

Agenda Item A6	Committee Date 5 March 2018	Application Number 17/01413/VCN
<p align="center">Application Site</p> <p align="center">Land Adjacent to Bulk Road Lancaster Lancashire</p>	<p align="center">Proposal</p> <p>Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping (Pursuant to the variation of condition 2 on planning permission 16/01084/FUL to amend the approved plans relating to the fenestration of Blocks A, C1 and C2; and Block B from a pitched to flat roof, and condition 4 with respect to modification to the pedestrian route across the site and amendment to the phase 1 vehicular and pedestrian access)</p>	
<p align="center">Name of Applicant</p> <p align="center">Eric Wright Construction</p>	<p align="center">Name of Agent</p> <p align="center">Mr Ed Flood</p>	
<p align="center">Decision Target Date</p> <p align="center">19 March 2018</p>	<p align="center">Reason For Delay</p> <p align="center">NA</p>	
<p>Case Officer</p>	<p>Mr Mark Potts</p>	
<p>Departure</p>	<p>No</p>	
<p>Summary of Recommendation</p>	<p>Approval (Subject to No Objection from the County Council as highway authority).</p>	

1.0 The Site and its Surroundings

- 1.1 The development site is located to the north of Lancaster City Centre located between Back Caton Road and Bulk Road, and the site area is in the region of 0.89 hectares. To the west of the site lies Back Caton Road with industrial development beyond this in the form of a car wash, carpet shop and laundry cleaning business, together with Kingsway Retail Park. To the far north of the site lies residential properties and beyond this is the former bus depot apartment block (8 storeys in height), and properties on Bulk Road and Gladstone Terrace are located to the west of the proposal. To the south lies Bulk Road beyond which is the former Crown Inn on St Leonards Gate, adjacent to this is St Leonards Court (retirement apartments) and Britten Hall, and a computer shop. Parliament Street Retail Park is located to the south.
- 1.2 The site is somewhat of an island positioned between two highways. The southern half of the site is a 60 metre urban block width being around 120 metres in length, and the northern part of the site is a narrow strip of around 22 metres in width and 90 metres in length. It is bound by an alleyway to the rear of the existing two storey terraced properties on Bulk Road. The site has challenging topography, and rises steeply from east to west with the highest part of the site being approximately 13.5m Above Ordnance Datum (AOD) and the low point (running adjacent to Caton Road) is 7m AOD. The existing boundary is characterised by a tall, stone-built retaining structure predominately of grit-stone.

The sites south eastern corner and a small sliver of the western boundary falls within Flood Zone 2 and 3, and the development falls within the Lancaster Air Quality Management Area. There are a group of trees subject to a Tree Preservation Order on the far northern aspect of the site under Order 387 (2006), which relates to the trees within the embankment. There is a scattering of self-seeded trees and vegetation which has regenerated naturally.

- 1.3 There are no Listed Buildings or Scheduled Ancient Monuments located within the development site and the development does not fall within the Conservation Area, 38-42 Parliament Street are located 60 metres to the west of the proposal and are Grade II* listed, and Skerton Bridge which is Grade II* and a Scheduled Ancient Monument located 100 metres to the west of the proposal. The nearest Grade II listed building is the Crown Inn on St Leonards Gate (10m to the south of the site). The Lancaster Conservation Area is located 60m to the south of the proposal and Gladstone Terrace, Ridge Street, Green Street, Hinde Street and Albion Street are all locally designated heritage assets.
- 1.4 The River Lune Biological Heritage Site is located to the west of the proposed development being located 170 metres away and the Morecambe Bay RAMSAR, Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located 2.5km away.

