

Agenda Item	Committee Date	Application Number
A5	5 January 2015	14/00989/CU
Application Site Galgate Mill Chapel Lane Galgate Lancashire	Proposal Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension	
Name of Applicant Mr Ayub Hussain	Name of Agent Mr I Patel	
Decision Target Date 12 January 2015	Reason For Delay None	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The application site is located at the northern end of Galgate beyond the main built-up part of the village within Ellel Parish. It forms part of the listed Galgate Silk Mill complex which comprises a number of buildings but predominately consists of a former corn mill that was converted to a silk spinning mill in 1792 on the west side of Chapel Lane and the large mill dating 1851-2 on the east side of Chapel Lane. The application site relates solely to the large five-storey brick built mill on the east side of the road and not the attached buildings around it. The application building, like the other mill buildings in the immediate area, are grade II listed (under 2 separate listings). Ellel House sits alongside the northern boundary of the mill complex and is also grade II listed, along with St John's Church which is situated north of Ellel House. Collectively this group of listed buildings form a small historic core in the northern part of the village.
- 1.2 The Mill complex comprises a mix of employment-generating uses and is recognised in the Development Plan as a rural industrial employment site. The application site consists of two elements namely the 5 storey mill building itself and a proportion of the existing car park at the access into the main complex (north of the mill). The buildings/units attached to the application building consist predominately of employment uses; for example the Silk Mill Garage, a joinery workshop, Forton Glass, a food preparation business, storage and distribution businesses, upholstery/furniture uses and a small café. In addition the application site also lies adjacent to existing residential development, namely Crofters Fold to the south and Ellel House and other residential properties on Chapel Lane. Land to the east of the industrial estate is open agricultural land and currently accommodates stables, which are located close upto the boundary with the estate. Land to the west consists of the oldest mill buildings which are generally in employment use although there is a dwellinghouse facing Chapel Lane opposite the application site. The grounds around the buildings are made up of hardstanding areas of varying condition with ad hoc parking throughout the site and a large number of containers along the eastern boundary.
- 1.3 The main vehicular access to the mill complex is off Chapel Lane. Chapel Lane extends from the A6 (west of the application site) to Hazelrigg Lane (just under 1km north of the application site) where

there is direct vehicular/pedestrian access to the University campus. Before reaching the vehicular access to the mill complex (from the south) the road narrows between the eastern and western mill buildings. Here there are no footways. Beyond the village boundary, Chapel Lane is much more rural in character and does not benefit from a continuous footway from Galgate to Hazelrigg Lane, there are sharp blends and narrow sections in parts with minimal street lighting. The boundary of the estate with Chapel Lane consists of the buildings themselves, a small natural stone wall at the access and railings immediately in front of the 5 storey mill buildings. Other boundaries around the site consist of stone walls and lower walls with railings to the northern boundary with Ellel House.

- 1.4 With the exception of the site being allocated for employment purposes and the buildings being listed there are no other allocations or constraints affecting the application site.

2.0 The Proposal

- 2.1 For the avoidance of doubt, the application relates to the five-storey mill building, the historic chimney and boiler house and an area of hard standing for parking at the estate's site entrance. Planning permission is sought for the change of use of the mill building to 107 one-bedroom student studio apartments with communal recreational facilities and cycle storage. The proposal also seeks planning permission for a small museum which shall be open to the public at specified times. The breakdown of accommodation consists of the following:

Ground Floor:

- 5 one-bedroom accessible studio rooms
- Communal facilities associated with the student accommodation, including a games room, gym, study space, seating areas and café (including kitchen and WC facilities)
- Silk and textile museum
- Private office and security office
- Biomass room
- Electric server room

First floor:

- 24 one-bedroom studio rooms
- Laundrette
- Stock room

Second Floor:

- 26 one-bedroom studio rooms

Third Floor:

- 26 one-bedroom studio rooms

Fourth Floor:

- 26 one-bedroom studio rooms

Each floor shall be accessed via the existing staircase or via a new lift and staircase. Each floor has a small (1 sq.m) bin store. The proposal involves the retention and reuse of the chimney and boiler house for the biomass boiler. Externally at the site entrance 5 mobility spaces and 2 staff spaces associated with the student accommodation scheme and 3 spaces for museum visitors which includes 1 mini-bus space are proposed - a total of 10 spaces. A covered cycle stand to accommodate 30 cycles is proposed against to the two-storey mill buildings (currently occupied by Silk Mill Café).

The museum element of the scheme is proposed at ground floor level, which in actual fact is semi-basement level, along the main frontage. The museum will be accessed via the existing main entrance off Chapel Lane via the proposed student café. It will house and display exhibits relating to the mills textile heritage. It will be run by volunteers though the proposal indicates that the developer will set up and subsequently fund the running costs of the Museum along with a Museum Management Board. It would operate under the auspices of a Charity with Association of Independent Museums membership. The museum will only be open to the public to an advertised schedule or organised school visits (limited to no more than 20 people).

The café element of the scheme, despite being marked up as public on one proposed ground floor

plan, will not be open to the public. The café element forms part of the communal space associated with the student accommodation and will therefore be predominately used by the students. It may be used by visitors of the museum when the museum is open.

3.0 Site History

3.1 The Galgate Mill complex has a long established history as an industrial estate. Uses have changed and evolved over time but predominately remain within the B1, B2 and B8 uses. There is no planning history connected with the use of the application building solely for retail purposes. However, it is acknowledged that the last use of the application building comprised a mixed use of storage and distribution, workshop, office space and associated showrooms involving an element of retail operations and this had operated for some considerable period of time. The table below includes some of the history relating to new and proposed uses. The site has been subject to various other applications relating to listed building alterations and building operations, such as the installation of flues, platforms and steps, insertion of doors and extensions (mainly to the rear of the Mill building).

