

Agenda Item	Committee Date	Application Number
A6	5 January 2015	14/01048/LB
Application Site Galgate Mill Chapel Lane Galgate Lancashire	Proposal Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift	
Name of Applicant Mr Ayub Hussain	Name of Agent Imtayaz Patel	
Decision Target Date 2 December 2014	Reason For Delay Committee cycle	
Case Officer	Mrs Jennifer Rehman	
Departure	No	
Summary of Recommendation	Refuse	

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.

2.0 The Proposal

- 2.1 Listed building consent is sought for works to the Mill to facilitate the change of use to provide 107 student studio apartments with communal/leisure facilities and museum. The works include replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance porch, safety door and access ramp, repairs and relocation of railings to pavement, various internal works including the removal of floors to provide central atrium, insertion of internal partitions, steps/staircases and flooring, partial removal of part of the external rear fire escape and removal of external lift.

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).

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	<p>Objection on the following grounds</p> <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)
Lancaster Civic Society	<p>Supports proposals to restore this Grade II listed building. While acknowledging that care and attention has been devoted to plans for maintaining or refurbishing its historic features, we share the reservations expressed by the Conservation Team. It is unfortunate that the attached ground and first floor buildings – some of them in a dilapidated condition will remain and detract from the appearance of the restored structure. Reference to a proposed Silk Museum sounds attractive but we are disappointed at the amount of space allocated (much of it in the form of a café) and the limitation on opening hours.</p>

5.0 Neighbour Representations

5.1 At the time of writing this report one letter from an adjoining business has been received raising objections to the location of the proposed cycle rack directly outside the silk mill café. This is considered an eyesore due to the position of the café elevated above the floor level of the café. Objections have also been received in relation to the lack of parking.

6.0 Principal National and Development Plan Policies

Paragraph 17 – Core Principles

Paragraphs 56, 58, 61, 64 – Good Design

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

6.2 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

DM8 – Re-use and Conversion of Rural Buildings

7.0 Comment and Analysis

- 7.11 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should have only grant listed building consent subject to the following condition set out in s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 “*In considering whether to grant listed building consent for any works the local planning authority or 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 condition set out in s16(2) 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 and Civic Society. 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 remove the external lift tower which is a benefit to the scheme along with various remedial works set out in the structural report, which are also benefits to the proposal. The heritage statement indicates that the proposal does not require any significant alterations to the exterior to the mill block. There will be repair and pointing work to be undertaken which will enhance the building along with modifications to the façade where later openings were inserted. These works are supported and the precise details (such as mortar and repointing specifications) could be conditioned. Unfortunately, there is a lack of clarity and inconsistency in the submission in relation to external works, particularly in relation to the windows. The heritage statement makes little mention of what is proposed to the existing windows. The application form and planning statement suggest replacement windows are proposed and 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 submit in the application to determine if it’s possible without significant impact on the fabric of the

building. To try and resolve the lack of clarity, 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 with 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 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 as the development is within an industrial site, this could particularly be the case on the party wall. 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 fabric of the building. Whilst it may be entirely 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 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 development proposal where the whole floor plate will be completely open (as original) to truly experience the special open character to the listed mill. It will be possible, however, 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 not clear. 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 experience and read the construction of the historic mill. The upper floors will all then be subdivided to provide around 26 studio rooms per floor. This will involve a significant number of new internal partition walls being installed within the fabric of the building. 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.*
- 7.18 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. It is not possible to accept the internal alterations and interventions proposed to the listed building without concluding the proposal end use acceptable.

- 7.19 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 and removal of part of the fire escape, this harm should be weighed against the benefits of the proposal. It is understood and 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 submitted 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 put forward 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. Subsequently, having contended that the development proposed under the corresponding change of use application, it would not be appropriate nor acceptable to support the level of internal works proposed which are considered to lead to less than substantial harm, such as the internal partition and loss of part of the fire escape, if there is not end use which would provide an argument that the public benefits outweigh the harm.

8.0 Planning Obligations

- 8.1 None

9.0 Conclusions

- 9.1 Whilst this application includes some works which could be supported, such as the remedial repair work, repointing, the removal of the external shaft and alterations to the facade to restore original openings, other works proposed, such as the internal partitions, would not be acceptable in the absence of an end use being supported to secure the long term future of the listed building. Such work in would lead to harmful impacts. Finally, in relation to the porch extension, internal ventilation and sound attenuation measures, replacement windows and the proposed atrium, there remains a lack of detail to fully assess the impacts of the proposal on the special architectural and historic interest the listed building possesses. On this basis, the application is considered contrary to national and local heritage related policy and should not be supported at this time. It is hoped, that the developer will pursue an alternative proposal and provide sufficient information to enable the local planning authority to support a proposal and listed building works to secure a sustainable use for this important building.

Recommendation

That Listed Building Consent **BE REFUSED** for the following reasons:

1. 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. 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. 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.

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