

Agenda Item A5	Committee Date 24 June 2019	Application Number 18/01100/FUL
Application Site B And Q Superstore Aldcliffe Road Lancaster Lancashire		Proposal Relevant Demolition of existing retail building (A1) and associated water tank and enclosure and erection of a food store (A1) with associated external plant and enclosure, car parking, servicing areas with hard and soft landscaping
Name of Applicant Mr Stuart Parks		Name of Agent Miss Emily Roberts
Decision Target Date 2 January 2019		Reason For Delay Submission of amended plans, supporting documents and re-consultation.
Case Officer		Mrs Jennifer Rehman
Departure		No
Summary of Recommendation		Approval (subject to expiry of consultation period)

1.0 The Site and its Surroundings

- 1.1 The application site relates to a 0.59 hectare brownfield site located approximately 120 metres southwest of the city centre (and its primary shopping area), occupying an edge of centre location. Surrounding development is largely residential with some nearby commercial uses located along Queen Street and Aldcliffe Square. The rears of 25 – 49 Portland Street and the side of 50 Aldcliffe Road flank the western boundary of the site. 23 Portland Street and its rear garden, Speights warehouse (food suppliers) and 24 Queen Street and its garden border the northern boundary. Queen Street borders the north eastern corner of the site with Spinners Court (sheltered housing) beyond. Aldcliffe Road runs along the south eastern boundary of the site. South of this road lies Chancellors Wharf (student accommodation) and Lancaster Canal. The Water Witch public house, Aldcliffe Yard (residential conversion) and the Royal Lancaster Infirmary are south of the canal.
- 1.2 Access/egress is taken off Aldcliffe Road circa 35m north east of the junction with Queen Street. The site has a triangular form and currently accommodates a large retail unit occupied by the B&Q DIY store, which comprises a large single portal framed building together with its associated car parking, serving and storage areas, water tank and landscaping. A small sub-station is located on the southern boundary. The building occupies most of the northern half of the site with the car parking dominating the southern part of the site.
- 1.3 The existing building has a simple rectangular form with a flat roof. It is finished in a combination of random coursed natural sandstone (to the front), buff brick (to the sides and rear) and grey (with red trim) box profile cladding. It is a relatively tall single storey building (approximately 7.8m) with no first floor accommodation/mezzanines internally. The store's customer entrance comprises a flat roof box-like canopy on the southern elevation of the building, with a large illuminated advert above. A further large, illuminated advert is on the eastern elevation of the building.
- 1.4 A secure external storage compound is located along the western elevation of the building where the store's service access is located. Additional storage areas extend along this boundary within the car park and around the existing water tank. The western boundary comprises a relatively high

retaining wall alongside the building that extends into a narrow wooded embankment. The store's external garden centre is located to the east of the building, enclosed with high palisade fencing. This sits above the stonewall facing Queen Street and wraps around the front of the building. Within the car park, there are small incidental pockets of planting together with existing lighting columns.

- 1.5 The topography of the site is relatively flat with an elevation of approximately 22m Above Ordnance Datum (AOD), with a slight fall towards the southern western corner. The site sits marginally higher than Aldcliffe Road and Queen Street. Neighbouring properties on Portland Street are elevated above the site.
- 1.6 The site is situated within Lancaster Conservation Area (High Street Character Area), immediately adjacent to the Aldcliffe Road Conservation Area. There are a number of Listed buildings in relatively close proximity to the site (e.g. 20-22 Queen Street and the Aldcliffe Yard buildings associated with Lancaster Canal basin), with a number of non-designated heritage assets of local importance situated immediately adjacent to the site (e.g. Portland Street/Speights Warehouse building). Trees within the site not subject to individual Tree Preservation Orders but are protected by virtue of the Conservation Area designation. A deciduous tree belt runs along western boundary elevated on a small embankment.
- 1.7 The site is outside a flood risk area (i.e. within flood zone 1) or critical drainage area. The northern boundary of the site is subject to surface water flooding (1 in 100yr and 1 in 1000yr). The city's Air Quality Management Area (AQMA) is located approximately 160m east of the centre of the site. Lancaster Canal is a Biological Heritage Site and in the saved Local Plan enjoys 'Green Corridor' and 'Informal Recreational Area' allocations.

2.0 The Proposal

- 2.1 The applicant seeks consent for the Relevant Demolition of the existing building and the erection of a new building for a foodstore (A1 use class) with a gross internal area of 1,801square metres (net sales equating to 1,254 square metres). The new building accommodates the northern half of the site and has a similar footprint to the existing building, measuring 64 metres in length (longest part along the northern boundary) and 32 metres deep. The proposed building has a mono-pitched roof with its highest part facing into the proposed car park (south). This forms the front of the building. The tallest part of the building measures approximately 8.2 metres falling to approximately 5.4 metres to the rear of the building (north). The south and east elevations incorporate significant areas of glazing with a metal canopy to form the principal entrance and trolley bay area. The building will also feature Kingspan cladding (suggested Grey Beige) and vertical timber cladding to the principal facades, with an incidental brick plinth. Windows and doors shall be powder-coated aluminium in a dark grey, with a grey standing seam metal roof.
- 2.2 Service provision is proposed along the western side of the proposed building and comprises a delivery ramp and dock leveller system (i.e. loading and unloading to be undertaken largely from inside the building). The levels in this location will need to drop around 1.3m to provide appropriate levels for the service vehicles to reverse into the loading bay doors. The existing car park shall be reconfigured, together with a small area for parking to the east of the proposed building, to provide a total of 97 parking spaces (6 of which would be accessible, 9 parent and child, 10 staff spaces and 5 motorcycle bays). Cycle parking provision (10 cycles) is proposed to the east of the building. Landscaping is proposed between the boundary with Queen Street and the parking area to the east of the building (where the existing garden centre is located) with some incidental planting within the body of the car park. The existing priority-controlled T-junction off Aldcliffe Road shall serve the proposed development with minor changes to the kerb lines and the wall at this junction.
- 2.3 As part of the proposal, plant equipment (refrigeration and condenser units) shall be located between the northern elevation of the building and the boundary with 23 Portland Street/Speights in the north-western corner of the site. The tallest plant equipment is approximately 2.4m high from the lowest ground level on the site. The plant enclosure is approximately 11m from the western boundary of the site and immediately abuts the northern boundary of the site.

3.0 Site History

- 3.1 The applicant has engaged with the Local Planning Authority at the pre-application stage in the form of our level 1 (in-principle) pre-application advice. The applicant did not pursue detailed advice in relation to the specifics of the scheme and its design.

