

<b>Agenda Item</b>	A10
<b>Application Number</b>	25/00123/FUL
<b>Proposal</b>	Change of use of land (formerly in use by Lancaster Homeless Action) to extend existing Edward Street public car park
<b>Application site</b>	Site Of Former Lancaster & District Homeless Action Centre Edward Street Lancaster
<b>Applicant</b>	Mr Michael Hall
<b>Agent</b>	HPA Chartered Architects
<b>Case Officer</b>	Mr Sam Robinson
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Subject to the submission of satisfactory amended plans/AIA, approve with conditions.

**(i) Procedural Matters**

This form of development would normally be determined under the Council's Scheme of Delegation. However, the site is under the ownership of Lancaster City Council, and therefore, the application is referred to the Planning Regulatory Committee for determination.

**1.0 Application Site and Setting**

- 1.1 The application site relates to land where the former Lancaster & District Homeless Action Centre previously stood. This building has recently been demolished. The site lies adjacent to Edward Street car park and lies within the setting of a large warehouse to the east which is identified as a non-designated heritage asset (NDHA). The site also lies within the Lancaster Conservation Area and the Canal Quarter strategic regeneration site.

**2.0 Proposal**

- 2.1 This application seeks consent for the change of use of the land to a car park. The proposed car park will form an extension to the existing Edward Street car park, operated by the council, and will be accessed via the access point to the highway located approximately 55m to the north.

**3.0 Site History**

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
24/00555/FUL	Relevant demolition of the Homeless Action Centre	Permitted

## 4.0 Consultation Responses

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

Consultee	Response
Arboricultural Officer	<b>Objection</b> – Due to the removal of five trees.
Conservation Officer	<b>No objection</b>
County Highways	<b>No objection</b>
Property Services	<b>No response</b>

4.2 No responses have been received from members of the public.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Design and visual impact on the designated heritage assets and streetscene
- Trees and biodiversity
- Highways
- Any other matters
- Conclusion and planning balance

5.2 **Principle of development** (NPPF Sections 2 & 7; Strategic Policies and Land Allocations Development Plan Climate Emergency Review (SPLA DPD) policy SG5; and the Review of the Development Management Development Plan Document Climate Emergency Review (DM DPD) policy DM62)

5.2.1 The site lies within the Lancaster Canal Quarter (LCQ) area, which is identified as an area for regeneration and development in policy SG5. Policy SG5 recognises that the regeneration of the LCQ site is critical to enhancing Lancaster City Centre's role and function as a sub-regional centre to boost retail, cultural and leisure offers for residents and visitors and continue to meet the needs of people across North Lancashire and South Cumbria.

5.2.2 The change of use of this relatively small parcel of land will be used in conjunction with the wider car park and would not undermine the aims and aspirations of the wider strategic site. The proposal is limited to the change of use of the land and is easily reversible. The proposal would provide a small addition to the Council's existing parking stock which currently aligns with the Council's Car Parking Strategy and will also provide a form of mitigation ahead of proposals for potential residential development on the Nelson Street car park.

5.3 **Design and visual impact on the designated heritage assets and streetscene** (NPPF Sections 12 & 16; SPLA DPD policy SP7; and DM DPD policies DM29, DM38 & DM41)

5.3.1 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting.

5.3.2 Policy DM38 states '*Any development proposals and / or alterations to buildings, features and open spaces in Conservation Areas should preserve or enhance the character and appearance of the Conservation Areas.*'

