

Agenda Item	Committee Date	Application Number
A9	20 July 2020	19/00522/FUL

Application Site	Proposal
G B Properties (Lancaster) Limited Lancaster Leisure Park Wyresdale Road Lancaster	Alterations to existing land levels to facilitate the construction of a car park consisting of 124 spaces

Name of Applicant	Name of Agent
Mr Blackburn	Mr Anthony Gilmour

Decision Target Date	Reason For Delay
23 July 2019	Awaiting additional information

Case Officer	Andrew Drummond
Departure	Yes
Summary of Recommendation	Refusal

(i) **Procedural Notes**

Lancaster City Council is the freeholder of the application site, so in line with the Scheme of Delegation in the Council's Constitution, the application must be determined by the Planning Regulatory Committee.

**1.0 The Site and its Surroundings**

- 1.1 The application site is to the west of Lancaster Leisure Park between Coulston Road and the rear of a dance studio and indoor children's play area within the Leisure Park. The site is heavily sloped falling 13m from Coulston Road to the east of the site, and then a further 4m to the Leisure Park's internal service road. It is also characterised by mature trees that form a horseshoe shape around the south, west and north sides of the site. These trees are protected (Tree Preservation Order no.477(2010)). In the existing Local Plan, the site is allocated as "Urban Greenspace", and in the emerging Local Plan as "Open Space, Recreation and Leisure".

**2.0 The Proposal**

- 2.1 The application seeks planning permission to excavate the land to create a car park comprising 124 parking spaces along with a footpath to the service road that runs between the rear of the antique centre and 4 smaller units (a gym, vehicle hire, dance studio and indoor children's play area). The additional parking is to serve the existing uses on Lancaster Leisure Park.

**3.0 Site History**

- 3.1 The site has a long and varied history but the most relevant applications to this proposal are Miller Homes' application for residential development in 2012 and then subsequent consents at the Leisure Park:

Application Number	Proposal	Decision
12/01109/FUL	Erection of 71 dwellings including associated parking and landscaping	Permitted (3 October 2014)
15/00093/FUL	Erection of a single storey extension (to the food shop)	Permitted

16/01587/FUL	Erection of a part single storey and part two storey building for the use as a gymnasium (use class D2)	Permitted
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#### 4.0 **Consultation Responses**

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

Consultee	Response
Lancashire County Archaeological Service	<b>No Objection</b> – recommend conditioning any approval for development of the site with the requirements for an archaeological watching brief.
Lancashire County Highways	Concerned about the ratio of parking/floorspace on site. There is insufficient information submitted to determine how the need for an additional car parking spaces has arisen.
Tree Officer	<b>No Objection.</b> Although generally satisfied with the proposal as originally submitted, the Tree Officer had some concerns regarding the impact on a root protection area, which was subsequently satisfied by an iteration to the scheme.
Electricity North West	<b>No Objection</b> – Cadent Gas has identified a low or medium pressure pipe in the vicinity of the site and has recommended an informative to ensure the applicant is aware of this and their pre-development requirements.
Dynamo Cycle Campaign	<b>Objection</b> – proposals conflict with Policy DM20 and would result in more traffic on local roads impacting on cyclists who cycle on them. No improvements to cycle infrastructure or other forms of sustainable transport.

#### 5.0 **Neighbour Representations**

5.1 There are no neighbour representations in respect of the application.

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

##### 6.1 **National Planning Policy Framework**

Paragraph 91 (safety)  
Paragraph 97 (open space)  
Paragraphs 102, 103, 108 to 111 (transport)  
Paragraphs 124 and 127 (design)  
Paragraph 150 (climate change and carbon emissions)  
Paragraph 163 (drainage)  
Paragraph 205 (minerals)

##### 6.2 **Lancaster District Core Strategy 2008** Policy SC1 – Sustainable Development

##### 6.3 **Development Management DPD 2015** Policy DM20 – Enhancing Accessibility and Transport Linkages Policy DM21 – Walking and Cycling Policy DM22 – Vehicle Parking Provision Policy DM23 – Transport Efficiency and Travel Plans Policy DM25 – Green Corridors Policy DM26 – Open Space Policy DM27 – Biodiversity Policy DM35 – Design Policy DM39 – Surface water run-off

