

<b>Agenda Item</b> A11	<b>Committee Date</b> 10 December 2018	<b>Application Number</b> 18/01364/CU
<b>Application Site</b>  Pedestrian Highway Church Street Lancaster Lancashire		<b>Proposal</b>  Change of use of pedestrian highway for the temporary siting of 6 market cabins
<b>Name of Applicant</b>  Mr Will Griffith		<b>Name of Agent</b>  Lancaster City Council
<b>Decision Target Date</b>  19 December 2018		<b>Reason For Delay</b>  None
<b>Case Officer</b>		Mr Andrew Clement
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Approval

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, as the application has been submitted by Lancaster City Council, the application must be determined by the Planning and Highways Regulatory Committee.

**1.0 The Site and its Surroundings**

- 1.1 This application relates to Church Street in Lancaster City Centre. Church Street is a pedestrianised public highway located in the Lancaster Conservation Area on a street containing a number of Listed buildings and non-designated heritage assets, notably the long façade of 47-49 Church Street immediately to the south, and the Grade II\* listed buildings of 42-44 Church Street and 68-70 Church Street. The street contains a number of retail units, public houses, restaurants and cafes, some of which have seating and non-fixed balustrade for external dining space in the street. The south side of this street is designated for parking provision for mobility spaces, with the application site covering up to 5 of these spaces over a 30.6 metre length of parallel parking provision. The pedestrianised zone is only accessible by motor vehicles for loading from 5pm to 10am to following day, and any time for those accessing the disabled parking provision.

**2.0 The Proposal**

- 2.1 The application seeks consent for the temporary siting of 6 market cabins between 15 November and 15 January (61 days) every year, to encourage additional small independent businesses within the City Centre during the busy winter festive period. Each market cabin stall is an enclosed wooden structure with a front opening window hatch, measuring 3 metre long by 2 metres wide with a maximum roof height of 2.51 metres tall. They are to be clad in 16mm tongue and groove shiplap stained in a natural wood colour under an apex duo-pitched roof.

**3.0 Site History**

- 3.1 The most relevant planning history is set out below.

Application Number	Proposal	Decision
12/00239/CU	Use of designated pedestrian highway as street cafe seating and balustrades (no fixed structures), to include Market Street, Market Square, Penny Street, Cheapside, Church Street, Dalton Square, Gage street, Damside Street, Common Garden Street and New Street	Permitted

#### **4.0 Consultation Responses**

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

Consultee	Response
<b>County Highways</b>	<b>No objection</b> following the receipt of additional information regarding alternative parking arrangements for mobility spaces
<b>Environmental Health</b>	No observation received
<b>Conservation Section</b>	<b>No objection</b> as the proposal will have an undue long-term impact upon on the setting of the heritage assets

#### **5.0 Neighbour Representations**

5.1 No observations received to date, consultation period expires on 26 November 2018. Any consultation responses received will be reported verbally to the Planning Committee meeting.

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

##### **6.1 National Planning Policy Framework (NPPF) 2018**

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 11). The following sections of the NPPF are relevant to the determination of this proposal:

Paragraphs 8 and 11 – Sustainable Development  
Section 6 – Building a strong, competitive economy  
Section 7 – Ensuring the vitality of town centres  
Section 12 – Achieving well-designed places  
Section 16 – Conserving and enhancing the historic environment

##### **6.2 Development Management DPD**

DM1 – Town Centre Development  
DM2 – Retail Frontages  
DM3 – Public Realm and Civic Space  
DM12 – Leisure Facilities and Attractions  
DM20 – Enhancing Accessibility and Transport Linkages  
DM22 – Vehicle Parking Provision  
DM30 – Development affecting Listed Buildings  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or their settings  
DM35 – Key Design Principles

##### **6.3 Lancaster District Core Strategy Saved Policies (adopted July 2008)**

SC5 – Achieving Quality in Design

##### **6.4 Local Planning Policy Overview – Current Position**

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 enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were submitted to the Planning Inspectorate on 15 May 2018 for independent Examination, which is scheduled to commence in spring 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council later in 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. 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.

## 6.5 Other Material Considerations

### Listed Building and Conservations Area Act 1990

Section 7 - Restriction on Works Affecting Listed Buildings

Section 17 - Power to Impose Conditions on Grant of Listed Building Consent

Paragraph 72 - General duty as respects conservation areas in exercise of planning functions.

Paragraph 73 - Publicity for applications affecting conservation areas

### Lancaster Conservation Area Appraisal

## 7.0 Comment and Analysis

### 7.1 The key considerations arising from the proposal are:

- Principle of the Development;
- Scale, Design and Landscape upon Heritage Assets and their Setting;
- Impact upon the Highway and Parking Provision; and
- Residential Amenity.

### 7.2 Principle of the Development

7.2.1 The NPPF is supportive of economic growth and policy DM12 of the Development Management DPD sets out that minor leisure facilities or attractions will be considered favourably where they are located within an accessible town centre and would not result in an adverse impact on the visual amenity of the area. Policy DM3 relates to public realm and civic space and seeks to ensure that proposals within the urban areas make a positive contribution to their surroundings.

