

<b>Agenda Item</b> A14	<b>Committee Date</b> 4 February 2019	<b>Application Number</b> 18/01608/FUL
<b>Application Site</b>  Recycling Site Alfred Street Lancaster Lancashire		<b>Proposal</b>  Change of use of vacant land to car sales area associated with commercial garage (Sui Generis)
<b>Name of Applicant</b>  Mr David Gillespie		<b>Name of Agent</b>  Mr Dan Brown
<b>Decision Target Date</b>  14 February 2019		<b>Reason For Delay</b>  N/A
<b>Case Officer</b>		Mrs Kim Ireland
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Approval

(i) **Procedural Matters**

This form of development would normally be determined under the Council's scheme of delegation. However, the land is in the ownership of Lancaster City Council and as such the application is referred to the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The application site is located to the east of the road junction of Alfred Street and Seymour Street, situated in close proximity to the City Centre of Lancaster. To the north of the site are Units 1 to 3 Alfred Street that are disused workshops. To the south of the site are the Units 7 to 9 Alfred Street that are leased to D.Gillespie Car Service Centre. To the east of the site is vacant land that is not within the ownership of Lancaster City Council. To the west of the site are two Lancaster City Council car parks of Edwards Street and St Leonards Gate.
- 1.2 The land was previously used as a recycling site, but this use ceased in January 2017. Since then the site has remained unused and has become unsightly due to the dilapidation of the recycling site's boundary fencing and overgrown vegetation.
- 1.3 The site is within Lancaster Conservation Area and is identified as land within Canal Quarter redevelopment.

**2.0 The Proposal**

- 2.1 The application seeks consent to change the use of 245 sq.m. of vacant land to car sales area associated with commercial garage (sui generis). The land is to be used for a total of 17 cars that will be advertised for sale in connection with the business of D.Gillespie Car Service Centre that is located to the south of the site.
- 2.2 The site has existing hardstanding that is to remain in situ and it has been agreed that the redundant timber fencing, concrete fence posts, heras fencing and vegetation will be cleared from site within 2 months of the date of the decision.

### **3.0 Site History**

3.1 There are two planning applications which relate to the site, which are listed below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/00866/OUT	Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, offices, workshop, rehearsal space and residential accommodation, together with ancillary and associated development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities	Refused
93/00755/DPA	Creation of an area of hardstanding to accommodate seven recycling banks and one litter bin and provision of fencing	Permitted

### **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>Conservation Officer</b>	<b>No objection</b> – no significant impact on the conservation area, particularly as the proposed scheme will involve tidying up the site and clearing away the redundant fencing.
<b>County Highways</b>	<b>No objection</b>
<b>Fire Safety</b>	<b>No objection</b> – advice is provided to make the applicant aware of conditions that will be satisfied with a subsequent Building Regulations application.
<b>Canal and River Trust</b>	<b>No comment to make on the proposal.</b>

### **5.0 Neighbour Representations**

5.1 No correspondence has been received at the time of compiling this report. Any comments subsequently received will be reported verbally.

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

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

Paragraph 11 – Presumption in Favour of Sustainable Development

Paragraphs 124 and 127 – Requiring Good Design

Section 16 - Conserving and enhancing the historic environment

#### **6.2 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 the first quarter of 2019. If the Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council in late 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.

### 6.3 Development Management DPD

**DM31** – Development affecting Conservation Areas

**DM35** – Key Design Principles

## 7.0 Comment and Analysis

7.1 The key issues arising from this application are:

- Principle of Development
- Design and Impact on Character of the Conservation Area

### 7.2 Principle of Development

7.2.1 The site was previously used as a recycling site. However, since this use ceased in January 2017 the site has remained unused and has become unsightly. The proposed car sales area is to be used in connection with the business of D.Gillespie Car Service Centre that is directly adjacent to the south of the site. The existing hardstanding is to remain in situ and no lines will be painted onto the hardstanding. The proposed site layout indicates car parking spaces, but these are for illustration purposes only to show that the site can accommodate 17 cars.

7.2.2 The proposed change of use of vacant land to a car sales area is considered acceptable in this instance, due to being in connection with the Car Service Centre business, which is directly adjacent to the south of the site. In addition it has been agreed that the redundant fencing, fence posts and overgrown vegetation will be cleared from site, which will tidy up the site and could be seen as an enhancement to the area. Whilst the parking of vehicles for sale is not aesthetically pleasing, it will help to screen the overgrown site to the east. It is also considered that given to the west of the site are the two Lancaster City Council car parks of Edward Street and St Leonards Gate that the proposed car sales area will not have an adverse visual impact when viewed from within the street scene.

7.2.3 It is thought that a temporary period of three years would be acceptable, so that the proposal could be re-visited and re-assessed should circumstances and its environment change with the progression of a scheme at Canal Quarter.

### 7.3 Design and Impact on Character of the Conservation Area

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 DM31.

7.3.2 It is considered that as the site is situated between two unattractive light industrial units, the adjacent site is overgrown, other adjacent sites are used as surface car parks and the proposed works include removing redundant timber fencing, concrete fence posts, heras fencing and vegetation, the

proposal will not have a significant impact on the Conservation Area. The proposal is seen to have a neutral impact upon the character and appearance of the area.

## **8.0 Planning Obligations**

8.1 Given the nature of the proposal there are no requirements for a legal obligation.

## **9.0 Conclusions**

9.1 The proposed change of use of vacant land to a car sales area would not be ordinarily be supported in a Conservation Area. However, due to the unattractive light industrial units and surrounding car parks, the proposal is not seen to have an adverse visual impact when viewed from within the street scene. In addition it has been agreed to remove the redundant fencing, fence posts and overgrown vegetation that will tidy up the site.

## **Recommendation**

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

1. Development to accord to approved plans
2. Permission to be granted for a temporary period of three years
3. The redundant fencing, fence posts and overgrown vegetation to be removed from site within two months of the date of the decision

## **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 decision 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 decision 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