##### 6.4 **Lancaster District Local Plan 2004 (saved policies)** Policy E29 - Urban Greenspace

6.5 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

**Review of the Development Management DPD 2020**  
Policy DM29 – Design

Policy DM34 – Surface water run-off  
Policy DM43 – Green Infrastructure  
Policy DM44 – Biodiversity  
Policy DM60 – Enhancing Accessibility and Transport Linkages  
Policy DM61 – Walking and Cycling  
Policy DM62 – Vehicle Parking Provision  
Policy DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations

Policy SC3 – Open Space, Recreation and Leisure  
Policy SC4 – Green Space Networks

- 6.6 Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Control Policies  
Policy M2 – Safeguarding Minerals

**7.0 Comment and Analysis**

- 7.1 There are 4 key material considerations arising from the proposal, namely:

- The loss of Urban Greenspace;
- The need for additional vehicle parking;
- Design and drainage; and
- Impact on trees and ecology

7.2 The Loss of Urban Greenspace

- 7.2.1 The adopted Local Plan identifies the site as Urban Greenspace, which is covered by saved policy E29. This policy protects such sites from being developed unless where the site is being enhanced, or in exceptional circumstances essential education or community related development or limited expansions of existing uses will be permitted. Similar wording is used in Development Management DPD policies DM25 and DM26 insofar as the re-use or redevelopment of open space will only be allowed in exceptional circumstances where it is allowed for as part of the development plan process and on balance achieves wider policy aims and objectives, and high quality re-provision will be required which provides equal or better provision than currently exists. As the proposal is considered to be more than a limited expansion of an existing use, and it would fall outside all the other categories, then the application is a departure from the Development Plan, and has been advertised as such. In the emerging Local Plan it is also allocated as open space, and like other allocated open space sites has been identified for its recreation, environmental and/or amenity value for the purposes of being protected from inappropriate development in accordance with relevant national and local planning policy. The benefit of the greenspace is limited as it is not publicly accessible and its gradient. In fact the site was put forward as a potential Local Green Space, but was discounted for similar reasons. Its key feature, the trees that create a natural screen between Coulston Road and the Leisure Park and abattoir, will be retained as part of the proposal. However, it does also form part of a network of green spaces along the Burrow Beck valley, so its partial loss is likely to lead to inappropriate harm and damage to its value and integrity, contrary to emerging policies DM43 and SC4. In summary, the loss of the grassed area is unacceptable in principle, unless its loss can be justified, limited and mitigated.

7.3 The Need for Additional Car Parking

- 7.3.1 The application proposes the creation of 124 additional car parking spaces at Lancaster Leisure Park. To consider the acceptability or otherwise of the application in terms of parking numbers it is appropriate to return to the Miller Homes' application for residential development on part of the car parking area associated with the Leisure Park. Planning permission was granted for 71 dwellings on the Leisure Park in 2014 subject to a legal agreement that was signed by the developer and the applicant (the same applicant as this application for the additional car parking). The legal agreement required the provision of 264 car parking spaces, which was agreed between the developer, the applicant, the Highway Authority and the City Council. Subsequently there has been permission for a new gym (525 sq.m) on the Leisure Park and a very small extension to provide a staff room for the café/restaurant (18 sq.m). However, cumulatively these would only require a maximum of an additional 24 car parking spaces.
- 7.3.2 An alternative approach to considering the number of parking spaces required is to review the floor areas, use classes and maximum parking standards for each consented use within the Leisure Park. This is set out below:

Operator	Use class	Floor area	Maximum standard	Number of spaces
Antique centre	A1 (retail warehouse)	5,000 sq.m	1 space per 40 sq.m	125
Farm shop	A1 (food retail)	523 sq.m	1 space per 14 sq.m	37
Café/restaurant	A3	261 sq.m	1 space per 5 sq.m	52
Factory gift shop	A1 (retail warehouse)	1,080 sq.m	1 space per 40 sq.m	27
Brewery with marquee	Various	1,295 sq.m	Various	101
Children's indoor play area	D2	531 sq.m	1 space per 22 sq.m	24
Dance Studio	D2	220 sq.m	1 space per 22 sq.m	10
Van hire	Sui generis	214 sq.m	1 space per 20 sq.m	11
Gym	D2	525 sq.m	1 space per 22 sq.m	24
Photography studio	B1(a)	80 sq.m	1 space per 30 sq.m	3
Lancaster Leisure Park Office	B1(a)	90 sq.m	1 space per 30 sq.m	3
			<b>TOTAL</b>	<b>417</b>

