

<b>Agenda Item</b> A11	<b>Committee Date</b> 20 September 2010	<b>Application Number</b> 10/00456/CU
<b>Application Site</b> Court View House Aalborg Place Lancaster Lancashire	<b>Proposal</b> Change of use of ground floor and first floor to further education college	
<b>Name of Applicant</b> EMBA College	<b>Name of Agent</b> MCK Associates Ltd	
<b>Decision Target Date</b> 5 July 2010	<b>Reason For Delay</b> Resolving transport related issues	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **1.0 The Site and its Surroundings**

1.1 The application site is situated on the east side of Lancaster City Centre between the Magistrate's Court and Lancaster Canal. Vehicular and main pedestrian access to the site is gained from Quarry Road.

The property is known as Court View House. It forms part of the Aalborg Place scheme along with Mill View House, developed by Persimmon. It is predominantly a residential development.

1.2 The site falls within an area designated as Lancaster Central Parking Area and a Housing Opportunity Site. The canal forms a County Biological Heritage Site.

## **2.0 The Proposal**

2.1 The application seeks planning permission to change the use of the vacant ground and first floor space that currently has permission to be used as an office and restaurant. It is proposed to use the space for educational purposes (D1 use) with a lecture room, seminar rooms, a library, a common room, a number of offices, a meeting room, 2 reception areas and toilet facilities. .

2.2 The ground floor (A3 restaurant/café) space measures 350 sq.m with the first floor (B1 office) space providing a further 570 sq.m. It is proposed to use all 920 sq.m of this combined space for the purposes set out in 2.1 above.

2.3 The site has vehicular and pedestrian access from Aalborg Place, off Quarry Road. The commercial floorspace has been allocated 4 car parking spaces within the building, though there are nearby short term car parks at Thurnham Street and Bulk Street. The nearest bus stops are on Common Garden Street and South Road, with the train station a 5-10 minute walk away across the city centre.

## **3.0 Site History**

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
02/00848/FUL	Erection of 139 apartments, public house/cafe (A3/A4 use), office accommodation (B1 use) and associated parking	Permitted

#### **4.0 Consultation Responses**

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

Consultees	Response
<b>County Highways</b>	<p>They comment that the site is within the city centre Controlled Parking Zone and that on street parking in the immediate vicinity of the site is adequately controlled. They note that only 4 spaces within the existing car park are allocated for the proposed use, although the application does not go into any detail as to how this is enforced.</p> <p>The impact of traffic and parking in and around Aalborg Place would therefore not be significant. However, they are concerned about the proximity of the site to the relatively nearby Moorlands residential area, which is already under pressure from commuter parking. This is only a relatively short walk from Aalborg Place and would be likely to attract parking by staff and students who do not choose to travel by other modes and seek to avoid the charges associated with the car parks in the area. The application states up to 175 students may be on site at any given time and it is their view that this could add significantly to parking demand in the Moorlands area, further adding to the problems of the residents in that zone. Whilst it is noted that a Travel Plan has been submitted by the applicant to promote alternative modes of transport, it does not alleviate their concerns. However, the solution identified is the introduction of a "residents only" parking scheme in the residential area of Moorlands, and therefore they request a contribution of £10,000 towards this measure.</p>
<b>Access Officer</b>	In general the proposed seems to comply with Approved Document M of the Building Regulations, but the Officer provides the applicant a list of advisory points to improve accessibility.

#### **5.0 Neighbour Representations**

5.1 18 pieces of correspondence have been received objecting to the proposal. The reasons given include:

- increased noise from loitering students, especially at night due to evening lectures
- pollution from students smoking in the courtyard area adjacent to residential properties
- litter problem would result
- traffic congestion and parking problems
- education is an inappropriate use – apartments sold with the understanding that the space would be used as offices and a restaurant
- security concerns with the number of people coming and going
- over-provision of educational facilities in and around the city
- concerns regarding waste management - improper use of bins
- the college would devalue the adjacent apartments

#### **6.0 Principal Development Plan Policies**

6.1 National Planning Policy Statements (PPS) and Guidance Notes (PPG)

**PPS1** (Delivering Sustainable Development) - provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing

architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes.

**PPG13** (Transport) - encourages sustainable travel, ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

## 6.2 Lancaster District Local Plan - adopted April 2004 (saved policies)

Policy **T9** (Providing for Buses in New Developments) - seeks to locate development, which will significantly increase the demand for travel as close as possible to existing or proposed bus services (i.e. within a 5 minute walk or 400m).

Policy **T17** (Travel Plans) - requirement to produce a Travel Plan for development likely to generate large numbers of daily journeys.

Policy **T26** and **T27** (Footpaths and Cycleways) - Requirements to include cycle and pedestrian links for new schemes.

Policy **R21** (Access for People with Disabilities) - requires disabled access provision.