Application Number	Proposal	Decision
18/00166/PREONE	Demolition of existing building and erection of a replacement building with associated car parking, servicing areas with hard and soft landscaping	Subject to consideration of the sequential test, the principle likely to be acceptable.
12/00917/PLDC	Lawful development certificate for proposed use as a food store	Certificate granted for unrestricted retail use.
99/00668/FUL	Erection of a 3.6 metre high galvanised weld mesh fence to form secure compound - Approved	Approved
82/01247	DIY store with car parking (Reserved Matters)	Approved
81/1196	Erection of a DIY retail unit with associated parking	Allowed at Appeal

4.0 Consultation Responses

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

Consultee	Response
Local Highway Authority (LHA)(Lancashire County Council)	<p>No objections – following the submission of amended information, the LHA is satisfied that the indicative off-site highway improvements will address pedestrian access concerns previously raised: the amendments to limit parking to the east of the building for staff parking spaces will reduce conflicts at the access/egress, and the inclusion of a service management plan could replace previously suggested condition to restrict delivery hours. The LHA are satisfied that the traffic generated from the development will not adversely affect the safe operation of the network.</p> <p>The LHA continues to raise concerns over the location of the cycle parking area and lack of taxi drop-off though notes that such may affect the internal car park circulation, and that such impacts are unlikely to have direct consequences on highway safety.</p> <p>The following conditions are recommended:</p> <ul style="list-style-type: none">• Scheme for construction of access• Access and turning as indicated on the approved plans to be provided before first use• Scheme for off-site highway works to be agreed and implemented• Provision of car, motorcycle and bicycle parking before first use• Car Parking and Service Management Plan• Travel Plan• Construction Management Plan
Lead Local Flood Authority (LLFA) (Lancashire County Council)	<p>No objections - following the submission of an amended FRA, the LLFA has withdrawn their objection, subject to the following condition:</p> <ul style="list-style-type: none">• Detailed surface water drainage scheme
United Utilities (UU)	<p>No objections subject to the following conditions:</p> <ul style="list-style-type: none">• the drainage for the development is carried out in accordance with the amended FRA and surface water discharging to the public combined sewer does not exceed 20 litres per second.• Foul and surface water shall be drained on separate systems.• Management and maintenance of any sustainable drainage systems

Environmental Health Service (Air Quality Officer)	No objections - following the submission of further information and the proposed mitigation measures, the Air Quality Officer no longer objects to the development subject to securing the prescribed mitigation.
Environmental Health Service (EHO Officer - Noise)	No objections – following the submission of an amended Noise Assessment, changes to the proposed servicing hours and additional survey effort, the Council's EHO is satisfied that there will be no adverse noise impacts associated with deliveries and the operation of the site or the plant equipment, subject to the noise mitigation to ensure the rating levels of the plant equipment does not exceed representative background noise levels.
Environmental Health Service (Contaminated Land Officer)	No objections - subject to the imposition of standard contaminated land conditions.
Conservation Officer	No objections - following amendments to the use of materials to the proposed building, the Council's Conservation Officer does not have any objections to the proposals, but reiterates the Civic Society's comments on the possible reuse of stonework instead of brick.
Lancashire Archaeology Advisory Service	No objections - comments received note that the proposal will not have significant impacts on designated heritage assets, but suggests that there may be some impact on buried remains. LAAS recommend an archaeology condition be imposed if the development is approved.
Lancaster Civic Society	The Civic Society have raised no objection to the principle of the development and recognise the development would be a considerable improvement on the existing B&Q store. However, they have raised some concerns over the signage and use of materials. The Civic Society have a strong preference for the reclaimed stone to be re-used in the redevelopment of the site.
Tree Officer	No objection subject to the following conditions: <ul style="list-style-type: none"> • Development to be carried out in accordance with the submitted Arboricultural Constraints Plan • Landscape Scheme to be implemented and maintained • An Arboricultural Method Statement and Tree Protection Scheme to be submitted for approval before site clearance/works commence.
Natural England	No comments and directs the Local Planning Authority to their Standing Advice for protected species.
Canal and Rivers Trust	No comments on the proposal.
Dynamo Cycle Campaign	Objection on the following grounds: <ul style="list-style-type: none"> • Increase in traffic and operational hours would increase the risk of accidents to cyclists particularly at the junction with Queen Street; • Recommends Queen Street is closed to two-way traffic; • Poor internal arrangements for cyclists.
Fire Safety Officer	No objections – provides standard advice in relation to Part B5 of Building Regulations relating to access and facilities for the Fire Service.

5.0 Neighbour Representations

5.1 At the time of drafting this report, 34 letters of objection have been received in response to the original application and amended consultations. The main reasons for opposition are as follows:

Traffic and safety issues, including:

- inadequate and misleading Transport Assessment, including lack of consideration of Queen Street/Lindow Square/Carr House Lane in relation to traffic flows/junction analysis;
- lack of consideration of deliveries vehicles parked on Queen Street and Aldcliffe Road associated with adjacent warehouse (Speights) and B&Q;
- general concerns over the increase in traffic along Aldcliffe Road (an surrounding streets) and increase risk of accidents;
- whilst overall increase in trips may be small residents are concerned about the diversion of traffic on the network;

- local residential streets unsuitable and unsafe to deal with additional traffic (e.g. one-way routes, on-road parking, narrow carriageways, poor pedestrian crossing facilities within the locality);
- lack of mitigation to address traffic impacts;
- poor pedestrian connections to bus stops on South Road;
- access to alternative sustainable modes of transport is unrealistic given most people will shop in bulk and travel by car;
- on-site safety concerns due to the parking layout and circulation routes;
- loss of DIY store will have knock-on effects to the local highway network;; and
- concerns over the Highway Authority's comments to the application.

Noise and pollution issues, including:

- inadequate noise and air quality assessments;
- unacceptable operation and delivery hours;
- intolerable noise, disturbance and pollution from the additional traffic;
- no details of what measures will be put in place to protect residential amenity;
- inappropriate location and consideration for the plant equipment and the delivery loading bay alongside neighbouring residential gardens;
- the development will add to poor air quality in the AQMA where the objective levels are already exceeded;
- concerns over the effectiveness of the proposed air pollution mitigation;
- additional noise generated from electric vehicle charging points;
- concerns over mis-use of the car park (24 hours a day 365 days a year); and
- overall objectors are fundamentally concerned that the development will adversely affect their residential amenity, health and well-being and the right to the peaceful enjoyment/tranquillity of their homes and gardens.

Design and amenity considerations including:

- appropriateness materials given position within the Conservation Area;
- the building remains the same scale of the existing store;
- it is a clone store with little architectural merit; and
- late opening hours (including sale of alcohol) has the potential to risk anti-social behaviour and litter in the neighbourhood.

Principle matters including:

- the site is too constrained and is inappropriate for a food store due to the proximity to residential development and the configuration and character of the highway network;
- there are more suitable alternative sites, such as the Lancaster Canal Quarter site or somewhere on the Quay; and
- lack of a need for a food store given others in the area; and
- concerns over the loss of the only DIY store in Lancaster.

Other matters including:

- lack of consideration of the wildlife value of the trees along the northern and western boundaries with increased pollution negatively impacting local wildlife;
- lack of details over lighting and security measures;
- lack of consideration of pest control which would increase due to the nature of the use;
- incorrect assertions and facts set out in supporting documents as a result of copying and pasting other work, resulting in a lack of confidence in the preparation of the submission;
- no visits from the Officers or Councillors to assess the impacts of the development and appreciate the relationship of the site to neighbouring property.

