

Mark Cassidy  
Planning Services  
PO Box 4  
Town Hall  
Lancaster LA1 1QR  
email: dcconsultation@lancaster.gov.uk

7<sup>th</sup> August 2008

Dear Mr Cassidy,

Re: Reserved Matter Planning Application 08/00864/OUT associated with the proposal for residential development at Junction of Alfred Street And St Leonard's Gate Lancaster where the applicant is applying for Access with scale, layout, appearance and landscaping as reserved matters

I object to the above application on the following grounds:

1. Contravention of LDLP Policies H19 and PPS3
2. Contravention of LDLP Policies H13 and H19
3. Contravention of LDLP Policy T16 and Policy 7(g) of The Joint Lancashire Structure Plan
4. Contravention of LDLP Policy T13
5. Contravention of PPS1 and Supplementary Planning Guidance 8 - CCN development brief
6. Contradictory and Unclear Information on Access Arrangements
7. Inconsistencies and Errors in the Planning Documents

### **1. Contravention of LDLP Policies H19 and PPS 3**

Policy H19 of the LDLP says that "*new residential development within existing housing areas will be permitted which would not result in the loss of green space or other areas of locally important open space and would not have a significant adverse effect on the amenities of nearby residents*". Since this application is intended as a standalone application the loss of our local green space represents a significant adverse effect to the amenities of nearby residents.

The applicant's choice of photographic views of the existing site dwg 080055-D-105 are not representative of the site and apart from an aerial (autumn or winter) view shows views of the site from within a very narrow arc and from a distance leaving the other three sides unrepresented, which gives the impression that there is no green space or trees on the site. They are therefore inadequate in showing how the site currently fits into the local environment. Proper coverage of the existing site would show that a significant green space forming about a third of the existing site exists at the northern end of the site. This green space can not be considered previous developed land according to the definition given in government Planning Policy Statement 3 Housing, which says that the definition of developed land excludes "*Land that was previously developed but where the*

*remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered part of the natural surroundings)*". This green space is often used by local residents especially in warmer weather and forms an outstanding feature of Alfred St which is much appreciated by residents not only on Alfred St but in the surrounding neighbourhood together with that part of the site containing the trees lining Alfred St. Drawing 080055-D-105 containing the existing site photos does not show this end of the site and therefore misrepresents the context of the existing site.

In Section 16 of the planning application in answer to "Are there trees or hedges on the proposed development site?" the applicant answers Yes and in answer to the question "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?" the applicant answers "No". This is plainly incorrect. The application form states that the applicant will need to provide a full Tree Survey, with accompanying plan before the application can be determined but there is no tree survey provided with the application.

## **2. Contravention of LDLP Policies H13 and H19**

There is insufficient information and no plans for sewage disposal which does not satisfy LDLP Policy H13 which says that "*proposals for housing development and conversions will only be permitted where the council is satisfied that full regard has been taken of energy efficiency and waste reduction and recycling considerations*" and LDLP Policy H19 which says "*new residential development within existing housing areas will be permitted which makes adequate provision for the disposal of sewage and waste water, and makes satisfactory arrangements for access, servicing and cycle and car parking*".

In Section 7 of the planning application Waste Storage & Collection – They say that this will be addressed at the reserved matters stage. Waste is not a reserved matter and has Access implications for waste collection vehicles as well as related public health issues. The apparent area given over to waste storage in the limited space of the underground car park in the Design and Access Statement page 24 Figure 4.3 - Layout of Development Indicative Lower Ground Floor Plan is too small for even the minimum number of 58 dwellings applied for and given the unrealistic car and cycle parking figures given for the available space in the underground car park.

Section 12 of the planning application (Foul Sewage) shows that since the applicant proposes to connect to the existing drainage system, the details of the existing system should be shown on the application drawing(s) which they are not. 58-68 residences would have a significant effect on the local drainage system.

Since sewage and waste disposal are not reserved matters, issues regarding sewage and waste management should have been covered in detail in this application. Space for recycling is also likely to affect access arrangements given the very limited area of the underground car park.

In Section 13 of the planning application, the applicant states that surface water will be disposed of using a sustainable drainage system and the main sewer. Since all new buildings need separate connections to foul and storm water sewers, arrangements for storm water drainage should be shown in the plans.