- 7.3.3 However, both local and national planning policy requires developments to reduce reliance on private cars and encourage more sustainable forms of travel. Therefore Officers has advised the agent that not even maximum standards, let alone an application proposing in excess of maximum standards, could not be supported, and would not justify the loss of the open space. Any proposal for additional parking should firstly be seeking to provide significantly less than maximum standards and secondly be accompanied by measures to encourage other forms of travel, such as, but not exclusively, electric vehicle charging points, provision of foot and cycle path links to nearby built-up areas to reduce travel times, a financial contribution towards the local bus service, provision of secure and covered cycle parking and a robust Travel Plan. Furthermore, it was noted on several occasions when visiting the site that non-parking areas were being utilised for the parking of cars, including landscaped and service areas. If an acceptable scheme was agreed then a car parking management condition would be recommended to ensure only the parking areas were utilised, with suitable enforcement measures in place for dealing with vehicles parked in unauthorised locations. It is also the view of Planning and Highway Officers that the Leisure Park will result in linked trips, which would result in discounting the number of spaces required further. This is an industry standard approach for retail/leisure parks. Lastly, the agent has also been made aware of the council declaring a climate change emergency, which ties into paragraph 150 of the National Planning Policy Framework to reduce carbon emissions.
- 7.3.4 The no.18 bus that serves Wyresdale Road from the city centre has been enhanced recently through financial contributions from 3 nearby residential developments (though when the contributions have been spent the service will reduce unless it has become self-funded during the period of the enhancement). Furthermore, Wyresdale Road itself has recently undergone improvements, including reduced speed limits, cycle improvements, street lighting and bus stop enhancements. The area is becoming more user-friendly for non-car travel and any proposals to increase car parking provision at the Leisure Park must not undermine this, but seek to maximise opportunities to develop these local highway improvements further. A Travel Plan has been submitted but it relies on travel to work data for Lancaster that is about 10 years old and is not specific to a site on the urban edge of Lancaster. For example, it suggests that about a quarter of staff would walk to work yet it is a c1km uphill walk from the southern part of the Lancaster Leisure Park as the site currently has only one point of access. The Travel Plan also only highlights existing facilities, and does not propose any measures (other than publicity) to encourage more sustainable forms of travel. It also mentions 21 bike spaces, though their location is not defined on the submitted plans, and up to 56 spaces are recommended by the Local Plan's standards.
- 7.3.5 The proposed car park is located to the west of the Lancaster Leisure Park, behind some of the existing buildings. Through discussions with the agent there is now proposed to be an identified crossing point from the car park entrance across the service road behind the antique centre so an existing footpath can be accessed. However, this existing footpath does not connect to any existing pedestrian facilities, but rather terminates at points north and south of the antique centre where it would conflict with moving vehicles. Despite raising this point on a number of occasions, amended plans have not been submitted. The solution proposed would require the removal of 34 existing car parking spaces.

7.3.6 The negotiations to date have arrived at a figure of 104 additional spaces. This has been calculated by reducing the maximum parking standard of 417 by 20% for the purposes of linked trips and encouraging more sustainable transport measures. This gives a figure of 334. There are 264 existing spaces, but 34 would be lost by the required pedestrian links, giving a figure of 230. The difference between 334 and 230 is 104, which is 20 less spaces than that being applied for.

7.3.7 In summary, if the proposal sought to provide an additional 104 parking spaces, deliver the pedestrian linkages (with the loss of 34 parking spaces) and was accompanied by a set of substantial sustainable transport measures, then the proposal could be deemed acceptable on transport and safety grounds. However, the required changes to the plans and the Travel Plan have not been forthcoming, and therefore the application as it stands cannot be supported as it is contrary to local and national planning policy.

#### 7.4 Design and Drainage

7.4.1 The design of the proposal is functional, seeking to provide primarily a large area of hardstanding for the parking and manoeuvring of vehicles. It leaves little space for planting within the proposed car park, though this area in question is fairly visually contained and there are opportunities for planting on the retained open space.

7.4.2 The car park and retained banks will be covered with a reinforced grid of 100mm that will be filled with soil and seeded with grass (predominantly to the slopes and pedestrian walkways) or with angular aggregate to the parking areas. The grid will sit on a geotextile filter of a depth of 100 to 390mm, though no explanation is provided as to what actual depth is required. The access road to the proposed parking area is shown on the plans to have a permeable asphalt surface. Whilst these areas are shown as being permeable, no percolation test results have been submitted, so it is not clear what the risk of surface water flooding would be to the site or its surroundings. Furthermore, the proposal involves a significant amount of earthworks, reducing the amount of permeable topsoil and constructing the car park predominantly on more dense sub-soil and compacted fill, which will become more compacted when the car parking become operational due to the weight of the vehicles. Given the sensitivities of flood risk in the Burrow Beck basin, it is imperative that the application fully addresses the potential drainage impacts. In the absence of sufficient information, the application cannot be supported.