- 5.2 A further response has been received providing the Local Planning Authority with a copy of a response sent direct to the Highway Authority following their statutory representations. The letter raises concerns over the Highway Authority's consideration of the application and urges them to reconsider their position.
- 5.3 A petition opposing the development has also been received. This has 51 signatures from 16 individual properties on Portland Street (backing onto the proposed site). The petition focusses on the noise impacts associated with the development and requests consideration be given to a

reconfiguration of the development on the site to reposition the servicing area and plant equipment to the Queen Street side of the development away from Portland Street.

5.4 The Local Planning Authority has also received representations from a legal firm objecting to the proposal on behalf of residents from 21, 23, 31, 33 and 35 Portland Street and 51 and 57 Regent Street. The objection letter acknowledges the fact that the site benefits from an Existing Lawful Development Certificate (ELDC) for an A1 (food store), but goes on to state that the impacts are associated with matters of design and are additional to any adverse impacts from using the existing building as an A1 retail store and summarises these as follows:

- Increase of 76 sq.m of floor space;
- An increase of an additional 22 parking spaces;
- Extended delivery and operational hours;
- Introduction of refrigeration and condenser plant in close proximity to neighbouring residential property;
- Reconfigured car park layout and servicing arrangements;
- Increased deliveries and vehicle movements for longer on site; and
- Excessive glass to the elevations and a design that does not have enhancing qualities.

In summary, the objectors contend that due to very different nature of the retail operator (convenience) from the existing B&Q store and because of the above, the development would result in adverse conditions in respect of neighbouring residential amenity and quality of life (noise/light pollution); impacts on biodiversity (light and traffic fumes); adverse highway conditions and a negative impact on air quality. Other matters raised include:

- Failure to undertake a robust noise assessment (noise monitoring undertaken was unrepresentative, overestimated the traffic noise impacts of the nearby hospitals, inappropriate noise monitoring location);
- Applicant has failed to address Environmental Health Officer concerns over noise from plant equipment and operational hours;
- The proposal has an impact on Air Quality and the Air Quality Assessment fails to assess the impact on properties on Portland Street;
- The proposal fails the sequential assessment and the Planning Policy Officer's conclusions that there are no other sequentially preferable sites is wholly irrational given the analysis of the consideration of the Canal Quarter site;
- Great weight has not been given to the harm the development would have on heritage assets; and
- Failure to secure taxi drop off/pick up point would be contrary to DM20

In summary, this objection letter concludes that the proposal fails to accord with the Development Plan and without material considerations to explain why the development is contrary to the Development Plan, if approved there would be a breach of the statutory obligations set out in the Planning Acts.

5.5 3 letters neither objecting to nor supporting the proposal have been received, commenting on the following points:

- A supermarket south of the river is a positive addition and will reduce traffic;
- No commitment in the submission to provide electric vehicles charging facilities;
- Electric vehicle charging facilities should be provided within the site;
- Preference for the retention of the B&Q store over a food store;
- The proposed building does not seek to preserve or enhance the Conservation Area - it is a design that is merely different from the existing building – the incorporation of shutters is a retrograde step.
- Requests for stone to be used on the building and consideration of a “green roof/green walls”;
- Queries concerning car park management (and gates) to prevent misuse outside operational hours;
- Measures to encourage traffic to leave towards Penny Street and avoid the local residential streets are required;
- Poor pedestrian crossing facilities across Aldcliffe Road;

We have received 16 letters of support. As summary of the comments received are set out below:

- A food store south of the river is a positive addition to the city;

- Provides a more affordable supermarket in the city;
- The proposal will reduce people living south of the river traveling north of the river to do their convenience shopping;
- Its location is within easy walking distance and accessible.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraphs 7 – 10 Achieving sustainable development
 Paragraph 11 – 12 The Presumption in favour of sustainable development
 Paragraphs 38 – 43 – Pre-application engagement and front loading
 Paragraphs 47 – 50 Determining applications
 Paragraphs 54 – 55 Planning conditions
 Paragraphs 85 – 87 & 90 Ensuring the vitality of town centres (sequential testing)
 Paragraphs 91 – Promoting healthy and safe communities
 Paragraphs 102, 108 – 110 – Promoting sustainable transport
 Paragraphs 117 – 118, 122 – 123 – Making effective use of land
 Paragraphs 124, 127, 129, 130 - Achieving well-designed places
 Paragraphs 170, 174-175, 178 – 183 Conserving the natural environment
 Paragraphs 189-192, 196, 197 and 200 – Conserving and enhancing the historic environment
 Paragraphs 213/214 – Annex 1 Implementation

6.2 On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

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

The Examination Hearing Sessions took place in April 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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Development Management DPD (adopted December 2014)

DM1 – Town Centre Development
 DM20 – Enhancing Accessibility and Transport Linkages
 DM21 – Walking and Cycling
 DM22 – Vehicle Parking Provision
 DM27 – Protection and enhancement of Biodiversity
 DM29 – Protection of Trees, Hedgerows and Woodland
 DM31 – Development affecting Conservation Areas
 DM32 – The setting of Designated Heritage Assets
 DM33 – Development Affecting Non-designated Heritage Assets
 DM34 – Archaeology
 DM35 – Key Design Principles
 DM36 – Sustainable Design
 DM37 – Air Quality Management and Pollution
 DM39 – Surface Water Run-off and Sustainable Drainage
 DM48 – Community Infrastructure

6.4 Lancaster District Core Strategy (adopted July 2008)

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

6.5 Submission Version of the Emerging Local Plan – A Local Plan for Lancaster District 2011-2031:

Part One: Strategic Policies and Land Allocations DPD

TC1 – The Retail Hierarchy for Lancaster District

TC2 – Town Centre Designations

TC3 – Future Retail Growth

SG 5 – Canal Corridor North, Central Lancaster

Submission Version of the Emerging Local Plan – A Local Plan for Lancaster District 2011-2031:

Part Two: Review of Development Management DPD

DM16 – Town Centre Development

DM28 – Employment and Skills Plans

6.6 Other material considerations

National Planning Practice Guidance

Employment and Skills Plans Supplementary Planning Document (SPD) August 2018

Low Emission and Air Quality Planning Advisory Note (PAN) November 2018

Provision of Electric vehicle Charging Points for New Development (PAN) September 2017

Noise Policy Statement for England (NPSE) March 2010

BS 8233:2014: Guidance on Sound Insulation and Noise reduction for Buildings

BS 4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound

World Health Organisation (WHO) 1999: Guidelines for Community Noise

Lancaster Conservation Area Appraisal

Case Law - Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314

Procedural Matters

Ahead of reporting this planning application to Planning Committee, a Committee site visit took place on Monday 28 January 2019.

7.0 Comment and Analysis

In assessing this proposal, the main issues are:

- 1) Principle of retail development;
- 2) Traffic, parking and sustainable travel considerations;
- 3) Air Quality implications;
- 4) Design, Built heritage and Archaeology considerations;
- 5) Residential Amenity and Noise implications;
- 6) Other considerations (ecology, flood risk, drainage and site contamination).

7.1 Principle of retail development

7.1.1 Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan (insofar as it is relevant to this application) includes the saved Local Plan, the Core Strategy and the adopted Development Management DPD. The relevant policies are set out under section 6 of this report. The National Planning Policy Framework ('the Framework') sets out the Government's planning policies for England and is a material consideration in planning decisions.

