

<b>Agenda Item</b> A7	<b>Committee Date</b> 3 April 2017	<b>Application Number</b> 16/01394/FUL
<b>Application Site</b> 1 Spring Garden Street Lancaster Lancashire LA1 1RQ	<b>Proposal</b> Partial demolition and alteration of existing building and erection of a two storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed student cluster flats (C4) on upper floors	
<b>Name of Applicant</b> Mr Stephen Wilkinson	<b>Name of Agent</b> Mr Michael Harrison	
<b>Decision Target Date</b> Extension of time agreed until 6 April 2017	<b>Reason For Delay</b> Negotiating amendments to design	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that he is related to Councillor Wilkinson and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area. It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone on the front elevation, which is painted white, and has dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site. Adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building abuts the rear of the footpath on Spring Garden Street. At present the property is used as a retail outlet for second hand goods.
- 1.2 A large electricity substation immediately adjoins the western boundary, and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site, is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.
- 1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for a building comprising three storeys to deliver four retail units and a store at ground floor with student accommodation above. The ground floor is retained in largely its existing plan form with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors of 70/72 Penny Street. The mono-pitched roof is proposed to be removed with glazing inserted at ground floor to create four separate shop fronts, separated by columns of ashlar stone. The upper floor would be finished in coursed natural sandstone on the front elevation and a stone coloured render on the sides and rear. Most of the windows would be timber sliding sash, finished in grey with stone surrounds, with a grey powder coated aluminium feature around a group of windows on the front elevation. The building would have a slate roof and a partially glazed flat roofed link to adjacent property fronting Penny Street.
- 2.2 On each of the first and second floors the accommodation would comprise a 4 bedroom cluster flat with a shared kitchen/living/dining room and two bathrooms. Access is proposed to utilise the rear outrigger at 70/72 Penny Street with access onto Spring Garden Street from the existing pedestrian access which will be built above. Within the rear yard a bike and bin store are to be provided.

## **3.0 Site History**

- 3.1 An earlier application in 2016 for a similar, but larger, student accommodation scheme on this site (16/00519/FUL) was withdrawn before it was reported to Planning Committee. It comprised both three and four storeys, with retail on the ground floor and three cluster flats on the upper floors. Prior to withdrawal, it was recommended for refusal on the following grounds:

- 1. The current proposal fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this and the use of inappropriate materials, is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 7 and Policy DM35 of the Development Management Development Plan Document.*
- 2. As a result of the scale, form, massing, design and poor relationship to the adjacent buildings fronting Penny Street, it is not considered that the proposal will preserve or enhance the special character or appearance of the Conservation Area and will have a detrimental impact on the adjacent non-designated heritage assets. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 12 and Policies DM31 and DM33 of the Development Management Development Plan Document.*
- 3. Insufficient information has been submitted to be able to fully assess the impacts of noise from nearby uses on the future occupiers of the accommodation to be able to determine if the accommodation proposed provides an acceptable level of amenity and if any impacts can be mitigated as part of the current scheme. It therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11 and Policy DM35 of the Development Management Development Plan Document.*

- 3.2 Prior to the previous application, pre-application advice, ref. 15/00766/PRETWO, was sought which comprised a similar proposed use but with an additional floor and a slightly different design.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections.</b>
<b>Environmental Health</b>	<b>No objection</b> subject to a condition requiring levels of sound insulation in relation to various building elements and mechanical ventilation.