## 6.3 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** (Sustainable Development) - development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy **E2** (Transportation Measures) - reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

## **7.0 Comment and Analysis**

### 7.1 Educational Use

The college seeking to use the vacant space would have a total enrolment of 500 students, with 150-175 students studying at any one time. In addition, there would be a staff team of 12 (10 full time and 2 part time). The proposed hours of use are 08.30 to 18.00 on Monday to Friday.

Locating an educational use on the edge of the defined city centre is appropriate. Due to the proximity of the proposed college to the existing city's facilities, such as public transport, library, cafes and shops, the students would be able to walk between the various services. Therefore, the proposal is sound in terms of geographical sustainability.

### 7.2 Transportation

The key problem related to this proposal relates to parking. Despite its city centre location with good transport links, the likelihood is that with up to 190 people using the premises on a daily basis during the working week, a reasonable proportion of them will still travel to the site by car. With only 4 on site car parking spaces allocated to the premises, this would push car users into the adjacent car parks. However, the car parks in the immediate vicinity are short term car parks with higher charges. It is therefore unlikely that students and some staff would be willing to pay for parking and would utilise the local residential streets, which already suffer from commuter parking. This is especially true in the Moorlands area, and (to a lesser degree) in the Primrose area. Though the applicant has submitted a Travel Plan with the application that seeks to encourage staff and students to utilise sustainable modes of transport, County Highways have serious concerns relating to this proposal in relation to parking, and therefore recommend that a planning contribution is sought (see Section 8 of this report).

### 7.3 Noise

The concerns raised by neighbours relate predominantly to the number of people that would be using the space, especially compared to the permissible uses (office and restaurant) and the noise that they would generate. Though the movement and the congregation of students and staff would generate some noise, this should be considered with the context of background noise from a city centre location. The level of noise associated with the proposed use would be noticeable but likely to be within tolerance levels for the adjacent residential properties. Furthermore the educational use would be limited to opening hours of 08.30 to 18.00 on Monday to Friday, generally the noisiest parts of the day.

### 7.4 Security

Other residents were concerned about security. With large numbers of people coming and going, it is unlikely that residents would know who has a legitimate reason to be in and around the building, and who has not. Whilst this is a concern, the same would also be true if the current permission for the restaurant use was implemented. It could also be argued that this people movement creates natural surveillance and therefore increases safety and security.

### 7.5 Design

In terms of design, it is proposed to use the existing building with few external changes. The alterations would be to the internal layout, with the installation of partition walls to create rooms for different uses (offices, reception area, staff facilities, lecture theatre). The only external changes relate to doors and windows where it is proposed to remove the temporary boarding and implement the previously approved scheme. Though the application site is not situated within a Conservation Area (a Heritage Asset), the City's Conservation Area boundary abuts the site. The proposal would positively affect the setting of the Heritage Asset by removing the boardings and complete the external finishes to the Aalborg Place development as per the approved drawings of the 2002 application.

## **8.0 Planning Obligations**

8.1 As discussed above, with up to 190 people being on site at any one time and only 4 allocated car parking spaces, local car parks and roads will come under pressure. Though some people attending the facility will travel by other modes of transport other than car, and some travelling by car will use the nearby car parks, it is likely many will seek free parking on 'unrestricted' local roads. Many of these roads are already under pressure from commuters parking their vehicles during the working week. Though County Highways initially objected to the proposal, it is felt that on balance the application can be supported as a solution has been identified. To alleviate County's concerns a "residents only" parking scheme would need to be introduced in the residential area of Moorlands, and therefore County has requested a contribution of £10,000 towards this measure.

## **9.0 Conclusions**

9.1 Using the empty premises within Aalborg Place for an educational use is appropriate. It is located close to other city centre facilities, reducing the number of additional trips. However, despite the train and bus services, and the cycle routes that serve the city, the proposed college is likely to generate a number of car trips. With the nearby car parks being short term only with higher associated charges it is very likely that some students and staff will park on-street in the neighbouring residential areas. Additional pressure will be put upon these areas, especially within the residential area of Moorlands.

Therefore, the application is supported subject to a commuted sum of £10,000 towards the introduction of a residents-only parking scheme in the residential area of Moorlands and relevant conditions.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to the signing of a s106 agreement covering:

1. £10,000 contribution towards the introduction of a residents only parking scheme in the residential area of Moorlands

and the following conditions:

1. Standard 3 year timescale
2. Development to accord with plans
3. External finishes - to be provided as per the approved drawings of planning permission 02/00848/FUL
4. Hours of use - 08.30 to 18.00 Monday to Friday
5. Travel Plan - details and written agreement required prior to commencement
6. Parking strategy - details and written agreement required prior to commencement
7. Refuse storage - details and written agreement required prior to commencement

### **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