7.1.2 *Site history and Fall-back position*

The application site was once occupied by an industrial mill, known as Queens Mill. In the early 1980s planning permission was sought for the erection of a DIY retail unit on the site. This was refused planning permission by the Local Planning Authority but subsequently allowed on appeal. It is this planning permission that currently rests with the land. The existing B&Q DIY store has occupied the site for a considerable period. In 2012, an application for a Lawful Development Certificate for a Proposed Use (PLDC) was submitted seeking confirmation from the Local Planning Authority that there were no planning restrictions upon the range of goods that could be sold from the existing retail unit - meaning the building could be lawfully used for any A1 retail purpose. The PLDC was granted confirming, in effect, there would be no material change in use from the current retail use (as a bulky comparison retail) to any other form of retail, such as convenience retailing.

7.1.3 It is also noted from the original planning permission for the DIY store and subsequent permissions, that there are also no planning restrictions limiting the hours of operation, hours of deliveries and parking provision. As a consequence, the applicant could legitimately convert the existing B&Q store to a food store and operate as such without any restrictions over the type of retail sold or the hours of use and hours of servicing. This provides a legitimate fall-back position for a similar proposal to that applied for. Officers are mindful that whilst the applicant could utilise the existing building, some elements of the development currently being applied for could require separate planning permissions.

7.1.4 In order for the fall-back position to be given weight in the determination of this application, the basic principle of the fall-back position is that there is a real prospect that the fall-back position could be implemented. 'Real prospect' is a matter that has been through the courts and determined that a 'real prospect' does not need to be probable or likely: possibility will suffice.

7.1.5 The applicant is the current owner of the site. The fact they now own the site; they have submitted pre-application requests to the Council to develop the site as a food store; and have advanced to a formal planning application (with specific reference to the PLDC) makes it clear that they are intent on developing the site. The evidence before us suggests that it is clear that the applicant would prefer a new building which follows their standardised model rather than utilising an existing building. However, it would be wholly unrealistic to suggest that the applicant would not consider re-using the existing retail unit as a food store if the applicant could not obtain planning permission for the development now proposed. Having regard to relatively recent case law on the matter (*Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314), it is reasonable to conclude that the fall-back position is realistic and that it should be regarded a material consideration in this case.

7.1.6 *Sequential Test*

The proposed site is an unallocated site within the existing built-up area of the city of Lancaster, save for being located within Lancaster's Central Parking Area. It is located outside the City Centre boundary and Primary Shopping Area. Given its close proximity to the centre it is accepted as an edge-of-centre site. Policy DM1 of the Development Management Development Plan Document (DM DPD) requires proposals for main town centre uses (such as retail), which are not located in town centre locations, to undertake a sequential assessment of alternative in-centre and edge-of-centre sites. If having undertaken an assessment there are sequentially preferable sites suitable and available, planning permission should be refused. Significant weight should be afforded to the outcome of the sequential test. This echoes national policy set out in Section 7 of the Framework.

7.1.7 Both local and national planning policy stress that main town centre uses should be located in town centres, then edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. Where there are no town centre sites capable of accommodating the proposed development, preference is given to edge-of-centre sites that are well connected to the centre by means of good pedestrian and public transport networks. The fundamental purpose of this policy approach is to support, maintain and enhance the vitality and viability of town centres.

7.1.8 In accordance with the Framework and the National Planning Practice Guidance ('NPPG'), the scope of the sequential assessment was subject to pre-application discussions with the Local Planning Authority. This related to the catchment area and the existing centres that needed to be assessed. The catchment area is largely defined to Lancaster City Centre based on the scale, form and type of retail proposed (Class A1 discount food retail of 1,725sqm Gross Internal Area (GIA) together with associated parking and servicing). When considering alternative sites, the sequential

assessment should consider sites suitable for the development proposed by the applicant and sites that are available within a reasonable period. Paragraph 87 of the Framework and policy DM1 also requires both developers and Local Planning Authorities to demonstrate flexibility on issues such as scale and format. This is to ensure opportunities to utilise suitable town centre sites or edge-of-centre sites are fully explored. There is no requirement for a retail impact assessment (RIA) due to the scale of the development. The threshold (2,500sqm GIA) for a RIA is set out at paragraph 89 of the Framework.

7.1.9 The submitted Sequential Assessment identifies two edge-of-centre sites in Lancaster City Centre, namely land at Bulk Road/Lawsons Quay and land now known as Lancaster Canal Quarter. Given the scale of the development proposed, Officers are satisfied that there are no other sequentially preferable sites that should be considered. The Bulk Road site is not accepted as a sequentially preferable site not least because the Local Planning Authority would judge it out-of-centre. The Canal Quarter site is of greater relevance. It is an edge-of-centre site and is identified in both the adopted and emerging Local Plan as a key regeneration area. In particular, the site is expected to deliver a sustainable expansion of the City Centre and is envisaged to deliver a mix of uses, including both comparison and convenience retail.

7.1.10 At the pre-application stage, Officers were not satisfied with the applicant's justification to discount the Canal Quarter site (on the grounds on availability and suitability) as a more sequentially preferable site. The submitted assessment does not advance the matter further. The applicant contends the Canal Quarter site would not be suitable or available for the following reasons and that the Aldcliffe Road site is better suited for the proposed development:

- Unrealistic that early phased delivery on the site would occur close to the applicant's timescales for delivering the development;
- Past performance (non-delivery) suggests it is a large and complex site and will require a greater period of time to deliver it in the manner envisaged by the Council (as set out in the emerging Local Plan);
- Due to the scale of the development it could not be 'ancillary' convenience retailing to compliment other town centre uses;
- The proposed parking arrangements for the Canal Quarter site would be incompatible with the applicant's operations/needs;
- Concerns over the impacts of the proposed development on designated heritage assets; and
- Highway constraints.

7.1.11 There remain deficiencies in the applicant's assessment for the Canal Quarter site. Notwithstanding this, it is accepted that the proposed site is also sequentially preferable (to the Canal Quarter site) as it too is on the edge of the defined centre. It is accepted that there are no in-centre sites that would be sequentially preferable to the proposed site.

7.1.12 Policy then turns to sites on the edge of the centre that are well connected by means of public transport and pedestrian networks. There are arguable differences between the two sites as objectors have pointed. However, it would be unreasonable to conclude the proposed site is not well-connected to the existing centre, particularly having regard to the pedestrian improvements proposed to link the site to South Road (see highway section below). In conclusion, whilst there are deficiencies in the sequential assessment undertaken, given the proposed site is also an edge-of-centre site; it is marginally closer to the primary shopping area than the Canal Quarter site; the site is clearly available and more suitable to deliver the proposals in a more timely manner (compared to advancing proposals on the Canal Quarter site); and finally the fact there is a clear fall-back position; on balance, a refusal of planning permission on the grounds that the sequential test fails could not be substantiated. Subsequently, the principle of the site being developed for convenience retail is considered acceptable.

7.2 Traffic, parking and sustainable travel considerations

7.2.1 The submitted application has been submitted by a Transport Assessment, Framework Travel Plan and additional technical highway notes in response to matters raised by the Local Highway Authority (LHA) during the determination period of the application.