Application Number	Proposal	Decision
80/00005/HST	Use of building for storage and distribution of frozen food and the manufacture of meat pies and similar products	Permitted
87/01025/HST	Change of use from class B2 to class B8 (workshop and offices) - unit 25/26/27	Permitted
89/00731/HST	Erection of industrial unit on land to rear	Permitted
92/00107/HST	Change of use to cafe - Unit 1A	Permitted
98/00112/CU	Change of use to general office, tile studio and workshop, incorporating existing storage usage	Permitted
07/01539/CU	Change of permitted uses of existing workshop to include book binding business (B1)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objection on the following grounds: Given the sites out-of-centre location it is anticipated some parking should be provided on site or within alternative parking areas off site (within the applicant's control). Despite proximity to the campus and public transport and cycle routes, it is contended that the absence of parking facilities associated with the development would lead to on-street parking within the immediate area, exacerbating existing congestions problems (Chapel Lane), affecting the operation of the highway network in this part of Galgate.
Conservation Officer	Objection on the following grounds: <ul style="list-style-type: none"> • Insufficient detail submitted to assess the full impact of the proposal on the fabric of the building, such as insulation/sound attenuation measures on party walls with adjoining industrial uses and the proposed acoustic window details. • Loss of part of the external fire escape – this should be retained unless sufficient justification is provided. • Lack of precise detail of the proposed porch extension (there is inconsistency in the submission in this respect). • The location of the cycle stand will adversely affect the setting of the Mill (views from Chapel Lane)
Planning Policy Team	Objection on the following grounds: <ul style="list-style-type: none"> • Development Plan policies seek to protect existing rural employment sites – Galgate Mill is an identified employment site, though emerging policy recognises that greater flexibility may be required in the long term where mixed use proposals could be acceptable. However, employment uses should be at the forefront of development proposals. The proposal offers little

	<p>employment and is therefore contrary to existing and emerging policy.</p> <ul style="list-style-type: none"> • No evidence has been provided to adequately satisfy planning policy that non-employment development would be acceptable on this site. There is no marketing evidence provided. • The suggested level of employment (10 people) is sub-standard for an allocated employment site and cannot really be regarded a mixed use scheme – it is predominately a residential proposal.
Environmental Health (EH) (Air Quality and Amenity Issues)	<p>No Objection subject to the following conditions:</p> <ul style="list-style-type: none"> • Hours of construction • Implementation of Travel Plan • Scheme for noise and ventilation details to be submitted and agreed. • Details of any flues serving the development to be submitted and agreed
EH (Contaminated Land Officer)	<p>Objection on the grounds that insufficient information has been submitted to demonstrate contaminated land is not a risk to the development.</p>
Civic Society	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • Unacceptable standard of living accommodation • Museum is tokenism • Inadequate parking • Fails to address the loss of employment land • A mixed use scheme may be more appropriate
Lancashire Constabulary	<p>No objection subject measures being incorporated into the design to reduce the fear of crime, such as security measures to each apartment and video access control.</p>
Parish Council	<p>Objection on highway grounds. The Parish Council are concerned that the proposal would generate traffic and exacerbate existing congestion in the village. They are also concerned about the lack of parking. The Parish Council appreciated the need to preserve the Mill and that residential development was the best solution to date to achieve this and that traffic generated by cars was preferable to HGVs associated with the existing use.</p>

5.0 Neighbour Representations

5.1 Public consultation of the application has involved an advertisement in the local press, a site notice and neighbour notification letters to immediate neighbours. In addition, the Parish Council have been notified to allow wider community consultation. This level of consultation accords with the provisions set out in relevant planning legislation.

At the time of compiling this report 16 letters of objection have been received. The reasons for opposition are summarised as follows:

- Inadequate parking provision and no consideration of visitor parking
- Travel Plan suggests that the proposal will house foreign students who generally don't have cars – however such students are generally from affluent backgrounds and are more likely to have cars.
- Unrealistic targets set out in the Travel Plan – the unsafe characteristics of Chapel Lane and Hazelrigg Lane are likely to put people off walking/cycling from the site to the University.
- People working and visiting the Mill already park on surrounding streets – this proposal will exacerbate on-street parking and congestion
- Chapel Lane is sub-standard and unsafe for pedestrians and needs traffic calming – often used as a rat run at rush hour.
- Pedestrian/cycle safety at greater risk along Chapel Lane
- Public transport is poor between Galgate and Lancaster
- Reducing the width of the highway will restrict larger vehicles needing access to the Mill
- Excessive number of student apartments
- Unacceptable noise, disturbance and anti-social behaviour
- Increased risk of crime in the area – Galgate does not have a strong police presence
- Galgate does not offer the same leisure/retail needs as Lancaster – Lancaster city centre is more desirable for student accommodation.
- Existing shops may raise their prices which would affect standard of living for existing residents.
- Loss of privacy to nearby residential properties – currently not overlooked due to the nature

of the existing use of the Mill.

- The cycle shed will block light and restrict access to the café at the Mill
- The proposal is a lost opportunity for the village – small start-up business units should have been incorporated in the scheme, as originally presented by the applicants to the community (Parish Meeting 14.4.2014). Halton Mill Lancaster Engineering building is a good example.
- Loss of employment land and potential to prejudice existing businesses
- The businesses at Galgate Mill are generally thriving and vacant units rarely remain empty for long.
- Lack of public consultation of the application
- Many in support don't live in the village or are involved in the application itself and the recent sale of the Mill to the developers.
- No guarantee that the accommodation would be occupied by students

In addition, 11 letters of support have been received. The main reasons for support are summarised as follows:

- Investment in the Mill to preserve it for future generations to enjoy is a positive reason to support the proposal.
- Preservation of a historic building
- Good design
- Improves the area – community asset in respect of the museum element
- Good location for student accommodation
- Best use for the Mill given lack of land available with the Mill for parking
- Economic benefits
- Provision of cycle stand and bikes is environmentally friendly and a good idea

6.0 Principal National and Development Plan Policies

Paragraph 12 and 14 – Presumption in favour of Sustainable Development

Paragraph 17 – Core Principles

Section 1 (paragraph 18 – 22) – Building a strong, competitive economy

Paragraph 28 – Supporting the rural economy

Section 4 (paragraphs 29 – 41) – Promoting sustainable transport

Paragraphs 56, 58, 61, 64 – Good Design

Paragraph 69 – Promoting healthy communities

Paragraph 123 - Noise

Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

Paragraphs 188-190 – Pre-application engagement

Paragraphs 196-198 – Determining planning applications

6.1 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

SC4 – Meeting the District's Housing Requirement

6.2 Lancaster District Local Plan - saved policies

EC16 – Non-Employment development on rural employment sites

6.3 The City Council resolved to adopt both the Development Management and Morecambe Area Action Plan Development Plan Documents (DPDs) on 17 December 2014. This means that both documents now form part of the Local Plan for Lancaster District 2011-2031 and the policies contained therein are afforded full weight.