Due to the above issues and since this application seeks permission for Access, it should be refused.

### **3. Contravention of LDLP Policy T16 and Policy 7(g) of the Joint Lancashire Structure Plan**

There is insufficient and vague information on Access and Parking which has implications for Access for which permission is being applied at this stage. In the Application Form Section 11, the applicant states - Total proposed car spaces 34-51, cycle space 66-76, disability spaces 3.

Policy T16 says *“development proposals other than proposals for non-residential development within the lancaster central parking area will only be permitted where parking provision satisfies the lancashire county council car parking standards as set out in appendix 6.”*

Appendix 6 paragraph 9 of the Lancashire County Car Parking Standards says *“Provision for motor cycle parking should be made within each large development site, defined as a site with a total of 25 or more car parking spaces proposed or existing. An appropriate standard for the provision of PTW parking is one PTW space for each twenty-five car spaces.”* There are no spaces mentioned for motorcycles and thus the minimum standards are not met.

Appendix 6 Para 11 of the Lancashire County Car Parking Standards says *“In order to meet the needs of physically handicapped people, others with mobility difficulties and those with young children, 10% of all car spaces shall be provided to ‘mobility standard’ (minimum width 3.6 metres). This requirement operates on a ‘rounding up’ basis, e.g., provision of 25-30 spaces would result in at least 3 of these being to ‘mobility standard’.”* If the car parking spaces are more than 35 then there should be at least 4 mobility standard spaces.

The Design and Access Statement 4.7.3 says *"This site makes provision for 28-45 car parking spaces plus 6 no. on-street parkings."* which implies that of the 34-51 car spaces stated on the application form, 28-45 will be in the underground car park and 6 on Alfred St. The application form states that the underground car park will contain 66 – 76 cycle parking spaces as well as the implied 28-45 car spaces and if minimum parking standards are to be met, 3-5 ‘mobility standard’ and 1-2 motorcycle space will need to be provided.

Though it does not claim to be an exact scale drawing, the Design and Access Statement Figure 4.3 Layout of Development Indicative Lower Ground Floor Plan, shows 27

standard car parking spaces and 3 'mobility standard'. What appears to be a miniscule cycle store is also shown in which the applicant is proposing to provide 66 – 76 cycle parking spaces. This does not seem credible and there appears to be no other space elsewhere in the underground car park. It is hard to see how the applicant is going to cram any more than the number of car spaces shown in the limited space allowed and claim that waste vehicles will be able to access the underground car park without providing more detailed plans of access.

Failing to meet minimum levels will contravene Policy 7(g) of the Joint Lancashire Structure Plan requires "Provision, to at least minimum standards, of safe, secure cycle and motorcycle parking and parking for the mobility impaired on all new developments".

Furthermore, if insufficient levels of parking are provided for future residents needs it is obvious that this will affect on street parking in the local vicinity putting additional strain on limited on street parking and severely affecting the amenities of existing local residents. This is also likely to lead to disputes over parking spaces and general bad feeling in the local area.

Dwg 080055 - D -104 A shows proposed residential refuse access. This shows that refuse vehicles are intended to enter the underground car park for collections. Since the applicant is applying for permission for Access which covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network they should have submitted detailed plans for these aspects of the development. Therefore Access should not be considered as part of an outline document as shown in this drawing but more detailed plans and arrangements should have been given on a separate drawing(s).

Since the applicant is applying for Access permission at this stage, the Access issues raised by the parking question means this application should be refused.

#### **4. Contravention of LDLP Policy T13**

Policy T13 of the LDLP states "*proposals which would reduce the level of shopper/visitor parking will be refused. exceptions will only be made where adequate compensatory provision is made elsewhere in the area*". Since this development in isolation will significantly reduce the area of the adjoining St Leonard's Gate car park thus impacting short stay parking capacity and does not provide for compensatory measures as it should do and since the main application for the CCN site from the same applicant may be refused or at least significantly delayed it contravenes LDLP Policy T13.