7.2.2 *Traffic generation*

The applicant's assessment of traffic impacts has been considered and judged acceptable by the LHA. There is a clear recognition that the traffic generated for the proposed retail use will be markedly different to that for B&Q. However, it is accepted that there would only be 20% of new trips on the local highway network. The applicant's assessment (using TRICS, the industry accepted trip generation modelling software) indicates that the trip generation for the proposed food store is anticipated to be 138 two-way vehicle trips in the weekday AM peak, 321 two-way vehicle trips in the weekday PM peak. However, taking into account pass-by and diverted trips, it is anticipated the additional traffic generated from the development on the highway network would be much less (28 two-way trips during the weekday AM peak, 65 two-way trips during the PM peak). The trip generation, trip proportions and trip distributions used to undertake operational capacity assessments is accepted. The junctions evaluated do not show any significant/severe detrimental effects and all the junctions tested are shown to operate within theoretical capacity. The LHA has raised no objections to the applicant's assessments or the traffic impacts anticipated from the development. On this basis, the development does not conflict with the relevant parts of DM20, DM35 and paragraph 108 of the Framework.

7.2.3 *Servicing*

Due to the constrained nature of the site (and like other Aldi stores), service vehicles will utilise the main customer access/egress off Aldcliffe Road. The service bay is proposed to the west of the building alongside the wooded embankment neighbouring the rear of properties on Portland Street. This means service vehicles would need to manoeuvre along the front of the building, then head southwards before reversing up along the western boundary into the proposed service bay. The submission indicates that approximately four articulated service vehicles, one bin collection and one milk delivery would access the site each day (a total of 6).

7.2.4 The position of the service bay is similar to the existing arrangements for B&Q. The main differences relate to the routing for service vehicles and the hours of deliveries. B&Q has an external service yard alongside the western boundary of the existing building. Currently service vehicles stop on Aldcliffe Road and reverse into the proposed site (with banksman/staff) and alongside the front of the existing building. Goods are dispatched from the service vehicles into the external yard area and then manually, or with fork lift trucks, moved from the yard into the building. Currently, residents indicate that the existing DIY store does not have deliveries before 8am or after 5pm Monday to Friday and no deliveries at the weekend. Officers are also led to believe there are currently fewer deliveries to the existing store than what is proposed by the application. The proposed reconfiguration of the car park has been designed to enable service vehicles to enter and exist in forward gear. From a public highway safety perspective this is far more acceptable than the current arrangements.

7.2.5 The applicant originally requested serving hours of 06:00-23:00hrs Monday-Saturday and 08:00-17:00 on Sundays. Following further assessment (see noise considerations below), the applicant has reduced this slightly to 07:00-22:00 hrs Monday to Saturday. On Sundays, the latest noise assessment assumes 08:00-18:00 hrs. The LHA has raised no objections to the servicing arrangements, subject to a Service Management Plan condition. The purpose of this is to ensure most deliveries take place outside highway peak times. The applicant is amenable to this condition.

7.2.6 *Parking*

The proposed level of parking falls below the maximum standards set out in DM22 and appendix B. Based on the proposed 1,725sqm (GIA), the car parking standards indicate that there should be one parking space for every 16sqm (assuming a town centre location). This would equate to 108 spaces. The proposed parking provision (97 spaces) falls marginally below the maximum standards but given the ambitions set out in the Travel Plan and the site's edge of centre location, this the level of parking proposed is deemed acceptable. As part of the overall parking provision, the scheme also provides sufficient accessible and parent and child parking, as well as motorcycle bays and cycle provision (10 spaces). A further 10 car parking spaces are intended to be for staff. This is to prohibit excessive vehicle movements within the site from the junction northwards to the east of the proposed building. There are no objections from the LHA in respect of the level of parking proposed, other than a requirement to secure an appropriate Car Parking Management Plan by condition. This is intended to manage and control the length of time shopper's park on the site and to prevent the car park being misused. The applicant is agreeable to such a condition and has already indicated in the submission that they intend to implement an Automatic Number Plate

recognition (ANPR) system with a limit of 90 minutes, but amenable to a 60 minute limit if deemed appropriate.

7.2.7 *Sustainable Travel*

Planning policy requires development proposals and decisions to give priority to pedestrian and cycle movements and to facilitate access to public transport (DM20, DM21 and paragraph 110 of the Framework). The site's edge-of-centre site within the urban area of the city means that there is relatively good access to existing pedestrian and cycle infrastructure. There are footways along the site frontage to Aldcliffe Road linking to the residential areas to the west and the mixed residential and commercial areas to the north and east. The canal towpath provides alternative routes towards the city, west towards Aldcliffe and across the canal toward the RLI and residential areas beyond. The city's cycle network is also within close proximity to the site. The most significant concern has been the lack of appropriate crossing facilities on Aldcliffe Road for pedestrians to access the bus stops on South Road to the south east of the site. This was a concern to the LHA in their original response. The applicant now proposes off-site highway improvements to the south side of Aldcliffe Road close to the junction with South Road. This involves the removal of the existing lay-by and the formation of a new footway extending approximately 33m down Aldcliffe Road from this junction. New dropped kerbs with tactile paving are proposed on Aldcliffe Road approximately 5m southwest of the junction with Henry Street. The LHA is satisfied with the proposed highway improvements.

7.2.8 Given the scale and type of development proposed, the applicant has submitted a Framework Travel Plan (FTP). This has adopted typical measures to encourage sustainable travel to and from the store, particularly for staff, such as car sharing initiatives, cycle provision, promotional information including bus routes/timetables and the like, and the appointment of a Travel Plan Coordinator. The FTP also supports the proposed aims of the recommended Service Management Plan, to avoid deliveries at the peak times on the local highway network and will form part of the development's air quality mitigation package. A full travel Plan will be required by planning condition and must include realistic targets, monitoring and review measures.

7.2.9 In conclusion, it is accepted that the proposed development would not result in unacceptable impacts on the local highway network and that the scheme would not lead to unsafe or unacceptable highway conditions. The scheme satisfactory caters for pedestrians and cyclists with the proposed off-site highway works providing improved connections between the site and public transport services. Overall, the scheme is compliant with the Development Plan and the Framework with regard to highway-related considerations.

7.2.10 *Internal circulation*

The internal layout of the development follows the same model as the existing store's layout with the majority of the parking located in the southern half of the site. The position of the access remains as existing also. The inclusion of customer parking to the east of the building (north of the site access) was not accepted due to the potential risks of queuing internally backing up into the public highway. There were also concerns over the increased risk of pedestrian, cyclists and vehicle conflict. The applicant now proposes this to be staff parking (controlled through the Car Parking Management Plan condition), which would limit the number vehicle movements from the access into this area of parking. This has resolved the public highway safety concerns originally posed. The applicant maintains a position that the cycle parking and motorcycle bays north of the site access would not be unacceptable. Pedestrian conflicts can be safely managed through the provision of the crossing facilities marked internally within the site and direct access from the adjacent footway on Aldcliffe Road in the site. With fewer vehicle movements here, conflicts with cyclists will be less. Concerns have also been raised about the conflicts between service vehicles and customers when the store is open. Like many food stores, service vehicles will utilise the principal (customer) access/egress into the site. It is accepted that this may not be ideal and there will be conflicts during certain periods of the day. The Service Management Plan should consider this matter and ideally look to avoid peak shopping times. The concerns here can be satisfactorily addressed by ensuring the pedestrian crossings are provided as indicated on the plans, together with the Service Management Plan and Car Parking Management Plan. Planning conditions can deal with these matters.

