uncomfortable with, so the hours now sought have been reduced (albeit still greater than those approved in 2016. The situation is summarised in the table below:

	Opening Times			
	Monday to Saturday Start / Finish		Sundays and Bank Holidays Start / Finish	
Approved	0700	2200	1000	1800
Originally proposed	0600	2300	0600	2300
Now proposed	0700	2230	0700	2200

	Delivery Times			
	Monday to Saturday Start / Finish		Sundays and Bank Holidays Start / Finish	
Approved	0730	1900	1000	1600
Originally proposed	0730	1900	0730	1900
Now proposed	0730	1900	0900	1900

3.0 Site History

3.1 The following recent consents form the relevant planning history of the site:

Application Number	Proposal	Decision
15/00813/FUL	Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access	Permitted
16/01470/VCN	Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access (pursuant to the variation of condition 2 on planning permission 15/00813/FUL to amend the approved plans and provide information required by conditions 9, 10, 11, 12, 13, 14 and 18)	Permitted
17/01099/VCN	Demolition of existing maintenance buildings and erection of 42 houses, 20 flats and a retail unit (use class A1) with associated parking, landscaping and access (pursuant to the variation of condition 2 on planning permission 16/01470/VCN to amend the approved plans and provide information required by conditions 5, 12, 13, 14 and part of 15)	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environmental Health	Initial objection overcome with the submission of additional information and changes to the proposed opening and delivery hours. Based on this further information and amended proposal the Environmental Health Officer raises no objection .
County Highways	No objection
Fire & Rescue	It should be ensured that the scheme fully meets all the requirements of part B5 of the Building Regulations.

5.0 Neighbour Representations

- 5.1 One objection has been received citing concerns about the proposal having an adverse impact on the quality of environment of the neighbourhood and highway efficiency. The objector goes on to say that they have concerns about the timing of the application (prior to the new houses being occupied so their occupants cannot comment) and that the store's operator has taken on the unit in full knowledge of the current restrictions.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 – 12 core land-use planning principles
Paragraph 123 – noise

6.2 Local Planning Policy Overview

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

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. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

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. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Development Management DPD

6.4 Other planning policy/guidance documents

National Planning Practice Guidance (NPPG)

7.0 Comment and Analysis

7.1 There is one issue to consider as part of this application, namely residential amenity.

7.2 The changes negotiated during the determination period means that from Monday to Saturday the only difference in the opening and delivery times is an extra 30 minutes of trading time between 22.00 and 22.30. The noise associated with opening hours relates to vehicles arriving, manoeuvring/parking and leaving, with the greatest noise generated by these activities predominantly being the shutting of vehicle doors. Given the relatively small number of visits to the store by customers arriving by vehicles in this 30 minute period, it is deemed as a negligible (i.e. non-intrusive) change to the residential amenity of the area and therefore considered to be acceptable.

7.3 The key changes relate to Sundays and Bank Holidays where the opening times are extended by 7 hours (3 hours in the morning and 4 in the evening) and delivery times are extended by 4 hours (1 hour in the morning and 3 in the evening).

7.4 As stated above, the noise associated with the store's opening hours is generated by the movement of customers' vehicles and the closure of these vehicles' doors. This has been reviewed carefully by Environmental Health, taking into consideration the proximity of the neighbouring residential properties and the background ambience, which includes traffic noises from Grab Lane, Quernmore Road and the M6. Initially Environmental Health had concerns regarding the earlier opening times proposed (06.00) and subsequently this was changed by the applicant to 07.00. Given that the ambient noise level between 06.00 and 07.00 on a Sunday is noticeable less than the same time on the other 6 days of the week, and other times on a Sunday, but between 07.00 and 08.00 on a Sunday the levels are closer to the ambient noise levels of other times on a Sunday, that Environmental Health concluded that the amended opening time of 07.00 was acceptable.

7.5 For a store of this size, there would be 1 12m HGV and 2 transit van deliveries each morning and a further transit van delivery during the day. In addition there would be 3 further 12m HGV deliveries made each week. Therefore the worst case scenario would be that there would be 1 12m HGV delivery and 2 transit van deliveries between 0900 and 1000, and 1 12m HGV delivery (30 to 40 minutes) and 1 transit van delivery (10 to 15 minutes) between 16.00 and 19.00 on a Sunday and Bank Holiday. Initially Environmental Health raised an objection to the earlier morning delivery (from 07.30) but not to the evening. However, the applicant agreed to no deliveries until after 09.00, which overcame this objection. Given the times of day when these deliveries would occur (after 09.00 rather than after 07.30), Environmental Health concludes that this would reduce the likelihood of unreasonable impacts to nearby residents, subject to the mitigation measures set out in the submitted noise assessment. These are set out below, albeit adapted to ensure that they are precise and enforceable:

- Once stationary, engines of delivery vehicles must be turned off;
- Use of reversing beepers should be minimised or turned off;
- Drop heights should be reduced to their lowest practicable levels;
- A low noise, rubber floor must be applied in both delivery vehicles and around the delivery area where the trolleys are moved;
- Plastic (ideally rubber) wheels must be used on trolleys;
- Use of radios must not be used in the delivery area; and
- All staff (including delivery drivers) should be made aware of the necessity to keep noise to a minimum.

7.6 Subject to these measures being conditioned, Environmental Health raises no objection to the proposed changes to the opening and delivery times on Sundays and Bank Holidays.

8.0 Planning Obligations

8.1 The obligations secured on the original consent (15/00813/FUL) remain unaltered by this application.

9.0 Conclusions

9.1 By working with the applicant's agent and Environmental Health changes have been negotiated that meet the requirements of the applicant and the key consultee. It is on this basis that the application be recommended for approval.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions (of which conditions 24 and 25 are varied):

1. Standard 3 year timescale – complied with
2. Development in accordance with the list of approved plans
3. Bats – complied with
4. Development in accordance with approved Construction Method Statement
5. Development in accordance with approved Tree Protection Plan and Arboricultural Method Statement
6. Development in accordance with approved Remediation Method Statement and requirement for a Validation Report
7. Asbestos – complied with
8. Provision of access and protection of visibility splays
9. Off site highway works
10. Development in accordance with approved surface water drainage scheme
11. Development in accordance with approved foul water drainage scheme
12. Development in accordance with approved material specification
13. Development in accordance with approved Quernmore Road boundary treatment details
14. Development in accordance with approved landscaping scheme
15. Development in accordance with approved Travel Plans
16. Development in accordance with approved ventilation ducts, motors and fans (retail unit)
17. Development in accordance with approved cycle and refuse storage (retail unit)
18. Development in accordance with approved cycle and refuse storage, and balcony/patio screens (apartment building)
19. Development in accordance with approved electric vehicle charging points
20. Development in accordance with approved parking facilities
21. Development in accordance with approved Environmental Noise Report
22. Development in accordance with approved Flood Risk Assessment
23. Hours of construction
24. Opening hours varied to 0700 to 2230 Mon to Sat, and 0700 to 2200 Sun and Bank Holidays
25. Delivery hours varied to 0730 to 1900 Mon to Sat, and 0900 to 1900 Sun and Bank Holidays (with mitigation measures for Sun and Bank Holidays)
26. Retail store use – sale of convenience goods only
27. Permitted development rights removed
28. Restriction of garage use
29. Recycling natural stone and slate

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 applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken 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