#### **5. Contravention of PPS1 and Supplementary Planning Guidance 8 - CCN development brief - Inadequate consultation process**

There has been no consultation regarding the development of this plot as a possible standalone application which could result in the loss of local amenity which contravenes

PPS1, paragraph 41 which says that Local authorities should "*play a key role in developing full and active community involvement in their areas*" and paragraph 43, which says that Effective community involvement requires an approach which consults on formal proposals. It also does not conform to Supplementary Planning Guidance 8 - CCN development brief which says in paragraph 2.4 "*the regeneration of the area must be carried out in close consultation with local people and address their needs and aspirations*". Similarly paragraph 4.14 regarding Social Inclusion says that "*The Council intends to progress the development of the area in a way which maximises the involvement of local people and which reflects local concerns as much as possible. This could mean involving local residents in the nature and detailed design of proposed improvements and hopefully engendering a sense of ownership in the outcome. The Council will continue to consult widely as the proposals are developed.*". The Council has never engaged with local residents on this proposal with the so-called consultation consisting solely of presentations by the developer. In addition, until this planning application was submitted, there was no indication that this development may proceed independently from the rest of the Centros proposals.

## **6. Contradictory and Unclear Information on Access Arrangements**

The Transport Assessment Section 4.2 and Planning Statement 4.13 say that "*Access to the site will be gained from a new access onto St Leonard's Gate to an underground car park, with a separate egress provided onto Alfred Street. Refuse servicing will be undertaken from Alfred Street.*" Dwg 080055 - D -104 A (Means of Access) shows that the access is from Alfred St exclusively and no access arrangements from St Leonard's Gate are shown. None of the provided drawings show this access from St Leonard's Gate to the underground car park. Since Access is being applied for and thus not being considered a reserved matter, a detailed access plan should have been submitted.

In the Design and Access Statement section 4.7.4 Refuse Vehicle Strategy says "*Areas for recycling and refuse, removal vehicles generally will be provided along the Alfred Steet and at ground level in the car parking area. Off street servicing is appropriate for the area and special considerations in relation to highways and the proximity of the remodelled junction will need further clarification as reserved matters.*" I fail to see how the applicant can be seeking Access permission at this stage whilst simultaneously suggesting that something as fundamental as the remodelled junctions effect on the proposed Alfred St entrance to the underground car park should be subject to the reserved matters stage, especially given the junction's extremely close proximity to the proposed entrance to the underground car park. This junction will be very busy since it will join the link road, St Leonard's Gate, Alfred St and existing part of Leonard's Gate going to Bulk Rd. More details should have been provided.

Section 1.5 of the Transport Assessment states '*This Transport Statement is submitted in support of Application 17 and considers the traffic and transport implications of the proposals on a stand alone basis, with the traffic impact on the highway network assessed in detail within the Transport Assessment for Application 1, which considers the cumulative impact of the total redevelopment of the CCN site.*' and Section 1.6 says "*This report identifies that the development: will have a negligible impact on the surrounding*

*highway network."*

In fact this Transport Assessment does not address issues which arise from the actual size of the underground car park or the proximity of its entrance to the junction which is perhaps 10 metres or less away. As shown, the size of the underground car park is inadequate for the possible number of car and cycle spaces proposed. The possibility that future residents of this development may have many more vehicles than the spaces allowed for will have significant implications for on street parking capacity in the local area. This issue has not been addressed by the Transport Assessment and since Access is being applied for at this stage and if this application is allowed on a standalone basis the traffic impact on the highway network should be assessed in detail in this Transport Assessment before the application can proceed.

Section 2.5 of the Transport Assessment says "As part of the wider application proposals, Alfred Street will no longer accept through traffic and will solely serve the proposed private car park and the existing residential dwellings on Alfred Street and those accessed from De Vitre Street. Therefore there will be a substantial improvement in residential amenity as a result of the reduction in rat-running." As a possible standalone development there is no guarantee that Alfred St will be closed off and the extra traffic will just add to the rat-running traffic which can in no way be described as a substantial improvement in residential amenity together with the possible extra load on on street parking.

## **7. Inconsistencies and Errors in the Planning Documents**

The documents submitted with the application are full of inconsistencies, erroneous assertions and numerous errors and incorrect references to drawings which either do not exist or are part of other planning applications made by this applicant. This is not a complete list.