7.3 Air Quality

7.3.1 The proposed development lies approximately 130m west of the City's Air Quality Management Area: an area designated due to poor air quality conditions. Subsequently, the applicant has

submitted an Air Quality Assessment with their submission. The applicant's assessment concludes that the development was not predicted to result in any exceedances of the relevant air quality objectives and therefore the impact on air quality was predicted to be negligible/slight. The Council's Air Quality Officer raised concerns that the assessment relied on overly optimistic pollution reduction assumptions over a short period and that whilst the predicted impacts were small, given the objective levels within the Air Quality Management Area (AQMA) remains above the objective level the impacts would be significant. For this reason, the Council's Air Quality Officer was of the opinion more robust assessment and mitigation were required. Following original objections to the scheme from the Council's Air Quality Officer, additional technical notes and evidence have been submitted.

- 7.3.2 DM37 requires new development within or adjacent to an AQMA to not significantly adversely affected by the air quality within the AQMA and include mitigation where appropriate. Paragraph 181 of the Framework seeks planning policy and decisions to sustain and contribute towards compliance with objective air pollutant levels taking account of AQMAs. It recognises that green infrastructure improvements and traffic and travel management are ways in which air quality impacts can be mitigated. The Framework also requires decisions to be consistent with the local air quality action plan. Based on the latest assessments from the developer, the traffic generated from the development (having provided a more realistic assessment of the traffic generation - increase in daily vehicle trips estimated to be around 340) would negatively impact air quality within the AQMA where exceedances already existed. The proposed mitigation (in the form of a rapid charging electric vehicle point on site and the implementation of a full Travel Plan) would result in a reduction of approximately 24% of the total predicted development-generated traffic emissions. At this stage this is relatively conservative and over time the improvements could be more significant as the uptake in electric vehicles becomes greater (year on year). In addition, the applicant also seeks to promote sustainable travel through improvements to the footway network along Aldcliffe Road. The Council's Air Quality Officer no longer objects to the proposal subject to securing the mitigation measures proposed, together with a condition to control dust during demolition/construction phases (though this is covered by other legislation). With mitigation, the proposed development would not significantly adversely impact the air quality around the site and within the AQMA and therefore does not conflict with the Development Plan or the Framework.

7.4 Residential Amenity and Noise implications

- 7.4.1 The relationship of the proposed development with neighbouring residential properties is a major consideration given how close the development is to dwellings and gardens along the north and western boundaries of the site. The most affected neighbours are 24 Queen Street, 23 – 49 Portland Street and 50 Aldcliffe Road. 24 Queen Street and 23 Portland Street have their properties and rear gardens abutting the northern boundary of the site. The remaining properties on Portland Street lie adjacent to the site, separated by a wooded embankment and back alley (for some of the properties). Nevertheless, the rear elevations of these properties (taken from the outrigger elements of the buildings) are within 5 metres of the site boundary and around 9 metres of the proposed building and car park.
- 7.4.2 These neighbouring residents currently sit alongside the existing B&Q store and share a similar relationship (in physical terms) to the proposed scheme. In fact, the proposed building has a smaller massing than the existing building because of the reduced roof height to the rear (mono-pitched roof). It also has a marginally smaller footprint than the existing store, which is more notable to the east as the proposed building is pulled away from 24 Queen Street. The proposed design, appearance and use of materials to the new building is also an improvement to the existing building. On this basis, the outlook for neighbours will not be adversely affected by virtue of the building.
- 7.4.3 The proposed development includes a plant enclosure between the northern elevation of the building and the northern boundary of the site. This will be positioned at the same finished floor level as the proposed building (22 metres Above Ordnance Datum). The applicant has provided additional information to evidence that the acoustic fencing required around the enclosure, which needs to be 0.5 metres above the height of the tallest plant equipment, shall not exceed the height of the boundary treatment (fence above the stonewall) to 23 Portland Street. Therefore, the outlook for this neighbour should not be adversely affected by this element of the scheme. Conditions are recommended to control the precise position, appearance and design of any enclosures on the site.
- 7.4.4 For 27 and 29 Portland Street the redevelopment of the site will result in a reduced building mass immediately adjacent to them, thus improving their outlook slightly.

- 7.4.5 Generally, residents are not concerned so much about the building design and massing and the associated impact of this on their residential amenity, but are critically concerned about the nature and characteristics of the retail development proposed. The applicant originally sought opening hours of 08:00-23:00 hours Mon-Sat and 10:00-18:00 hours on Sundays with deliveries 06:00-23:00 hours Mon-Sat and 08:00-17:00 hours on Sundays. Compared with how B&Q currently operate (08:00-20:00 hours Mon-Sat and 10:00-16:00 hours on Sundays), the proposed change, understandably, causes residents concern. B&Q currently limit deliveries to weekdays only and not after 17:00 hours. However, these hours are not controlled by the planning permission that rests with the land. We understand the delivery hours/times have been mutually agreed between the operator and the community.
- 7.4.6 Paragraph 127 of the Framework and policy DM35 of the DM DPD requires development proposals to secure high standards of amenity for all. In particular, development proposals should ensure no significant detrimental impact to residential amenity in relation to visual amenity, privacy, overlooking, massing and pollution. Paragraph 180 of the Framework requires planning decisions to take into account likely effects of pollution on health, living conditions and the natural environment. It goes on to state that in doing so, development proposals (and decisions) should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise that would give rise to significant adverse impacts. Regard has been paid to the Noise Policy Statement for England (NPSE) as well as the relevant British Standards and associated guidance. The NPSE indicates that Significant Observed Adverse Effect Level (SOAEL) would lead to significant adverse effects on the health and quality of life of receptors affected. This should always be avoided. Where Lowest Observed Adverse Effect Levels (LOAEL) are detected mitigation should be provided to minimise the impacts arising from potential noise sources.
- 7.4.7 An acoustic report accompanies the planning application that originally concluded the development with the hours originally proposed would not result in significant adverse effects. This was disputed by Officers. There was, and remains, strong opposition from the local community over the adequacy of the report (and survey effort) and the effects the proposed development (operations/servicing and plant) on the health and well-being and overall living conditions (amenity) for nearby residents. The Council's Environmental Health Officer originally objected to the proposal raising concerns over the survey period and the potential noise effects of the development, particularly in the early hours and late evening hours of the day. Despite some reluctance from the applicant, additional surveys have now been conducted and a revised assessment has been submitted. Despite objections and concerns to the contrary, there are now no objections from the Council's Environmental Health Officer over the scope and methodology of the assessment, noting this accords to the relevant standards. The noise monitoring has been carried out in a representative position to capture sensitive receptors along Portland Street.
- 7.4.8 Following lengthy negotiation over the impacts of noise, the applicant has agreed to reduce the proposed opening hours and delivery hours. The hours have not reduced significantly from what was originally proposed, but are sufficient to ensure that the development would not result in adverse effects. The position of the servicing bay has been a serious concern to residents. Currently the existing store has fewer deliveries compared to the proposed use (6 per day) and does not take deliveries after 17:00 hours or at the weekend. However, the unloading of the deliveries takes place externally, manually using folk lift trucks. The applicant has attempted to address these concerns by enclosing the servicing area to ensure all unloading takes place inside the building – this is similar to their set up in Carnforth and Morecambe (new store). Residents remain concerned as this arrangement will result in additional noise from the service delivery vehicles manoeuvring along the boundary (with beepers) between the proposed delivery hours. This will result in a change from the current situation which may cause some disturbance. However, based on the outcome of the noise assessment, the level of deliveries proposed, conditions to manage service deliveries on site, including hours of operation/delivery, a refusal of planning permission could not be substantiated.
- 7.4.9 The noise impacts associated with the plant equipment have also been a significant concern. Whilst the applicant originally contended the noise from the plant would not significantly exceed the background noise levels, they have now accepted that in order to protect the amenity of residents at 23 Portland Street (garden area in particular), a planning condition would be imposed to ensure the plant noise does not exceed above the background noise levels. This has resulted in the provision of an acoustic enclosure around the plant, which shall be designed to reduce the plant