<b>Conservation</b>	<b>No objection.</b> The alteration to sandstone to the frontage is welcomed, subject to details of coursing and sample. Overall, support a contemporary design which respects the surrounding scale and massing of buildings within the Conservation Area, which this proposal does achieve. The proposed large amounts of glazing at ground floor does create a disconnection from ground to upper floors. However, it is not considered this will cause harm to the significance of the Conservation Area.
<b>Parking Services</b>	The applicant should be advised that the occupiers of the properties will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme.
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> subject to a condition requiring a programme of archaeological investigation, recording and analysis.
<b>LUSU Housing</b>	No comments received
<b>University of Cumbria</b>	No comments received
<b>Lancaster Civic Society</b>	<b>Comments</b> - Note improvements have been made to the Spring Garden Street frontage from the previous application which has resulted in an overall reduction in height. The use of ashlar and render is welcomed. Question if more of a feature could be made of the staircase windows.
<b>Lancashire Constabulary</b>	<b>No objections.</b> Recommend security measures are incorporated.
<b>Electricity North West</b>	<b>Comments</b> - the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

## **5.0 Neighbour Representations**

5.1 No neighbour representations received.

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

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles

Paragraph 23 – Ensuring the vitality of town centres

Paragraph 32 – Access and Transport

Paragraphs 49 and 50 – Delivering Housing

Paragraphs 56, 58 and 60 – Requiring Good Design

Paragraph 123 – Noise impacts

Paragraphs 131 – 134, 137 and 141 – Designated Heritage Assets

Paragraph 135 – Non-designated Heritage Assets

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making,

although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### 6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development  
SC5 – Achieving Quality in Design  
SC6 – Crime and Community Safety

### 6.4 Development Management Development Plan Document

DM1 – Town Centre Development  
DM2 – Retail Frontages  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or their settings  
DM34 – Archaeological Features and Scheduled Monuments  
DM35 – Key Design Principles  
DM39 – Surface Water run-off and Sustainable Drainage  
DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation

### 6.5 Other Material Considerations

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7.0 Comment and Analysis**

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Scale, design and impact on heritage assets
- Highway implications
- Impact on amenity of neighbouring properties
- Standard of accommodation

### 7.2 Principle of development

7.2.1 The site is located within the city centre on a secondary retail frontage. The scheme is for residential, but retains the retail use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is also close to good bus routes to Lancaster University and University of Cumbria. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM46 sets out criteria by which proposals will be assessed, so the principle of the scheme is accepted.

### 7.3 Scale, design and impact on heritage assets

- 7.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.
- 7.3.2 A previous application for a three and four storey building was recommended for refusal, but withdrawn before it was reported to the Planning Committee. There were particular concerns regarding the scale, massing and design of the building and its poor relationship to the adjacent properties on Penny Street. The current application proposes a three storey building, with a pitched slate roof, linked to the adjacent property on Penny Street by a predominantly glazed flat roof element, with a lower height than the main part of the building. The ridge only slightly projects above the eaves of the adjoining dwelling and the link has provided a visual separation between the buildings. As such it is now considered that the proposed massing and scale now better relates to the surrounding built form.
- 7.3.3 In terms of the materials, the front elevation would comprise predominantly glazed shopfronts at ground floor separated by ashlar stone pillars and coursed sandstone above. There were originally only two retail units proposed at ground floor, so there was less glazing, and the upper floors were proposed to be finished in white render. There were concerns about the use of render on the front elevation, given the design and appearance of the adjacent buildings, though it was considered that a stone coloured render would be acceptable on the side and rear elevations. However, due to the cost of using stone, the applicant has decided to provide a greater number of smaller sized retail units (4 smaller units are deemed by the applicant to provide a better return than 1 or 2 larger ones), which has reduced the amount of glazing. Ashlar has been reintroduced to break this up, but there are still concerns that the arrangement of the shopfronts, and amount of glazing, does not relate well to the upper floors.
- 7.3.4 A grey cladding window surround has been introduced on the front elevation which provides a modern element to the building. It was suggested that another element was added in order to break up the mass of the building and concerns were raised regarding the design of the original windows proposed. Most of windows have been changed to grey sliding sash with stone surrounds. There were some concerns with bringing these more traditional elements into the modern building, as there is always a danger that it creates a poorer copy of the adjacent traditional buildings if it does not fully reflect traditional scaling and design. However, it is considered that the proposal provides a visual break between the adjoining more traditional buildings and a more contemporary design that respects its surrounds.
- 7.3.5 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in policies DM31 and DM32, with the former setting out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:
- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
  - Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
  - Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.
- 7.3.6 The current building on the site does not contribute to the historic or architectural interest of the area and the proposed redevelopment will take a contemporary approach which is sympathetic in scale and height to the surrounding buildings within the Conservation Area. Whilst there are some minor concerns about some elements of the design, as set out above, it is considered that the proposal will preserve the character and appearance of this part of the Conservation Area, and it likely to enhance this, given the appearance of the existing building.