- **In the Application Form:**

Section 6. Pedestrian and Vehicle Access, Roads and Rights of Way – They incorrectly refer to Dwg 08005-D-104A which should be 080053-D-104A – Means of Access Plan. To the question Are there any new public rights of way to be provided within or adjacent to the site? they state No but in the Design and Access Statement 4.7.1 they say they are extending Phoenix St as a pedestrian street.

Section 8 – In answer to the question Have you consulted your neighbours or the local community about the proposal? They say yes, but there has been no consultation about this residential development as a standalone application.

Section 10 Materials. They tick 'not applicable' and in answer to the question Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement? They answer yes and refer to drawings 080053-D-100A/101A/102A/103C/104A/105/106A/107B. The numbers of these drawings are not those supplied with the application, which have a prefix of 080055. Even if they had the correct prefix there

would seem to be no connection between these drawings and materials. The drawing schedule provided refers to non-existent drawings.

Section 26 states that failure to submit all information required will result in the application being deemed invalid. Based on the incomplete and incorrect information supplied in this application and the supporting information including the absence of a full Tree Survey the application should be deemed invalid.

- **In the Covering Letter**

The applicant states that the proposals for this site are for a self contained residential development and therefore are capable of implementation in isolation from the main CCN redevelopment site. Therefore the application is submitted separately to reflect this.

In Dwg 080055 - D -104 A Means of Access the application boundary is shown extending right across St Leonard's Gate to the other side of the road near the junction of St Leonard's Gate/Alfred St and is considerably larger than that shown in the site location plan Dwg 080055 - D -100 A . Since the applicant states that the proposals for this site are for a self contained residential development this inconsistency makes it unclear exactly where the application boundary is and since this application seeks approval for Access this is yet another reason why this application should be rejected.

- **In the Design and Access Statement**

Section 4.3 Layout of Development Masterplan - "*4.3.1 Masterplan in Context - The parameters based approach of this Outline Application and the 'principal' outline application for the wider development area fixes certain elements of the site as reflected in drawing 063048-D-102.*" No such drawing has been submitted with this application – there is a drawing 063048-D-102C.pdf associated with planning application 07/00589/OUT for Part Of Heron Chemical Works Site replaced by Planning Application Ref 08/00865/OUT. I assume they are referring to 080055-D-102A proposed siting plan, but the deviation limits expressed in this dwg are meaningless without reference to the adjoining residential houses as they do not make clear what effect the variation of these limits would have on the width of Alfred St e.g. an Access issue.

Section 4.7.1 Pedestrian Access and Access for People with Disabilities says "*Pedestrian access through and around the site will be at grade or from gently sloping ramps as far as possible, and these routes are identified on the drawing 063048-D-108A.*" Once again there is no such drawing associated with this application – there is however a drawing 063048-D-108C.pdf (proposed-siting-plan) associated with planning application 07/00589/OUT which is for Part Of Heron Chemical Works Site, Moor Lane and which has been replaced by Planning Application Ref 08/00865/OUT. I assume that they are referring to 080055-D-104A Means of Access drawing. This section also says "*The key principle of establishing a direct pedestrian and cycle connection between the St. Leonard Street and Alfred Street clearly defined in Application 1 however the significant level difference on the extended Phoenix Street is likely to require a stepped transition*

*and will consequently not accommodate a cycle route or direct disabled access other than to the accommodation itself.” This is clearly untrue since a sloping pedestrian and cycle route exists at this very point between the lower and upper parts of the existing car park.*

Section 4.7.2 Cycling says *“The public access path along St. Leonard Street and Alfred Street will provide a access for cyclists. This access continues to the lower ground level where secured cycle parking bays provided for the residents and visitors use only. This will form part of the cycle route expansion strategy referred to in the Transport Assessment identified in drawing 063048-D-108C.”* Once again this refers to the wrong plan and refers to St Leonard St instead of St Leonard's Gate. In addition the drawing in section 4.7 on page 36 of the document omits the existing public cycle route across the lower and upper car parks.

In support of my objection I have attached photographic views of the existing site showing the significant extent and existing green space and trees at the northern end of the site.

In conclusion, due to the numerous errors, omissions, inconsistencies and contraventions of planning policies, this application should be refused.