- 5.3.3 Both national and local policy are clear inasmuch that any harm to the significance of a listed building or Conservation Area must be clearly justified and needs to be outweighed by the public benefits of the proposal. If no harm has been identified, this test is not engaged.
- 5.3.4 The existing site is surrounded by white palisade fencing which has an industrial and utilitarian appearance and does not provide a positive contribution to the area. The change of use of the land to a car park would require this fencing to be removed which is welcomed providing a visual enhancement to the site.
- 5.3.5 The provision of parked vehicles will add an element of visual clutter to the streetscene, but this will be viewed in the context of the larger car park and considering removal of the harmful fencing, the proposal is considered to have a neutral impact on the significance of the Conservation Area and the setting of the non-designated heritage assets. As no harm has been identified, there is no requirement to weigh up the public benefits of the scheme. This position is shared by the Council's Conservation Officer who has raised no objection to the proposal.
- 5.4 **Trees and biodiversity** (NPPF Sections 12 & 15; SPLA DPD policy SP8; and DM DPD policies DM29, DM44 & DM45)
- 5.4.1 Policy DM45 states that *"There is a presumption in favour of the retention of existing trees and hedgerows and the Council will expect individual trees, groups, woodlands and hedgerows to be conserved and enhanced where they positively contribute to the visual amenity, landscape character and/or environmental and climate mitigation and adaptation value of the location."*
- 5.4.2 Along the northern boundary sits 5 no. trees and small shrubs which provides a visual separation between the application site and the existing car park. Despite the statement contained within the arboricultural impact assessment (AIA), it is considered that these trees do provide a positive contribution to the area which form part of the wider landscaping scheme for the car park.
- 5.4.3 The originally submitted scheme proposed to remove all five trees. This led to an objection from the Council's Arboricultural Officer. However, after extensive discussions, the applicant has agreed to amend the proposals and retain three out of the five trees. The trees to be retained include T1 a Norway Maple, T2 a Norway Maple and T4 a Cherry tree. One Cherry tree (T3) needs to be removed to provide access into the site and the T5 (Sycamore) is required to be removed for good arboricultural practice. Amended plans and an updated AIA have not yet been provided but these are anticipated in advance of the Planning Regulatory Committee.
- 5.4.4 Subject to the submission of satisfactory amendments, the retention of the 3 no. trees would be considered a visual betterment in comparison to the entire loss, and this is welcomed showing that these trees can be positively incorporated into the development without compromising the deliverability of the proposal. A formal update will be provided prior to the application being presented to the Planning Regulatory Committee.
- 5.4.5 The initial biodiversity net gain (BNG) report indicated that 100% of the habitat units on site would be lost given all the trees were to be removed. Despite the retention of three trees, there is no additional landscaping proposed as part of the development and, therefore, no prospect of BNG being delivered on site. BNG is a mandatory requirement which will still need to be provided as part of this development. As the Council does not currently own any habitat banks and a location for BNG off-site has not been provided, it is anticipated credits or national credits will be required. How the BNG will be provided can be controlled by the mandatory BNG condition seeking a BNG Plan. It does not provide a reason to refuse planning permission.
- 5.5 **Highways** (NPPF Sections 9 & 12; and DM DPD policies DM29 & DM61)
- 5.5.1 Policy DM29 states that the Council will expect development to *"Incorporate suitable and safe access to the existing highway network"* and *"Ensure that highway safety and efficiency is maintained or improved"*.
- 5.5.2 The site layout plan shows how the site could be laid out as a car park. This currently shows the ability to provide around 23 car parking spaces with adequate space for vehicles accessing, manoeuvring and egressing the car park. The agent has confirmed that no new accesses are

proposed, and the car park will be accessed through the existing car park and access to the north of the site. The southeast corner of the site has a dropped kerb and could potentially be used as an additional access point but visibility to the south is poor due to the placement of an existing building immediately abutting the footpath. This could potentially lead to a highway hazard. As there is no intention to use this access, it is considered that a condition could be included to restrict access to the site at this point.

5.5.3 The Local Highway Authority has considered the application and confirm there are no highway safety concerns and raise no objection.

## 5.6 **Any other matters**

5.6.1 Due to the nature and use of the proposal, it is envisaged that the proposal would not result in an adverse impact upon the amenity of the nearest residential properties.

## 6.0 **Conclusion and Planning Balance**

6.1 The proposal will provide a small provision of public car parking space without compromising on the deliverability of the wider regeneration of the Lancaster Canal Quarter site. The proposal would not result in an adverse impact on the significance of the Lancaster Conservation Area or upon the amenity of any neighbouring properties. Whilst the proposal would not provide any increased planting on site, the loss of the trees and subsequent BNG gain can be secured by condition. Overall, the scheme is considered to comply with the development plan when read as a whole and therefore is recommended for approval subject to the receipt of amended plans.

## **Recommendation**

Subject to the submission of satisfactory amended plans, that Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescales	Standard
2	Development to accord with plans (amended plans to be submitted)	Standard
3	Development to accord with AIA (amended AIA to be submitted)	Control/compliance
4	Existing access point not to be used	Control/compliance

## **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 officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None