Development Management DPD

DM7 – Economic Development in Rural Areas

DM8 – Re-use and Conversion of Rural Buildings

DM15 – Proposals involving Employment Land and Premises

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking & cycling

DM22 – Vehicle Parking Provision

DM23 – Transport Efficient and Travel Plans

DM30 – Development affected Listed Buildings

DM32 – Setting of Designated Heritage Assets

DM35 – Key Design Principles
DM36 – Sustainable Design
DM42 – Managing Rural Housing Growth
DM44 – Residential Conversions
DM46 – Accommodation for Students
Appendix B – Car Parking Standards
Appendix D – Purpose Built and Converted Shared Accommodation
Appendix F- Studio Accommodation

- 6.4 The Council's Land Allocations DPD has not advanced alongside the Development Management DPD but has been through its first Preferred Options consultation. Policies in the emerging Local Plan are a material consideration but at this stage carry limited weight.

Emerging Land Allocations DPD
Policy OPP3 – Galgate Mill

- 6.5. Draft Local Plan for Lancaster District 2011-2026 2014 Housing Land Supply Statement - This document sets out the current published position in relation to housing land supply in the District related to the NPPF requirement for five years supply of specific deliverable sites.

7.0 Comment and Analysis

- 7.1 The main issues are as follows:

- Housing need
- Loss of employment land
- Impact on heritage assets
- Highway implications
- Amenity of future occupants

7.2 Housing Need

National planning policy requires local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and needs of different groups in the community. Development Plan policy recognises that students are an important component of the housing market and as such their needs should be addressed, particularly given student accommodation contributes to the districts housing supply. In addition, purpose-built student accommodation development can contribute to the potential release of shared family housing currently occupied by students. Whilst the development is for student accommodation, it relates to a form of housing and, therefore, it is accepted that paragraph 49 of the NPPF applies. This states that housing applications should be considered in the context of the presumption in favour of sustainable development. Subsequently, for decision making this means where the development plan is absent, silent or relevant policies (in the case of housing supply) are out-of-date, planning permission should be granted, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The following sections of the report will consider other principal planning considerations, to ultimately assess whether the presumption in favour of sustainable development applies.

7.3 Loss of Employment Land

Saved Local Plan policy EC16 allocates Galgate Silk Mill as a rural employment site. This policy sets out that non-employment development will only be permitted on employment sites in the rural area where it can be shown that there is no demand for employment; or the site's location or surroundings are clearly unsuited to employment use; and the proposal would bring about clear environmental benefits; or the proposal is part of a mixed-use scheme in which employment use is dominant. A similar approach is taken in policy DM15 which refers to the loss of employment land for alternative non-employment uses. This sets out that schemes will only be permitted where: it has been demonstrated through a robust marketing exercise that the ongoing employment use of the premises is no longer appropriate or viable; or the location has such exceptionally severe site restrictions; or the re-use off the land meets the wider regeneration objectives set out in the Local Plan or where the benefits of the proposal outweigh the loss of the site for employment purposes.

- 7.4 The NPPF also clearly sets out that the Government is committed to securing economic growth in order to create jobs and prosperity, particularly in the rural, sustainable areas. Galgate Mill is an

allocated rural employment site where 'B' type employment uses are dominant. Whilst emerging policy (Land Allocations DPD) suggests a more flexible approach may be pursued for this site in the future (via policy OPP3), this policy still indicates that future proposals should look to support and protect the continued operation of the mill for employment purposes. The emerging policy (supported by employment evidence) recognises that the mill plays an important role in the district's employment land supply, providing small units suitable for start-up businesses and other rural enterprises. Proposals which would result in the loss of employment space will not be supported unless appropriate alternative provision can be achieved and the curtilage of the mill cleared, thereby facilitating conservation-led regeneration benefits. Whilst this policy carries limited weight at present (in context of paragraph 216, NPPF) it clearly provides an indication that the Councils' existing and longstanding position to support and protect employment uses and development at the mill, particularly given its sustainable location with good access to the strategic highway network (the M6), is unlikely to change significantly in the near future. Though, in accordance with paragraph 22 of the NPPF, it is likely that emerging policy will provide greater opportunities for employment-led mixed use proposals which facilitate wider regeneration of the site.