2.0 The Proposal

- 2.1 Planning permission was granted by the Planning and Highways Committee in January 2017 for the creation of a student village. A start on site commenced in May 2017 and the site will be delivered over two phases. The southern half of the site will come forward first; including Blocks A, B, C1 and C2. Phase 2 will consist of the delivery of Blocks C3, D1, D2, D3 and D4. It is expected that the first intake of students will occur in September 2019. Various changes are sought as part of this planning application, which in part have resulted from the detailed design of the scheme.
- 2.2 The application seeks to amend the fenestration with respect to Block A, amending the louvres at the facades of the ground and top floor, and the central section of the roof will be dropped to hide the mechanical and engineering equipment. With respect to Block C1 the internal layout has been amended with small internal changes and there has been some minor alterations to the façade to Bulk Road. With respect to Block C2 the ground floor internal layout has been amended with the kitchen and living spaces location swapped with consequent alteration to the fenestration.
- 2.3 The scheme also proposes amending the pedestrian route that crosses the site. The extant permission proposed the pedestrian route be located in between Blocks C2 and C3, cutting across the site and exiting between Blocks B and D1. The proposal seeks to amend this via a new route to the north of Block C3 which also doubles as a vehicular access point. The location of the extant public route does remain; however this is now proposed to be for vehicular and pedestrian access for Phase 1. There has been some minor amendments to the retaining walls that surround the site and it is now proposed to replace the existing retaining walls around the Bulk Round frontage with a new stone faced structure, which would follow a similar alignment compared to the existing. On the Caton Road elevation some planters are proposed to the retaining walls to lessen the visual impact from the road.

3.0 Site History

- 3.1 The relevant planning application site history is noted below

Application Number	Proposal	Decision
16/01084/FUL	Erection of eight buildings up to eleven storeys in height to create student accommodation comprising 125 studios (C3), 50 cluster flats (C3/sui generis), 19 shared townhouses (sui generis), with ancillary communal facilities, study library (D1), gymnasium (D2), new vehicular and pedestrian accesses, car parking, servicing bays, public realm and landscaping.	Approved

15/00797/FUL	The erection of a student village to cater for 474 bedrooms over four building units, external public realm space and undercroft car park with 47 spaces.	Application never validated
08/00874/OUT	Erection of a mixed use development comprising offices, hotel, retail and ancillary facilities with associated access, parking, servicing and landscaping	Withdrawn (applicant failed to sign Section 106 Agreement)
07/01615/FUL	Reduction of ground levels in association with redevelopment of the site approved under application no. 06/01134/FUL	Approved
06/01134/FUL	Mixed use development comprising of a hotel, residential apartments, associated car parking, landscaping and engineering operations	Approved
97/00893/OUT	Outline application to demolish vacant factory unit and erect 18 two/three bedroom houses	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	No observations received within the statutory timescales
Cadent Gas	No objection
Environmental Health	No observations received within the statutory timescales
Natural England	No objection
Canal Rivers Trust	No comment to make on the variation.
Conservation Officer	No objection – The loss of the pitch roof to Block B and the change in window fenestration is acceptable.
Engineering Team	No observations received within the statutory timescales
Lancaster University	No observations received within the statutory timescales
Fire Safety Officer	No objection
Greater Manchester Ecological Unit	No observations received within the statutory timescales
Historic England	No observations to make.
Lancaster Civic Society	No observations received within the statutory timescales
Lead Local Flood Authority	No observations received within the statutory timescales
Public Rights of Way Officer	No observations received within the statutory timescales
Ramblers Society	No observations received within the statutory timescales
Public Realm Officer	No observations received within the statutory timescales
Tree Protection Officer	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 To date **one letter** of objection has been received from Berendsen UK objecting to the proposal on the following matters;

- Health and Safety;
- Impact upon access to Berendsen Site; and,
- Inappropriate site for the pedestrian crossing.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

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

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

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on 9 February, and there will be an 8 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Local Plan 2008**

H3 – Housing Opportunity Site

6.4 **Development Management Development Plan Document (DM DPD)**

DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking & Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficient and Travel Plans
DM30 – Development affected Listed Buildings
DM31 – Development affecting Conservation Areas
DM32 – Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM36 – Sustainable Design
DM37 – Air Quality
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources
DM46 – Accommodation for Students
Appendix B – Car Parking Standards
Appendix D – Purpose Built and Converted Shared Accommodation
Appendix F – Studio Accommodation

6.5 **Strategic Policies and Land Allocations DPD (Publication Version; February 2018)**

DOS1 – Land at Bulk Road and Lawsons Quay.

6.6 **Other Material Considerations**

Historic England – Tall Buildings Advice Note 4.

7.0 **Comment and Analysis**

7.1 The principle of the development has been established via the grant of planning permission in 2017, and a start on site commenced in May 2017. The application seeks to make some minor material changes to the fenestration of the approved buildings and also amended pedestrian and vehicular access provision.