7.2.2 As part of the build-up of winter and Christmas festivities in the City Centre, it is considered that the temporary market cabins would add an additional attraction to this part of the historic City Centre, and enable more people to enjoy and appreciate Lancaster City Centre during the festive period. Winter and Christmas markets have become commonplace in towns and cities across the country and Europe, and the proposed small temporary cabins facilitate retail space for small independent retailers to occupy a City Centre location during a period of heavier footfall and consumer spending. Therefore, the scheme would bring associated economic benefits to the city and help raise the profile of Lancaster as a visitor destination. The proposed market cabins will enhance the vitality and viability of the City Centre during this temporary 61 day period. The proposed temporary use and

developments are considered to support policies DM1, DM2, DM3, DM12 and NPPF sections 7 and 8. As such, the principle of the proposal is considered to be acceptable subject to other material considerations are be discussed below.

### 7.3 Scale, Design and Landscape upon Heritage Assets and their Setting

- 7.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. This is reiterated by policies DM30, DM31 and DM32. DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.3.2 The proposed developments are modest in scale, even in a line of 6 cabins stretching along 30.6 metres of the public space. Finished in natural timber finish, the proposed materials are considered to be sympathetic in colour to the surround sandstone built form. The modest nature of the lightweight built form raises no concerns regarding physical impact upon the built form during construction, dismantling or through the use of these cabins sited in the public realm within the Conservation Area.
- 7.3.3 Although sited within the Conservation Area, this historic area currently hosts a temporary traditional street market on Wednesdays and Saturdays every week as part of the Lancaster Charter Market, in the setting of various Grade II\* and II listed buildings and non-designated heritage assets. It is considered that the temporary developments and use will have an undue long-term impact upon on the setting of the aforementioned heritage assets, with any less than significant harm to heritage assets in the short term outweighed by the aforementioned economic and social benefits of the proposal. The Conservation consultee, whom raised no objection to the proposal, shares this conclusion. Therefore, the proposed is considered to be compatible with policies DM30, DM31, DM32, DM33, DM35 and NPPF Sections 12 and 16.

### 7.4 Impact upon the Highway and Parking Provision

- 7.4.1 The application site is part of the public realm with Lancaster City Centre along a semi-pedestrianised road, and more specifically is sited on a 30.6 metre length of parallel parking provision for mobility spaces. Sited in this location, the proposed cabins would avoid impeding vehicular or pedestrian movements along Church Street, with no severe impact upon the public highway. Sufficient space between the proposed market cabins and the stairs along the south of the site would be maintained to allow continued pedestrian movements and use of these stairs unimpeded behind the cabins. The proposed use and development is situated in a highly sustainable location, in close proximity to multiple public transport and walking/cycling provision.
- 7.4.2 The length of parallel parking to be occupied by the proposed use and development can currently facilitate a maximum of 5 mobility spaces, which reduces the level of parking provision within the City Centre during a particularly busy period. The County Highways consultee originally raised concern and objection to the use of mobility spaces. Subsequently, further information and mitigative mobility parking provision within the St Nicholas' Arcade car park form part of this proposal, which has addressed the County Highway concern, who now raise no objection subject to this mitigation. Furthermore, other parking provision designated for mobility spaces in front of 29-37 Church Street, 55-59 Church Street and 72-80 Church Street are unaffected by the proposal. Disabled blue badge holders can currently park in any off-street car parking bays in Lancaster City Centre, and the application proposes the display of signage in specific bays in St Nicholas' Arcade car park to ensure the same number mobility spaces are available throughout the duration of the proposed use. Subject to this alternative provision being controlled through planning condition, the scheme is considered to have no severe impact upon highway or parking provision, consistent with policies DM20 and DM22.

## 7.5 Residential Amenity

- 7.5.1 It is acknowledged that there are some residential apartments to the upper floors of properties on the north side of Church Street. The site is within the City Centre of Lancaster, on a street containing retail units operating during daytime trading hours, with a number of restaurants, cafés and public houses contributing to the evening economy of the City Centre. The location is an inherently active place for long periods of the day and night, and as existing would generate a reasonable large level of background ambient noise. The proposed 6 market stalls are to be powered by low noise generators with proposed opening hours of 9am to 6pm, which is within the activity and commercial periods of this area of Lancaster City Centre. Although the stalls may attract some additional footfall and activity during these proposed opening hours, given the existing noise characteristics of the area, it is considered that the proposal will not exacerbate any existing impacts upon neighbouring residential amenity. The Environmental Health department have yet to return a consultation response within the statutory consultation period, nor have any public neighbour representations been received to date. However, if a response is received prior to determination, this will be reported verbally to the Planning Committee meeting.

## 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, it is considered that the principle of the temporary siting of 6 winter festive market cabins accords with the broad aims of the Development Management DPD by creating a point of economic activity and public interest as part of the winter and Christmas festivities in the City Centre. The site is sustainably located, and the temporary use and developments will cause no undue long-term harm to the various heritage assets in this Conservation Area setting. The proposal will have no detrimental impact upon residential amenity in this City Centre location, with the temporary loss of parking provision for mobility spaces mitigated by the signage of equivalent bays in a City Centre car park for the duration of the proposal each year, resulting in no severe impact upon parking or the public highway.

## Recommendation

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

1. Operational between 15 November and 15 January each year, plus 3 days construction/dismantling time
2. Development in accordance with plans
3. Implement alternative accessible parking signage

## 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