- 7.5 The application in the first instance relates only to the 5-storey mill building and associated chimney including a small proportion of land at the site entrance. It does not include the attached buildings (some extensions to the original Mill) or land surrounding it. Subsequently, there is no prospect of this proposal contributing to wider regeneration of the whole site, such as tidying up areas which currently do not positively contribute to the setting of the listed mill (e.g. the storage containers). Officers had previously encouraged the applicant to approach other land owners to explore a proposal which would benefit the whole site through, for example, the removal of the containers and less significant extensions to the mill, and the conversion of the mill to provide new start-up employment uses or even a new purpose built building to re-house businesses currently operating from the containers. A more comprehensive scheme could also help improve the existing hard landscaping areas and provide better parking layouts. However, whilst a comprehensive scheme would be desirable, it is acknowledged that there are a number of landowners within the estate which makes this difficult to achieve. Subsequently, it is contended, that the lack of comprehensiveness would not be a reason to refuse the application, particularly given there is currently no strong policy basis for doing so. Consequently, the regeneration benefits provided through this proposal (discussed later in the report) would only relate to the mill building itself and not the wider industrial estate.
- 7.6 Turning back to policies EC16 and DM15, the application is for 107 student studio rooms with ancillary communal, leisure space and a museum. The predominant use of the building is residential with a small proportion of the building used as a museum. The proposal is considered non-employment development. Such development departs from the policies contained within the development plan, unless the proposal complies with the exception criteria set out in these policies. One of the main tests is a marketing exercise.
- 7.7 The applicant has failed to submit sufficient and appropriate evidence to demonstrate compliance with the above related policies. Quite disappointingly, the applicant's planning statement fails to even mention the employment-related policies relevant to their proposal and more recent supporting information provided by the applicant does not even refer to the correct national planning policy. This unfortunately demonstrates a failure on their part to fully understand the planning policy context of their proposal. Despite assertions to the contrary, concerns over the loss of employment land (along with other matters) were key concerns aired by Officers at the per-application stage. The applicant has indicated some marketing has been undertaken, though no evidence of this is yet provided, nor is the marketing suggested to have been undertaken appropriate. The applicant has indicated in their planning statement that between 27th January 2014 and 3rd February 2014 the applicant had contacted mainly convenience retail operators (e.g. Tesco Express, Sainsbury's Local, Aldi) and leading commercial agents to market the site for retail purposes. The applicant indicates that the responses stated the site was not suitable for retail purposes. The policy requires the applicant to demonstrate through a robust marketing exercise that has been taken over a reasonable period of time (at least 12 months) that an ongoing employment use is no longer appropriate and viable. The applicant has firstly, failed to market the site for employment purposes (B1, B2 and B8 uses) and secondly, failed to provide robust marketing evidence. The applicant contends that the proposal does not lead to a loss of employment land on the basis that the last business operating from the mill employed only 4 people and that 10 jobs would be generated by their proposal.
- 7.8 The second part of the policy states that residential development will only be permitted where the

location has such exceptionally severe site restrictions due to very poor access or servicing arrangements, or surrounding land uses make a continuing employment use inappropriate. Officers contend there are no grounds to argue the site is not suitable for employment uses/development despite the sites proximity to nearby residential development and the alignment and width of Chapel Lane (in parts) for use by HGVs. It is understood that the local community (Parish Council) feel that development that removes HGV movements would be preferable and that residential development is the best use for the mill. Equally there are some public comments to the contrary who make a point that residential use of the mill affects neighbouring residential amenity and that small start-up employment units would be more appropriate. In any event, the local planning authority are not aware of severe environmental problems associated with the mill operating as an employment use and therefore the current proposal would not satisfy the exceptional criteria set out in policy.

- 7.9 The final part of the policy states that residential development will be permitted for the re-use of employment land for non-employment uses where the proposal meets wider regeneration objectives set out in the local plan or where the benefits outweigh the loss of the site for employment purposes. There are no specific development plan policies setting regeneration objectives for Galgate Silk Mill. It is acknowledged that the benefits of the proposal relate to meeting a housing need and the principle of securing a long-term future use of the listed mill (discussed later in the heritage section of this report). The proposal would not bring any benefits to the existing industrial estate through improved landscaping, parking or employment provision. On this basis, the proposal would not be an exception to the above related employment policy.
- 7.10 Given the above it is considered that the loss of this rural employment building/site for student housing, without any marketing evidence to demonstrate that the employment use of the site it is no longer an appropriate or viable use, would not only conflict with policies contained within the Development Plan, but would fail to constitute sustainable development thereby conflicting with the aims and objectives of the NPPF. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development if a five-year supply of deliverable housing sites cannot be demonstrated. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Employment is an important component to ensuring sustainable rural communities and as such, for the reasons set out above, it is not considered that the lack of a five year land supply outweighs this.
- 7.11 **Heritage considerations**
The NPPF states that when considering the impact of a proposed development on the significance of a 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"*. Paragraph 132 of the NPPF seeks to express the statutory presumption set out in s66(1) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.12 It is commendable of the applicant to pursue a development proposal that could secure a potential long-term use for the Mill, particularly gives its historical significance and iconic landmark feature in this part of the district. This is also acknowledged by the Parish Council. However, the application as it stands has failed to provide sufficient information to fully assess the impacts of the proposal on the significance of the designated heritage asset.
- 7.13 A detailed heritage assessment has been submitted with the application including a separate statement in respect of the museum element of the scheme in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *'the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country'*. Those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered *great*

significance are the internal columns and upright shaft bearings and elements considered *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards the lean-to extension (where the accessible rooms are proposed), wright-iron railings, personnel tunnel and internal spiral staircase. The negative elements include the external lift tower to the south side of the mill and internal partitions.