7.1.1 Block A is the eleven-storey tower block that is semi-circular in nature, with its curved façade along the southern extent of the site. Some minor tweaks to the building are proposed in that the level-to-level heights have been dropped by 75mm each, and louvres have been added at the ground and also top floors of the building. The central section of the roof has been slightly dropped to hide the Mechanical and Electrical equipment (M&E equipment). The living spaces within the tower block have also been merged into one on each level (previously there was two per floor). The changes proposed are very minor in nature and in design terms are acceptable.

7.1.2 Block B is one of the larger blocks of accommodation that is sited adjacent to Caton Road. The applicant is proposing to alter the roof from a pitched to a flat roof. The change has come about due to the cleaning arrangements that are proposed (in so far as abseiling down the building for cleaning purposes). Whilst it would be preferable to maintain the small-scale pitches, in reality this will have a very minor impact on the visual appearance of the building and on balance Officers consider that the request can be accommodated, a view shared by the Council's Conservation Officer.

7.1.3 With respect to Block C1 the changes are relatively minor in so far as the internal layout has been amended to the walls within the common spaces, with minor alterations to the buildings fenestration. This translates to the larger and smaller window locations being swapped around and also three of the bedrooms have been amended to studios. Whilst ordinarily this change would not be accepted, recent case law in the case of *R. v. Taunton Deane BC ex parte Wet Finishing Works Limited* 2017 is relevant as the court upheld a condition which increased the number of dwellings from 84 to 90 when the original consent was for 84. It needs to be considered whether the alteration is fundamental, but the scheme does not seek to create additional bed spaces and therefore the change can be considered acceptable. With respect to Block C2 the ground floor internal layout has been amended, kitchen and living spaces have been swapped resulting in an alteration to the fenestration of the building. The changes proposed are acceptable.

7.2 **Access**

7.2.1 The main amendment as part of this planning application is the amendment to the access provision in the form of vehicular access and also pedestrian route. A key material consideration of officers in the determination of the extant consent was the provision of the route (as an unofficial route used predominately by students used to exist cutting the site), and whilst it remains as part of this application it has been amended in that the point of connection with Bulk Road is now proposed to be sited to the north of Block C3. The approval provided for an underpass and a bridge structure however this has been removed and replaced with steps due to the change in level between the differing levels on the site. It will be important that cycle runners are provided for by the detail associated with this can be controlled by planning condition. The detail of the route can be secured by planning condition. The County (as Highway Authority) have yet to provide observations to this planning application and therefore the Officer support for the scheme is caveated on the basis the County Council raise no objection to the planning application.

7.2.2 The concerns raised by Berendsen, who have operated from Caton Road for many years, relates to the provision of an access point to the site on Caton Road. However it should be stressed that the location of the point of access has not been amended over and above that what has been approved. They specifically raise concerns regarding the pedestrian crossing. It has to be stressed that the location of the crossing will be the ultimate responsibility of the County Council as Highways

Authority. The Berendsen site can only be accessed from the A6 Caton Road which is a southbound only section of carriageway, and whilst the pedestrian crossing would appear to somewhat block this entrance, it is a schematic and as previously stated this will be the subject of further discussion as part of the off-site highway works associated with the scheme.

7.2.3 Previously the pedestrian access route was via a pedestrian route only, and therefore as part of this application the interface between vehicles and pedestrians does need to be considered. The access would in reality only serve 8 car parking spaces and therefore it would be lightly trafficked. Whilst it is unfortunate comments have yet to be provided by the County, Officers consider that this could be achieved by having a shared surface or similar. Notwithstanding this the detail can be controlled by planning condition.

7.3 Conditions

7.3.1 A Section 73 application results in the grant of a new planning permission and with it comes the opportunity to review the planning conditions. The scheme is phased, and at present will be delivered over two distinct phases, the first phase will be occupied by September 2019. During the discussions surrounding this planning application the applicant has highlighted that there are concerns with respect to the current wording of the conditions, not in terms of the outcome of the condition, but more so in terms of the trigger points for the submission of the relevant drawings, namely with regard for when the detailed drawings need to be submitted (such as in relation to access and offsite highway work)s. Officers have worked with the applicant during the course of the development from pre-application to the present day, and given the scheme is now phased and there are contractual arrangements associated with the phasing, it is considered that a further 6 months for the submission of details for condition 4 (access road, servicing bays and cross site footpath) and condition 5 (off-site highway improvement works) would be acceptable, because the works themselves will not be delayed, it solely relates to the written submission of the detail.

