

Agenda Item	A11
Application Number	23/01209/PAD
Proposal	Prior approval for the demolition of former Skerton High School
Application site	Former Skerton Community High School Owen Road Lancaster Lancashire
Applicant	Andrew Whittaker, Lancaster City Council
Agent	Steven Healey, Turley
Case Officer	Mrs Jennifer Rehman
Departure	No
Summary of Recommendation	Prior approval is required and granted.

(i) Procedural Matters

This form of development and application type would normally be dealt with under the Scheme of Delegation. This is because of the short timescales in which prior approval applications should be determined and the fact the development, subject to the prior approval process, is considered permitted development by virtue of The Town and County Planning (General Permitted Development) Order 2015 (as amended) hereafter referred to as the 'Order'. However, in this case the applicant is Lancaster City Council and as such the application must be determined by the Planning Committee. An extended determination period has been agreed with the applicant in accordance with Article 7(c) of the Order.

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application relates to the former Skerton Community High School located between the Mainway Estate and Owen Road. The original school building was erected in the 1930s and was designed in the modernist (Art Deco) style. It forms an important and prominent building elevated above the playing fields to the west, with its principal façade facing Rylands Park opposite the site. The original Art Deco building has been extended several times over different architectural periods. Most of the additions are located to the rear of the main school building with sports facilities and playing fields concentrated to the north and west of the school buildings. The playing fields are protected as designated open space in the adopted Local Plan.
- 1.2 Skerton Community High School closed in 2014. Only two buildings formally associated with the secondary school remain in use and have been re-occupied by Chadwick High School. The remaining parts of the site (both buildings and playing fields) have been vacant and disused since the school closed.

- 1.3 Current vehicular access is taken from Mainway to the rear of the site. The only access to Mainway is via Main Street and Aldrens Lane, off Owen Road. The site shares an access/private drive with the neighbouring Chadwick High School. The former access and driveway directly off Owen Road is currently blocked and disused.
- 1.4 Surrounding land uses are predominately residential, including high-density terraced housing to the north (Pinfold Lane and Norfolk Street beyond), medium to high-rise apartment development to the east on the Mainway estate and lower density residential development to the west beyond Owen Road. Ryeland's Park and the BP filling station are situated to the west of the site, almost directly opposite the application site.
- 1.5 The open space to the front of the school forms an important setting to the school building. This is framed by mature trees along the boundary with Owen Road and the boundary with Chadwick School and complemented by the line of mature Cherry trees dissecting the playing fields and forming a distinct avenue up to the centre of the former school building. Several mature trees and groups of trees are located within the quadrants of the building and directly in front of the building frontage as they have become overgrown. None of these trees are protected. A single tree adjacent to the northern boundary of the site (within the rear garden of 1 Pinfold Court) is subject to a Tree Preservation Order (201(1991)).
- 1.6 The site falls within areas at risk of flooding (fluvial (floodzone 2), surface water and groundwater). The site is within an Air Quality Management Area Zone 1 and within the Morecambe Bay Duddon SPA Buffer zone for residential development.

2.0 Proposal

- 2.1 The applicant seeks determination from the local planning authority as to whether prior approval is required for the demolition of the former Skerton Community High School buildings and associated bunker.
- 2.2 The site is also the subject of emerging redevelopment proposals by the applicant, linked to wider regeneration ambitions for the Mainway estate. However, the emerging proposals for the application site are not yet at the planning application stage. It is the applicant's position that the demolition of the redundant buildings would accelerate their site enabling works ready for any future regeneration of the site. The local planning authority has encouraged the applicant to pursue any demolition as part of their wider planning proposals, however, Class B, Part 11, Schedule 2 of the Order provides a legitimate mechanism to enable the demolition of buildings where eligible.

3.0 Site History

- 3.1 The most relevant planning history relates to the recently refused prior approval application for the demolition of the former Skerton Community High School buildings, caretakers house and bunker. This application was refused for the following reasons:
1. *Insufficient information has been provided to justify the removal of the mature trees and landscaping within the immediate vicinity of the school that are categorised as Cat A and B specimens. Thus, the Local Planning Authority does not consider the remediation and visual appearance of the site following the demolition of the buildings to be acceptable.*
 2. *Insufficient information has been provided regarding the demolition and remediation of two bunkers that are known within the site. The Local Planning Authority cannot be certain how these elements of the demolition process will be remediated and, as such, it is not therefore possible to conclude that the method of demolition and remediation of the site is acceptable.*
- 3.2 A submission for pre-application advice relating to the future redevelopment of this site has been received by the Local Planning Authority.