- 7.14 The existing mill represents a typical, historical industrial building evident by the large open plan spaces and is clearly not designed for residential occupation. The elements of the building considered *outstanding* or of *great significance* shall be retained, this includes the external elevations of the mill, the chimney and the internal columns. However, to deliver the proposal the development involves various interventions and internal alterations. The main internal changes involve the insertion of a significant number of internal partitions (defined in the heritage statement as negative components of the building) and the removal of areas of the floors/ceilings to create a central atrium. The application proposes the removal of the external lift tower which is a benefit to the scheme. The heritage statement indicates that the proposal does not require any significant alterations to the exterior to the mill block. There is a lack of clarity and inconsistency in the submission at this point, particularly in relation to the windows. The heritage statement makes little mention of what is proposed to the existing windows. The plans indicate that acoustic laminated glass will be used, but it is not clear if this is to be used within the existing frame or in secondary glazing. Either method, detailed information needs to be submitted in the application to determine if it's possible without significant impact on the fabric of the building. The applicant has recently indicated that the timber windows will be renewed of exactly matching appearance but double glazed and has provided a sample. This sample is not considered acceptable. There is preference for the existing windows to be repaired where possible and retained and appropriate secondary glazing systems used. However, if the applicant can evidence that this is not a feasible solution replacement windows could be acceptable, provided they are a good match to the historical form and appearance. At this time, there is insufficient information submitted in respect of the proposals to the external windows to fully assess the impacts of such changes on the significance of the heritage asset.
- 7.15 In addition to the window replacements, the proposed development will require substantial upgrading to the fabric of the building to improve the insulation properties of the building. The plans do not show any internal insulation being proposed to the external walls. Although the walls are substantial in construction, some sound insulation may be required (especially on the party wall) as the development is within an industrial site. Similarly, the plans indicate air conditioning and ventilation systems will be provided but there are no details about what this will involve and how such systems will be inserted into the building's fabric. Whilst it may be possible to provide such systems, at this time there is insufficient detail submitted to assess how this would affect the fabric of the building. It is considered that these concerns could be overcome with the submission of more precise detail.
- 7.16 Other concerns relate to the loss of part of the external fire escape. This is a feature that should be retained unless there is strong justification for part of its loss. In the heritage assessment the external fire escape is identified as a priority 3 structure, due to the rare completeness of the firefighting arrangements it is considered this increases its significance. There is no justification for part of its removal. With regards to the proposed porch extension, the level of detail provided is poor. The construction and actual appearance of this porch extension is not detailed enough to be certain the extension is appropriate. That said, Officers agree that a contrasting modern porch extension with a greater use of glass is desirable and that the applicants are heading in the right direction in respect to the scale and form of this small addition. Again, this issue could be overcome with more detailed information. There is also a lack of detail in respect of the internal elevations and design of the atrium. There are no elevations internally to view how these alterations would affect the historic fabric, character and significance of the heritage asset.
- 7.17 Due to the size of the mill and chimney the building is visible from some distance. Setting is defined as 'the surroundings in which the asset is experienced' in English Heritage guidance '*The Setting of Heritage Assets*'. The guidance also states that 'the contribution of setting to the significance of a heritage asset is often expressed by reference to view'. It is considered that views towards the mill along Chapel Lane from the north are significant. The proposed location for the bike stand is considered to impact on important views of the mill and would not, despite views to the contrary preserve the setting of the mill. An alternative location away from the mill, and suitably located away from neighbouring residential accommodation at Ellet House, may minimise its impact on such views

and bring it in line with Policy DM32 and Paragraph 132 of the NPPF, which identifies that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'. It is understood that the position of the cycle stand has been chosen because of safety concerns for future occupants negotiating traffic within the estate. This is understandable but does not mean the cycle store should be located in a less desirable position.

- 7.18 By the applicant's own admission (within the heritage statement) the insertion of partition walls are considered negative elements. On the lower ground floor existing internal partitions will be removed. The lower ground floor will provide (to a certain extent) areas where the open plan, utilitarian, industrial feel to the mill will be experienced, such as in the communal spaces and museum. There is no area within the proposal where the whole floorplate will be completely open (as original) to truly experience the special open character to the listed mill. It will be possible to view the columns in the centre of the building through the atrium which extends over the 5 floors, though the exact manner of construction of the atrium is unclear. Notwithstanding this, the heritage statement indicates that the intention of the atrium is to enable the column and beam structure to be revealed from ground level through to the roof, which despite the removal of limited sections of all the upper floors would be one way to read the construction of the historic mill. The upper floors will all then be subdivided to provide around 26 studio rooms per floor. The columns will be retained but in the majority of cases hidden behind new internal partition walls. It is argued that the internal partitions are all reversible. Whilst this may be the case, it cannot be concluded that the proposal would not lead to some harm to the heritage asset. Paragraph 134 states *that where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 7.19 There is no dispute that finding a sustainable end use for the Mill building carries significant weight in the determination of the application. It is acknowledged that the proposal provides an opportunity to secure investment in the mill to avoid further disrepair and that the applicant has good intentions in respect of restoring this important historic building. The applicant is also commented for pursuing the museum element of the mill. This would be a significant asset to the village and wider area as it will highlight the historic importance of the mill and Lancaster (as a trading port/industrialisation) in general. The museum project will be underwritten for initial set up and subsequent running, insurance, security and administration costs by the developer and a Museum Management Board will administer the museum. It is proposed that the Board will operate the Museum under the auspices of a Charity with Association of Independent Museums (AIM) membership. This element of the proposal is fully supported, but due to extent of land that the applicant has in their control, the museum can only operate on a small scale.
- 7.20 The applicant contends that this proposal provides a long term end use for the mill and with this will come repair, improvements and ongoing maintenance to secure and reveal the special outstanding significance of the mill building. Where there is harm, such as the insertion of partition walls, this harm should be weighed against the benefits of the proposal. It is acknowledged that interventions to permit sustainable end uses to listed buildings can be considered permissible to avoid decay and ultimately loss of designated heritage assets, so long as the significant historic structures and features are largely retained. NPPG (paragraph 015) indicates that the *vast majority of heritage assets are in private hands. Thus sustaining heritage assets in the long term often requires incentive for active conservation.* The structural report concludes that the current condition of the mill is generally very good and that whilst there is a need for some remedial work in isolated locations, it is relatively nominal. The report indicates the building is suitable for residential conversion. Subsequently, it is important to consider whether the proposal is actually the optimum viable use for the building, bearing in mind the optimum use may not be the most profitable (paragraph 015, NPPG). There has been no enabling development case put forward by the applicant, other than this proposal will provide a long term sustainable use. There is no evidence to indicate that other uses or mixed use schemes may be inappropriate. The one comment in the structural report which suggests that the floor structures could not withhold loads greater than those imposed by residential units, does not provide sufficient compelling evidence to rule out other non-residential uses or better mixed used proposals could not secure an optimum viable use for the mill. In respect of heritage considerations, it is considered that there is insufficient information submitted to fully assess the impacts on the listed building. Equally, from the information provided, there are concerns that the cycle stand will also affect the setting of the mill contrary to local and national planning policy.
- 7.21 **Highway implications**
The Transport Statement indicates that the previous business (Bathroom Emporium) was a