noise by around 10dB. The Council's Environmental Health Officer is satisfied with the overall assessment conclusions, subject to conditions to ensure the development is carried out and operates in accordance with the agreed details. This relates to controls for the revised hours of operation and hours for deliveries and the provision of the acoustic measures for the plant equipment.

- 7.4.10 The noise assessment has assumed delivery hours on Sundays between 08:00-18:00, which have been accepted. However, Officers are mindful of the originally permitted opening and delivery hours for the applicant's Aldi site in Morecambe. In the interests of being consistent and recognising that this site is far closer to residential property than the Aldi Morecambe store (the new store), the applicant has agreed to hours of opening and deliveries on Sunday between 09:00-17:00 hours.
- 7.4.11 The impact of the development does not just relate to noise, but the general disturbance and increased activity on the site in close proximity to neighbouring residents. Concerns associated with nuisance and security are matters that are capable of being addressed and mitigated by planning condition and through good operational management on site. There are a number of planning conditions recommended to help manage and reduce such impacts, including boundary treatments and enclosures, external lighting, refuse provision and car parking and service management plans.
- 7.4.12 Officers have been particularly mindful of the potential impacts the development would have on neighbouring residential amenity. Suggestions from the community to redesign the development and relocate the servicing areas to the east of the site, rather than west, were discussed with the applicant. These suggestions were discounted due to the knock on impacts this would have on highway safety and the impact of the resultant development on the visual amenity and the character of the area. Overall it is recognised that the proposed development will alter the environmental conditions surrounding neighbouring residents affected. However, such impacts are not considered so significant to justify a refusal of planning permission. Due regard must be given to the fact that the site could operate as a retail unit with no restrictions or planning controls.

7.5 Design, and Cultural Heritage Considerations

7.5.1 *Design matters*

Planning policy places a strong emphasis on importance of good design in delivering sustainable development. It is also recognised in planning policy and guidance that good design is more than aesthetics and is about place-making. The design of the proposed building is not ground-breaking. It has a functional form to suit the operator and practically replicates the scale and form of the large box-like building that currently occupies the site. The existing building does not positively contribute to the character and appearance of the area. Its loss with an alternative building provides an opportunity to visually improve the appearance of the site and its relationship with its surroundings.

- 7.5.2 The proposed development does not markedly improve the character of the area – it proposes to replace a large building with another large building on similar footprint of a similar scale. However, the appearance of the proposed building (in its amended form) is considered a betterment to the appearance of the area and the site itself. The mono-pitched roof, glazed elevations, feature canopy and more subtle use of materials will provide a more contemporary addition to the built form in the area. The proposed timber cladding shall consist of different sized (width and depth) vertical timber planks to provide some depth and articulation to the elevations. This timber cladding will extend along the front elevations and wrap around both side elevations. This will be complimented by the proposed beige coloured cladding (opposed to the black and silver cladding originally proposed) and the glazing/mock glazing to the corner facing Queen Street and Aldcliffe Road.

7.5.3 *Landscaping*

The scheme proposes the removal of the large water tank and timber enclosure within the existing car park, the removal of the high metal fencing currently enclosing the garden centre and seeks to retain the existing stone boundary walls around the site, subject to some minor changes to the wall at the access. The wooded embankment will be protected and retained with some additional planting within car park area and along the far eastern boundary. The Council's Tree Officer has considered the scheme and has raised no objections subject to appropriate conditions to adequately protect the trees along the western boundary and for the landscaping scheme to be fully implemented. The hard landscaping around the building and within the car park are matters that can be controlled by condition and do not raise significant concerns, provided there is some variation in materials to aid internal pedestrian circulation and to break up the mass of car parking areas.

The design, scale and appearance of the proposed development satisfactorily accords with policy SC5 of the Core Strategy and policies DM29 and DM35 of the Development Management DPD.

7.5.4 *Cultural Heritage*

The NPPF states that when considering the impact of a proposed development on the significance of designed heritage assets, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*. Similarly, section 72 requires that *in the exercise of planning duties special attention shall be paid to the desirability of preserving and enhancing the character or appearance of conservation areas*. Paragraph 195 and 196 of the NPPF seeks to express the statutory presumptions set out in s66(1) and s72 of the 1990 Act. It is clear that the statutory presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give significant weight to the desirability to preserve the heritage asset(s).

7.5.5 The proposed site lies within the Conservation Area (High Street Character area) and adjacent to Aldcliffe Road Conservation Area. There are also a number of designated heritage assets within the immediate surroundings of the site, including 29 Queen Street, 20 and 22 Queen Street, Toll House Inn, Lancaster Canal Basin, Lancaster Canal Old Blacksmiths Shop and Basin bridge and the Royal Lancaster Infirmary. There are also a number of non-heritage designated assets close to the site including Lancaster Canal and the properties flanking the site on Portland Street and Speights Warehouse. The redevelopment of the site has the potential to have impacts on the setting of these heritage assets as well as the potential to affect more directly the character and appearance of the Conservation Area.

7.5.6 The existing building does not make a positive contribution to the setting and significance of the Conservation Area or surrounding designated and non-designated heritage assets. Therefore the redevelopment of the site provides an opportunity to improve the quality of the area and the significance of the heritage assets affected.

7.5.7 The proposed site occupies a prominent position within the Conservation Area. The loss of the existing building and its ancillary structures (garden centre enclosure and water tank) are welcomed changes. Whilst the proposed development remains a large single building, similar to the scale and massing of the existing building, its overall design and appearance would be an improvement to the area. The development will provide a more contemporary, high quality building (compared to the existing), which would not materially affect the townscape qualities in this location. The building materials are now more subtle in tone and colour and will complement the traditional building materials surrounding the site. Whilst the loss of stone from the building is regrettable, it would not render the scheme unacceptable. There are no intentions to remove the historic stonewalls around the site, which clearly make a positive contribution to the Conservation Area, though a planning condition is recommended to control any new or amended boundaries and enclosures in the interests of preserving the character and appearance of the area. The amended use of materials and the overall design of the development is considered to make a neutral to slight positive contribution to the significance of the Conservation Area and the setting of nearby heritage assets. The Council's Conservation Officer has no objections to the proposal, nor do the Civic Society - save for request to re-use the existing stone. Consequently, the development is considered compliant with Policy SC1 of the Core Strategy, policies DM31, DM32, DM33 and DM35 of the Development Management DPD and paragraph 127 and 192 and 193 of the Framework. Due regard has been paid to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 and it is considered that the Conservation Area and nearby listed buildings would be preserved.