7.3.7 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable, however, that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Mary Gate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period. The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would merit 'preservation by record'. A condition has been requested by the Archaeological Advisory Service, which is considered to be appropriate.

7.3.8 Lancashire Constabulary has advised that from a crime and incident search of the nearby areas there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. They have recommended security measures for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition and the applicant can be made aware of the recommendations.

#### 7.4 Highway Implications

7.4.1 The scheme does not propose any parking or vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site which could be utilised by occupants for the loading/unloading of belongings. No objections have been raised by the Highways Authority, and it is not considered that the proposal would have a detrimental impact on highways safety.

#### 7.5 Impact on amenity of neighbouring properties

7.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden Street. As such, it is not considered that the proposal will have a detrimental impact on occupiers of this property. There are windows in the rear on numbers 74 and 76 Penny Street. However, outlook and light is already impacted by the existing outrigger at 70-72. Given this, and the position of the building to the north west of these properties, it is not considered that there will be a significant adverse impact on the amenities of the occupiers of these properties. There are also some windows in the first floor of the property on the opposite side of the highway, at the rear of 66 Penny Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. It is not clear if it is residential accommodation, but it is considered likely. However, on balance, given the city centre location and that some of the windows are offset from each other, the relationship is considered to be acceptable.

#### 7.6 Standard of Accommodation/ Amenity of occupiers

7.6.1 The scheme comprises two shared student flats, one on each of the upper floors. These would each

have four bedrooms with two shared bathrooms and a shared kitchen and living area. Both units would share the external yard containing a bin and bike store. The sizes of the rooms, light and outlook are considered to be acceptable and comply with the standards set out in Appendix D of the DM DPD.

- 7.6.2 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Records held by the Environmental Health service show that noise complaints have been received from nearby businesses and local residents about music noise and people noise at and around this location. A noise assessment has been carried out and submitted with the application. The noise assessment clearly shows that noise associated with the Hustle Nightclub and noise incidents typically associated with the night-time economy usually found within and around a city centre locations such as this, will have significant observed effect levels on future occupants unless satisfactory mitigation measures are implemented. The Environmental Health Officer has advised that it has been demonstrated that noise levels can be controlled with construction materials and specific acoustic glazing to meet internal design criteria recommended within BS8233:2014 for both night-time and day-time periods. Furthermore, music noise levels in centre band frequencies at 63Hz and 125Hz will be 'inaudible'. The noise mitigation can be controlled by condition, in addition to mechanical ventilation to serve the bedrooms.

## **8.0 Planning Obligations**

- 8.1 There are none to consider as part of this application.

## **9.0 Conclusions**

- 9.1 The proposal for student accommodation is considered to be appropriate in this city centre location and should help to enhance this part of the Conservation Area. It is also considered that the development will provide an acceptable standard of amenity and will not have an adverse impact on nearby residential properties or highway safety.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Amended plans
3. Programme of archaeological investigation, recording and analysis
4. Scheme for noise mitigation including mechanical ventilation
5. Materials – details and samples including stonework, render, doors and windows, roofing material, ridge, verge and eaves details, window surrounds, rainwater goods, materials for cycle store, any external surfacing material, all means of enclosure, external lighting, details of shopfronts
6. Provision of bike and bin store
7. Student accommodation restriction

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

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

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None