successful business with a footfall of 4000 visitors and between 400-600 sales per month, resulting in 36 HGV deliveries, 81 trips from the businesses own vehicles and upto 3 large container drop offs per month. The applicant argues the proposed development would generate less traffic, and particularly less HGV movements, than the existing use. They suggest that the level of parking proposed (which comprises 5 accessible parking spaces, 2 staff parking spaces and 3 spaces for the museum (one of which is a minibus space) is sufficient for the proposed development. There is no parking available for visitors. A travel plan has been submitted which indicates there is no parking spaces available for the student accommodation with the exception for the accessible spaces. There is extensive cycle provision, legal agreements (accommodation contracts) to not bring their cars, free use of mill bicycles, potential Bike and Go type scheme with the university, Uni-rider bus pass scheme, designated Travel Plan coordinator, monitoring and review of the Travel Plan. In addition, off-site highway works are proposed to narrow the road between the east and western mills either side of Chapel Lane to provide a continuous footpath running in front of the mill building towards the cycle parking area, thus improving pedestrian accessibility between the village and the main estate access. The submitted transport statement suggests that the development would be marketed at foreign students and assumes that such students are less likely to have cars. The applicant argues that should students choose to bring their cars there is secure student parking available opposite the mill outside the applicant's control. The site is also located close to bus stops where services are available between the village, the university and Lancaster.

7.22 It is acknowledged that the village is an identified sustainable rural settlement with public transport and cycle links to the University and the city centre. It is also acknowledged that similar purpose built student accommodation schemes in the centre of Lancaster have been accepted without any car parking provision. However, the infrastructure of Galgate is somewhat different to that found in Lancaster. This is a clear concern to the Highway Authority who have objected to the development. Whilst the applicant has given parking requirements some thought (via the measures outlined in the Travel Plan), the occupation of the development could not solely be limited (via planning controls) to foreign students, nor could it be ruled out that some students would have cars and wish to park close by. The car park opposite the mill does not have a formal consent to be used for parking nor is it in the applicant's control. Notwithstanding this, any charges to park elsewhere off-site is likely to discourage future occupants parking off-street. Subsequently, it is inevitable that any parking would be within the estate where there is already limited space due to the existing businesses or on surrounding residential streets and Chapel Lane. Student parking on Chapel Lane and Hazelrigg Lane (to avoid parking charges on campus) has been a longstanding problem, although measures put in place via the Highway Authority have led to some improvements. Members of the public have also indicated employees of existing businesses on the mill complex also park on surrounding residential streets. Subsequently, in light of existing parking problems in the village and around Chapel Lane, the lack of parking proposed with this development raises significant concern. Additional vehicles parking on the highway and surrounding residential streets is likely to exacerbate existing congestion problems and would comprise public safety, potentially affecting the operation of the highway as a whole. On this basis, despite student accommodation not having the same parking demands as ordinary residential development, the absence of any parking for students (with the exception of the accessible spaces) in a rural village would lead to potentially severe highway impacts. The Highways Authority have not indicated that one parking space per unit would be required, but that a modicum of parking provision should be provided. On this basis the development conflicts with paragraph 17 and 32 of the NPPF and DM20, DM22, DM35 and DM46 and appendix D of the Development Management DPD.

7.23 There is also concern that the level of cycle parking provision is inadequate, particularly given the requirement to maximise more sustainable transport modes. The Development Management DPD standard would require 1 cycle space per unit yet only 30 spaces are proposed. The location of the cycle stand, remote from the accommodation, is also a concern raised by the Highway Authority. It is also an issue in respect of heritage impacts. One solution would be to provide internal cycle storage within the building itself. This would also free up some additional parking. The existing site plan indicates that within the applicants control there are 19 existing spaces. It would seem sensible in the circumstances to try and retain and improve on the existing level of parking rather than reduce it. Policy DM22 states that car-free development or development proposed which incorporates limited car parking will only be considered acceptable in appropriate locations where there is clear justification for the level of provision proposed, having consideration for the current and proposed availability of alternative transport modes, highway safety, servicing requirements, the need of potential users and the amenity of occupiers of nearby properties and other parking facilities. It is contended that the proposal fails to comply with this element of the policy. As a consequence of the

knock-on effects of students potentially parking on-street in an area that already suffers congestion, the proposal also fails to comply with policy DM20. The submission of a Travel Plan can alleviate concerns, but it is clear from the highway response that only the provision of 5 accessible parking spaces associated with students occupying the development would not be acceptable.

7.24 **Amenity for Future Occupants**

The proposed development consists of a large proportion of studio rooms to be occupied by students. Policy DM46, appendix D and F are relevant. The crux of these policies aim to ensure student accommodation is appropriately located – in sustainable locations – provides an acceptable standard of accommodation for future occupants and does not cause adverse impacts to the amenities or the local area or nearby residents. DM46 places emphasis on student accommodation being located in the city centre of Lancaster where services and amenities are readily available including very good public transport links to the universities. However, it does not preclude student accommodation being located outside the city centre provided the proposal complies with other criteria set out in this policy. Galgate is identified as a sustainable rural settlement in the Development Plan, located approximately 1km south of Lancaster University's campus accessed via Chapel Lane, which is also a designated on road cycle route. Subsequently, the principle of purpose built student accommodation in Galgate village opposed to the city centre is considered acceptable.

7.25 With regards to the layout and quantum of accommodation proposed, it is acknowledged that in the majority of cases, the studio apartments are of sufficient size and comply with the 19sq.m requirements set out in the Development Management DPD. Each studio provides a layout which demonstrates that the typical furniture is capable of being accommodated with a reasonable level of circulation space, although the existing columns are located in inconvenient positions within a number of the rooms. This would not however lead to sub-standard accommodation.