#### 7.5 Impacts on Trees and Ecology

7.5.1 The application has been accompanied by an Arboricultural Implications Assessment (AIA). The Tree Officer was generally accepting of the proposal, with the exception of encroachment into the root protection areas (RPAs) of 2 particular trees and the removal of a further tree. There is no scope to alter the existing ground levels within the RPAs of these retained trees, so the scheme has been amended accordingly.

7.5.2 A cellular confinement system has been proposed in relation to creation of the new access, and this is acceptable in principle, subject to a requirement to carry out the work in line with an approved Arboricultural Method Statement (contained within AIA). However, the applicant may wish to consider an alteration in the design to remove the proposed encroachment into the RPAs and consequently remove the requirement to install a cellular confinement system, subject to formal agreement in writing with the Council.

7.5.3 An Ecology Report has been submitted with the application, which concludes that the trees on the site should be retained, and protected during construction. Furthermore, the grass covered slope that is to be lost to the development should be compensated for by additional planting to the retained tree-lined boundaries. This could be conditioned to ensure that the development leads to a biodiversity net gain.

#### 7.6 Other Matters

7.6.1 The site is part of a wider mineral safeguarding area. However, due to the close proximity to residential properties and the established businesses, it is considered that extraction of any mineral resource in this location is infeasible due to the amenity concerns arising from such an operation.

7.6.2 Lancashire County Council has advised in their response that they are not objecting to the proposal, but would require a condition to be imposed for an archaeological watching brief if the application were to be approved.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 The application seeks planning permission to support the existing uses at Lancaster Leisure Park, which is an economic benefit of the proposal that weighs in favour of the development. However, in the planning balance this is outweighed by the 4 environmental impacts that weigh against the proposal. Firstly, it seeks to create a car park on open space without demonstrating the need for the quantum of development proposed or how the loss of open space would be mitigated. Secondly, by providing parking over and above maximum parking standards, thereby encouraging visitors to the Leisure Park to use their private motorised vehicles and not visit using a more sustainable form of transport, the proposal would be considered to be contrary to local and national planning policies. Thirdly, whilst the design is generally acceptable, respecting both trees and biodiversity, there are concerns about conflicts between pedestrians and vehicles. Lastly, due to the lack of information submitted in relation to permeability of the site it cannot be demonstrated that the site can be adequately drained or that the proposal would not lead to a greater flood risk elsewhere. For these reasons the application is recommended for refusal.

## **Recommendation**

That planning permission **BE REFUSED** for the following reasons:

1. The proposal would result in a partial loss of allocated open space without sufficient justification for the quantum of development required or adequate measures to mitigate or compensate for the loss. Therefore it is considered to be contrary to National Planning Policy Framework paragraph 97, saved Local Plan policy E29, Development Management DPD policies DM25 and DM26, emerging Strategic Policies and Land Allocations DPD Policies SC3 and SC4, and emerging Review of Development Management DPD Policy DM43.
2. The proposal seeks to provide an additional 124 car parking spaces without adequate justification for this level of provision. Furthermore, it has not been supported by any adequate measures to encourage more sustainable forms of travel. As such the proposal is considered to be contrary to National Planning Policy Framework paragraphs 102, 103, 108 to 111, Development Management DPD policies DM20 to DM23, and emerging Review of Development Management DPD Policies DM60 to DM63.
3. The proposed layout would lead to a conflict between pedestrians and vehicles to the detriment of pedestrian safety. Therefore the proposal is considered to be contrary to National Planning Policy Framework paragraphs 97, 102, 108, 110 and 127, Development Management DPD policies DM21 and DM35, and emerging Review of Development Management DPD Policies DM29, DM60 and DM61.
4. The application has been submitted without any details of percolation testing, so it is not possible to assess the impacts of the proposal on surface water run-off or to assess the risk of flooding within the site or elsewhere. Therefore the proposal is considered to be contrary to National Planning Policy Framework paragraph 163, Development Management DPD policy DM39, and emerging Review of Development Management DPD Policies DM34.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Recommendation. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

## **Background Papers**

None