7.5.8 The impact of the development on buried archaeology is a material consideration in the determination of the application. Given the site previously occupied Queen's Mill (1840, cotton spinning mill) and that the site lies within close proximity to known archaeological interests, the potential for buried remains is considered relatively high. Whilst previous historic buildings have been demolished, given there are no buildings on the southern half of the site it is reasonable to assume those buildings may only have been demolished to ground floor level. The level of ground

disturbance proposed for this area is unknown at this stage, although assumed to be minimal given the intended car park use. However, there are risks associated with the proposed drainage works and as such, a condition is recommended to ensure appropriate archaeological investigations are undertaken before development commences. This accords with the requirements of Policy DM34 of the DM DPD.

7.6 Other considerations

7.6.1 Ecology

The site is brownfield, dominated by buildings and hard surfacing offering minimal valuable habitat for wildlife. Nevertheless, there is a belt of trees and scrub along the western boundary that provides suitable foraging habitat for birds and bats in particular. The application has been supported by a tree report and ecological appraisal. This proposes mitigation in the form of replacement tree planting (replacement of trees to be removed from the eastern boundary) and demolition/clearance works to occur outside of the bird-nesting season. The submitted appraisal also recommends that any external lighting be carefully designed to avoid excessive light disturbance to the wooded embankment. Biodiversity enhancement measures in the form of 3 bird boxes and 3 bat boxes are also proposed. The measures set out in the submission adequately demonstrate the development will have minimal impacts on local biodiversity and that the proposal will make a positive contribution overall. Such measures must be secured by planning condition so that the development accords with DM27 and DM29 of the DM DPD and paragraph 175 of the Framework.

7.6.2 Flood Risk, Drainage and Contamination

The Council's Contaminated Land Officer has requested conditions associated with a contaminated land and given it is previously developed land this is considered acceptable. The Lead Local Flood Authority (LLFA) have now removed their objection and are satisfied that a suitable surface water drainage scheme is feasible on the site. This will involve draining to the public sewer (as other more sustainable means are not possible in this location) at a restricted rate requiring attenuation on site. This offers a betterment from the existing drainage arrangements serving the B&Q store. The LLFA recommends precise details of the surface water drainage scheme by condition. United Utilities is satisfied with the proposals provided the surface water and foul water drains separately. United Utilities has confirmed acceptance for the surface water to drain to the public sewer at a restricted rate. A condition is also recommended to ensure any sustainable drainage features on site (attenuation) is appropriately maintained to prevent the risk of flooding on site or elsewhere due to a lack of maintenance.

7.6.3 Economic benefits

The application indicates that the proposal would generate 50 full time jobs (which is more than existing), plus employment during the construction stages of the development, thus providing economic benefits to the local area. This application has met the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP will need to detail how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. Development Management policy DM48 (Community Infrastructure) establishes the requirement and is supported by an ESP Supplementary Planning Document. As such, a pre-commencement condition will need to be applied to any consent granted to deliver the ESP.

8.0 Planning Obligations

8.1 No planning obligations are required for this development. Where planning controls are required to make the development acceptable, such can be adequately dealt with by planning condition.

9.0 Conclusions

9.1 The proposed redevelopment of the site for a food store will bring social, economic and environmental benefits to the area. This includes additional jobs both during construction and once operational; providing a discount food store in an area where such provision has previously been deficient; (and reduce the need to travel further afield); replacing the existing unsightly building and its enclosures; enhancements to the character and appearance of the Conservation Area, and; enhancements to the local pedestrian network. On the other hand, it is recognised that the proposal will lead to some negative impacts. This primarily relates to the impact on neighbouring residents and to a lesser extent air quality. The impact on neighbours is a direct consequence of the changing characteristics of the type of retail operating from the site and the effects on the new plant equipment and serving arrangements. This has been described in the above assessment. Whilst neighbouring

residents will experience a change to their local environmental characteristics, the evidence before the Local Planning Authority indicates that the impacts on residential amenity (by virtue of noise in particular) would not be significantly adverse to substantiate a reason to resist the development. The identified air quality impacts are small and are capable of mitigation to minimise the level of harm.

- 9.2 Finally, regard must also be given to the fact that there is a realistic fall-back position should Councillors find the proposal unacceptable. This is a material consideration that should be afforded substantial weight in this decision. If the planning permission was resisted and the applicant did choose to operate the existing building as a food store, the impacts identified through the consideration of this application (save for some matters) would occur without any mitigation or future planning controls.
- 9.3 There have been lengthy negotiations during the consideration of this application to ensure the development is capable of being implemented without significant adverse impacts on the local environment and the community surrounding it. By in large the proposed development, with mitigation, accords with the Development Plan. Where there is a degree of conflict there are material considerations (fall-back position) which would outweigh such conflict. Councillors are therefore recommended to support this application.

Recommendation

Delegate back to the Planning Manager for the consultation period to expire and subject to no new and valid material considerations being raised that are not considered by this report that Planning Permission **BE GRANTED** subject to the following conditions:

1. Time limit (3 Years)
2. Approved plans list
- Pre-commencement conditions***
3. Construction of site access and off-site highway works
4. Submission of Tree Protection Plan and Arboricultural Method Statement
5. Site Investigation for contamination
6. Surface water drainage scheme to be agreed limiting discharge rate to 20 litres per second.
7. Written Scheme for Investigation (Archaeology)
8. Precise details plant equipment, vents, ducts and their enclosures
9. Employment Skills Plan
- Pre-construction of the building (above ground level) conditions***
10. Precise details (and samples) of all external materials to the building, enclosures, boundaries and surface treatments to be agreed
11. Scheme for external lighting and security measures (CCTV)
12. Precise scheme for refuse provision
13. Precise scheme for the provision of EV charging facilities and cycle provision
- Development to accord with the ecological mitigation set out in the submission with precise details of the enhancements measures to be agreed with the Local Planning Authority and thereafter retained.
- Before first use/opening of the store***
14. Surface water drainage management and maintenance condition
15. Car Parking Management and Service Delivery Management Plan
16. Car, cycle, motor cycle provision to be provided and retained
17. Travel Plan
- Control conditions***
18. Foul and surface water to drain on separate systems
19. Net sales shall not exceed 1,300 sqm. No more than 20% of the net sales floorspace shall be used for the display and sale of comparison goods.
20. Hours of operation limited to 08:00 – 22:00 Monday – Saturday and 09:00 – 17:00 Sundays and Bank Holidays
21. Hours of deliveries limited to 07:00 – 22:00 Monday – Saturday and 09:00 – 17:00 Sundays and Bank Holidays
22. Landscaping condition to be implemented and maintained
23. Noise mitigation and noise levels for plant to be secured and maintained

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

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 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