7.26 There are, however, 37 rooms out of 107 that do not benefit from any outlook. Appendix D of the Development Management DPD states that all living spaces must have an adequate level of natural light and adequate outlook (i.e. clear glazed windows with the lowest part of the glazing set at a height no greater than 1.5m from the finished floor level with a separation distance of at least 12m between the window and any wall or 21m where windows face each other). The layout proposes 32 studio rooms with windows facing into the central atrium. The only windows serving these studios directly facing each other with separation distances of approximately 3.6m (across the atrium/staircase). The separation distance between these studios is far from acceptable and at such a close distance future occupants would not have sufficient privacy. The applicants' solution to avoid a loss of privacy and overlooking is to obscure glaze these windows. This solution would not comply with adopted policy and is considered to constitute a sub-standard and oppressive form of accommodation. The only windows serving their studio would be an obscure glazed window. The concerns here are exacerbated by the lack of information provided to demonstrate the size of the openings facing into the atrium (i.e. no internal elevations of the atrium have been provided).

7.27 The only natural light available would be via a new glazed atrium in the centre of the mill. The applicant has provided a report with a proposed lighting design to justify the layout proposed. This report concludes that there will be low lux levels on the lower floors, but will be adequate for the purpose these studios are intended. They go on to recommend the use of artificial light to supplement the natural daylight levels. The applicant proposes 32 rooms with no outlook and the lower floor studios with poor natural daylight and argues this is acceptable for the intended purpose. This standard of accommodation would not be tolerated for other forms of residential accommodation – perhaps contrary to the applicant's view, student accommodation should be considered no different. In fact there is perhaps a greater argument that student accommodation such as this where all their facilities are provided in one studio apartment (kitchenette, living/study space and bedroom) should always seek to secure high quality design and a good standard of amenity for future occupants, as required by the NPPF (paragraph 17). The Inspector for the relatively recent appeal case concerning the conversion of the Sultan in Lancaster for student accommodation made a point when dismissing the appeal, that the '*combination of poor light and limited outlook would make for a depressing environment...and inheritably poor quality accommodation*' and concluded that the '*proposal would not provide acceptable living conditions for the intended occupants, nor a satisfactory addition to the housing stock*' (APP/A2335/A/12/2185124). This decision reinforces the concerns above in respect of this proposal.

7.28 In addition to the rooms located around the atrium, the proposed development includes 5 studio apartments on the ground floor level at semi-basement level. These are intended to be accessible

rooms. Local planning policy states that it is very unlikely that living spaces within basements or lower ground floors will be supported. It is acknowledged that these rooms are larger than the other rooms proposed and that air conditioning and heating is proposed. They will benefit from natural light but will not have any outlook. Large remote-controlled rooflights are indicated on the plans. The provision of accessible rooms is something that the Council wishes to support, therefore exceptions and flexibility to the standard of accommodation could be considered. However, there remains concerns as the applicant has failed to adequately demonstrate that the five accessible rooms are a suitable use given they physically adjoin a party wall with an unrestricted, B2 industrial use to the east. The planning statement argues the thickness of the wall would be sufficient and that walls, ceilings and floors will be soundproofed to exceed current building regulations. This may be acceptable from a planning perspective but such interventions may have listed building implications. That said, the rooflights would potentially have to be fixed. A better assessment of this relationship should have been explored by the applicant with specific mitigation measures forming part of their proposal. Due to the listed status of the building, conditioning such detail is not appropriate.

- 7.29 Other studio apartments on the upper floors facing the industrial estate should also have been assessed with detailed mitigation put forward to demonstrate that the proposed use is compatible with the neighbouring employment uses. It is acknowledged from the plans that all rooms are intended to have air conditioning, therefore it is assumed, as there is no clear detail provided within the submission, that the windows will all be fixed in the closed position to avoid noise and smell nuisance from adjoining employment development. Such mitigation could be acceptable, however, it is not clear exactly what is proposed in relation to the windows (as noted above in the heritage section of this report). Furthermore it is acknowledged that the floors above first floor level do not physically adjoin buildings used for industrial purposes, due to the smaller scaled buildings to the rear of the mill. On this note, it is considered that the applicant could resolve these concerns with further information and assessment being provided. Again, due to the listed status of the building, conditioning such detail is not appropriate.
- 7.30 Development proposals of this nature should adequately demonstrate that there is sufficient cycle and refuse storage and that the proposal adequately ensures the scheme is safe (access/security). The proposed development does not appear to provide sufficient, convenient refuse storage for a scheme of this scale. The applicant contends that each floor has recycling and refuse collection areas and that there is a bin store proposed adjacent to the proposed parking areas (marked in red on a plan – not labelled). Each floor, with the exception of the ground floor which proposes no refuse storage internally, proposes a 1sq m room/cupboard for recycling and refuse. The external storage area, which is potentially large enough to accommodate 5 x 1280 litre bins plus recycling storage, is inconveniently located away from the student accommodation up against the boundary with Ellet House. There are equally no details of the scale and appearance of this refuse storage area. The applicant contends that there will be cleaners employed to manage the refuse. However, it is not considered practical or convenient to locate the main external refuse area at the far end of the estate expecting students or the cleaners to take rubbish from various floors for 107 studio apartments and a museum/café a considerable distance to the main bin store. At this time, Officers are not convinced that the proposal but forward to deal with refuse is reasonable or practical. Again, subject to the fundamental concerns of the proposal, the applicant could amend the scheme to resolve these concerns. A solution would be providing a large internal store at ground floor level which provides appropriate access for refuse collectors. It may be that a management plan would be required indicating private refuse collection (rather than the city council) is the best solution.
- 7.31 The covered external cycle store is located adjacent to the proposed parking areas at the other side of the mill. There are already concerns about the location of the cycle stand from a heritage perspective, but it is considered that the position of the cycle stand located some distance from the main entrance where there is no natural surveillance of the cycle stand from the application building, is not convenient, easily accessible or particularly secure. Appendix D of the DM DPD states that 'if no rooms are available within the building...then a secured and full covered storage facility must be provided within a secured external area within the curtilage of the buildings without having an adverse impact on the street scene'. It is contended that the proposal does not meet the requirements of this policy. A simply solution would be providing internal cycle storage within the shell of the building and increase the level of provision too. This too could free up for space for additional parking.
- 7.32 Overall, for the reasons set out above, the proposed development constitutes sub—standard accommodation and therefore fails to comply with paragraphs 17 and 123 of the NPPF, DM35,

7.33 Other considerations

The Contaminated Land Officer has objected to the development due to the lack of information provided. This issue in itself would not warrant a refusal of planning permission. If the proposals were acceptable, a suitably worded condition could deal with these outstanding issues.