7.3.2 A further 12 months is recommended for the submission of the soft and hard landscaping for the site (required under conditions 13 and 14). In terms of condition 16 which relates to crime and safety prevention it is recommended that a further 12 months is provided for this. Condition 18 relates to the use of mechanical ventilation and it is recommended that this is submitted within 6 months. The applicant has raised some concern with condition 19 as it is unknown as yet what gates may well be used however the majority of materials are known and given the phased nature of the scheme it is recommended that the wording is amended to provide for this. A number of the planning conditions associated with the extant consent have been already submitted for consideration, however some do require further information to enable them to be discharged and therefore they have been re-imposed.

8.0 Planning Obligations

8.1 There was no legal agreement associated with the parent consent, and there is no requirement for one to be attached to the granting of this Section 73 planning application.

9.0 Conclusions

9.1 The changes proposed when considered against the scale of the development are considered to be minor material amendments and on balance can be found acceptable on the provision that no objection is received from the County Council as Highway Authority. With this in mind it is recommended to members that the scheme is supported subject to the planning conditions as noted below.

Recommendation

That Planning Permission 16/01084/FUL be varied and Planning Permission **BE GRANTED** subject to the following conditions:

1. Timescales – **No longer needed as development has commenced;**
2. Approved Plans – **Amended to reflect approved plans;**
3. Phasing Plan – **Amended to reflect approved phasing plan;**
4. Details for access – **Scheme to be provided within 6 months of the date of the decision notice;**

5. Scheme for off-site highway works – **Amended to be within 6 months of the date of the decision notice no change for the works to be carried out;**
6. Finished Floor Levels and site levels – **Amended to reflect approved details for Phase 1;**
7. No soils to be brought to the site unless detail provided;
8. Contaminated Land Assessment; **Amended, however Part E of the condition shall remain.**
9. Construction Environment Management Plan (CEMP); - **Amended to reflect approval for Phase 1**
10. Phased Programme of Archaeological Works – **First element of the Written Scheme of Investigation is approved – condition to be amended to reflect that that this is just the first phase.**
11. Surface Water Drainage; - **Outstanding information still required in the form of flood exceedance routes and the drawings updated to reflect the finished floor levels, to be submitted within 2 months of the date of the decision notice.**
12. Foul water drainage scheme – **Amended to reflect the approved scheme.**
13. Landscaping scheme for the site; **To be submitted within 12 months of the date of the decision notice.**
14. Details of the public realm surfacing, landscaping to the main entrance plaza, the public route from Back Caton Road to Bulk Road, the Courtyard, the Sidings and the Goods Yard. **Amended - To be submitted within 12 months of the date of the decision notice.**
15. Details of external refuse enclosures, provision for drop offs, provisions for cycle storage and cycle runners – **Amended to be provided within 2 months of the date of the decision notice.**
16. Crime Prevention Methods – **Amended to be no later than 6 months prior to occupation.**
17. Amended Noise Assessment and Final Glazing Specification;- **Condition remain**
18. Mechanical ventilation throughout the approved buildings - **Condition amended for the ventilation to be submitted within 6 months of the date of the decision notice.**
19. Materials; - **Condition remain and approve those elements which have already been approved.**
20. Travel Plan to be submitted; - **Remain**
21. A delivery, servicing and maintenance plan detailing the servicing and ongoing maintenance arrangements – **Remain**
22. Refuse and Cycle facilities to be implemented prior to the occupation of any of the buildings hereby approved in writing by the local planning authority – **Remain**
23. Lighting (Free Standing or Fixed) – **Remain**
24. Façade cleaning and maintenance strategy – **Remain**
25. Communal Satellite – **Remain**
26. Flood Warning and Evacuation – **Remain**
27. Sustainable Energy Measures – **Remain**
28. Removal of Permitted Development Rights – **Remain**
29. Restriction to Students – **Remain**
30. Development in accordance with the Flood Risk Assessment – Mitigation to be implemented – **Remain**
31. Vegetation Clearance; Remain – **Amended to reflect phasing**
32. Development in accordance with the Arboricultural Implications Assessment; **Remain**
33. Submission of a scheme to deal with impact on television and radio reception - **Amended to be submitted within 3 months of the date of the permission.**

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

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

Background Papers

None.