In addition to the above, local residents have raised concerns over a loss of residential amenity as a consequence of the mill being occupied by students, particularly those close to the estate. Whilst these concerns are understandable, the application building is separated from properties on Crofters Fold by an existing, albeit lower, industrial building. The mill building and windows overlooking (at an elevated position) neighbouring residential areas are existing. The mill will ultimately become more intensively occupied than the last use and may give rise to the perceptions and feelings of overlooking, but in the interest of securing a long-term use for the mill, Officers do not find that a refusal reason on such grounds should be pursued, as such a reason could ultimately stifle a future, more appropriate, mixed use proposal for the mill. Fining an optimum viable use which could include a residential element would potentially secure a long term sustainable use for this iconic, historic mill building. On balance, and in the public interest, this is significantly important.

8.0 Planning Obligations

8.1 None

9.0 Conclusions

9.1 Whilst the proposal provides an opportunity to secure a long-term use for the listed building, the scheme presented raises a number of fundamental concerns which for the reasons set out above would outweigh the benefits of the proposal. There is a need to secure a sustainable long term use for the mill, but at this time, that need is not such to warrant unacceptable development being supported. However, Officers are of the opinion that the applicant has got good intentions to preserve the mill for future generations to enjoy – this is evident in their proposal to support and fund a small museum within the mill building itself, but it is about finding the optimum viable use. Officers believe that there is scope to develop the mill building and would be prepared to engage with the developer to work up a scheme which is more likely to be favourably considered. In accordance with local planning policy, there is clearly prospects to develop the site as a mixed use development comprising a greater level of employment use within the mill with student accommodation above. For example, the ground floor could be utilised similar to that proposed with the exception of cycle and refuse storage being incorporated into the layout. The floor above could be retained in an open plan format to preserve the historical open plan character of the building and used, for example, as shared workspace (rent-a-desk type accommodation) – similar to the set up at Halton Mills. Some subtle sub-division could be provided to provide start-up workshops (etc) all restricted to B1 uses so that the employment uses are compatible with residential uses above. The upper floors could then be used for student accommodation provided the issues over the standard of living accommodation are resolved. This example above is not by any means set in stone, and ultimately it is for the developer to approach the authority with their reasoned justification why an alternative scheme would not be suitable or to discuss a better mixed use proposal for the site. In conclusion and in accordance with paragraph 14, 49 and 134 of the NPPF in particular, the adverse impacts of the proposal discussed above would significantly and demonstrably outweigh the benefits of the proposal. On this basis, members are recommended to refuse planning permission.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The proposal will result in the loss of employment land within the rural area without it being demonstrated that the ongoing employment use of the site is no longer appropriate or viable. It is also not considered that the benefits of the proposal would outweigh this loss and would therefore not lead to a sustainable form of development. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 3, Saved policy EC16 of the Lancaster District Local Plan, Policy SC1 of the Core Strategy and Policy DM15 of the Development Management Development Plan Document.

2. Insufficient information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and evidence to demonstrate the proposal is the optimum viable use for the building. IN the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Furthermore, it is considered that from the information provided that the proposal would lead to some less than substantial harm to the building itself (internal partitions/loss of part of the external fire escape) and the setting of the listed building by virtue of the location and size of the proposal cycle storage facility and that the public benefits of the scheme would not outweigh the harm to the heritage asset when considered on balance with all the other concerns relating to the proposal. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.
3. The level of parking proposed for a development of this scale and kind in a location that suffers congestion and on-street parking and where access to alternative parking provision is unavailable, is likely to lead to increased on-street parking thereby exacerbating existing parking and congestion problems in the village, Chapel Lane and Hazelrigg Lane to the detriment to public safety and the operation of the local highway network. The lack of cycle parking provision and the inappropriately located cycle store would not overcome the concerns and would further discourage future occupants from choosing to use more sustainable transport modes, such as cycling. Subsequently, the proposed development is considered contrary to paragraphs 17 and 32 of the National Planning Policy Framework and polices DM35, D20, DM22, DM46 and appendix D of the Development Management Development Plan Document.
4. The proposal will result in an unacceptable and poor standard of accommodation for a significant number of the studio apartments proposed in terms of the amount of natural light and outlook that will be available to future occupants of the accommodation to the detriment of their amenity. Furthermore, the applicant has failed to provide sufficient evidence to convince the local planning authority that residential development physically adjoining and sitting adjacent to unrestricted industrial uses is appropriate or that sufficient, appropriate and practical refuse storage can be provided for a proposal of this scale. The proposal is therefore contrary to paragraph 17 and 123 of the National Planning Policy Framework and policies DM35 and DM46 and appendix D and F of the Development Management Development Plan Document.

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

In accordance with Article 31 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

The local planning authority attempted to work proactively with the applicant/agent at the pre-application stage and highlighted concerns with the proposal as prescribed above in accordance with the provisions of the National Planning Policy Framework, but regrettably the application has still been submitted against the advice of the local planning authority or without taking full account of the concerns or providing sufficient justification to depart from that advice. A resubmission of the proposal incorporating the local planning authority's pre-application advice and that prescribed in the report above may be considered more favourably.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None