Application Number	Proposal	Decision
23/00982/PAD	Prior approval for the demolition of former Skerton High School, caretakers house and bunker	Prior Approval Refused

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Arboricultural Officer	<p>A summary of the main areas of concern are set out below:</p> <ul style="list-style-type: none"> • Rather than comment on the trees within a covering letter and a separate tree removal plan, a full Agricultural Impact Assessment should have been produced to accurately evaluate the impact of proposed tree losses. • Due to the identified landscape importance of the trees, it is not clear why more cannot be retained within the development. • Removal of nesting habitat is not a justification for pre-emptive felling.
County Archaeology	At the time of compiling this report, no formal representations have been received. A verbal update will be provided if comments are submitted before the committee meeting. However, County Archaeology has discussed deficiencies identified in the submitted report with the case officer and an amended report has been submitted and consulted upon. A verbal update will be provided.
Environmental Protection Team	<p>No objection to the submitted Method Risk Assessment and Environmental Management Plan subject to the following conditions:</p> <ul style="list-style-type: none"> • All plant, machinery and equipment to be used shall be of such types and so installed, maintained and operated as to prevent the transmission of unacceptable noise or vibration. • Noise limitations of 55dB(A) LAeq,16hr in order to avoid 'Serious Community Annoyance', or; 50dB(A) LAeq,16hr to avoid 'Moderate Community Annoyance' during the day. • Watching brief for contaminated land.
Cadent Gas	No objection. Advice received to inform the applicant there is gas infrastructure within the area of the site, which may be subject to legal easements and other rights. The applicant must take note of the comments from Cadent Gas.
Lancaster Civic Vision	<p>Objection on the following grounds:</p> <ul style="list-style-type: none"> • The existing building, particularly the front elevation, is a significant example of twentieth century civic architecture. • Within the overall redevelopment of the Mainway area, it should be possible for architects and landscape designers with imagination to produce a scheme which could incorporate sections of the facade of the main building, thus maintaining the fenestration and recording the importance of this building to its surrounding community, which it faithfully served for nearly 100 years. • The Historical Report should be preserved in the City Museum. • External features, such as the gateposts, could be reinstated. • We are fast losing stylish buildings (Art Deco) to be replaced with uncertain build quality and longevity. • The school, the front lawns and Cherry trees deserves protection for future generations.

4.2 The Order requires the applicant to post a site notice informing the public of their intention to demolish identified buildings. At the time of compiling this report, the local planning authority has not received any representations in response to the publicity undertaken.

5.0 Analysis

5.1 The main considerations in the assessment of this application are:

- Permitted development and procedural matters.
- Method of demolition and restoration of the site.
- Protected species.

5.2 **Permitted development and procedural matters**

5.2.1 Class B, Part 11, Schedule 2 of the Order states that any building operation consisting of the demolition of a building is 'permitted development', subject to some exclusions (sub-section B.1) and conditions (sub-section B.2). The proposed development is not affected by the exclusions set out in Class B.1, and in accordance with condition B1(i), the developer (in this case Lancaster City Council) has applied to the local planning authority for a determination as to whether the prior approval will be required. If it is required, details of the method of demolition and any means of restoring the site need to be approved. These are the only considerations applicable to such applications. It is not a planning application whereby the proposal is assessed against national and local planning policy and wider material planning considerations. The objection and concerns raised by Lancaster Civic Vision are understandable, but under the provisions of Order the principle of demolishing the building is not a consideration the local planning authority can take into account.

5.2.2 The application has been submitted with the necessary, mandatory information and the following supporting documents/plans:

- Bat Scoping Survey
- Bat presence/absence surveys
- Arboricultural Method Statement
- Amended Tree Constraints Report and Plan
- Amended Environmental Management Plan - Demolition and Site Clearance Works
- Method Statement and Risk Assessments
- Demolition Timeline
- Level 2 Historic Building Record
- Hoarding Plan
- Cover letter

5.2.3 This follows the local planning authority previously determining prior approval for the method of demolition and means of site remediation was required during the determination of the recently refused application. The additional supporting information seeks to address the earlier refusal reasons, which focused mainly on the remediation of the site.

5.3 **Method of demolition and site remediation**

5.3.1 **Method of demolition**

This application is accompanied by a Method Statement, a Programme of Works, an Environmental Management Plan, Tree Constraint Report, Tree Protection and Retention Strategy and covering letter. The details contained within the submitted documents set out the way in which the proposed demolition will take place in a safe manner having regard to potential effects on nearby residents, existing trees and visual amenity, the operation of the adjacent school and highway safety. The phased programme of works indicates that demolition of the school's superstructure is due to commence January 2024 and that all works will be carried out in compliance with 'British Standard 6187:2011 Code of practice for full and partial demolition'. The whole process is anticipated to last approximately 14 weeks.

5.3.2 The method statement indicates before any demolition occurs asbestos removal will be undertaken in accordance with the relevant regulations followed by a soft-strip of all the buildings identified for removal. Demolition of the superstructure is anticipated over 4 weeks and will involve the removal of these buildings to 1.5 metres below existing ground levels (including foundations). After which, all material will be appropriately recycled and removed from site (where possible) leaving the areas of land finished in crushed stone and enclosed with hoardings, except for the site of the bunker which will be surfaced with top soil and excluded from the hoardings.

5.3.3 A summary of the key measures associated with the method of demolition prescribed in the application includes: -

- Working hours of 08.30 – 18:00 Monday to Friday. No works will be permitted to occur on weekends or Public Holidays unless agreed in advance by the LPA.
- Monitoring of sound levels at each site boundary with noise levels not to exceed 55dB(A) LAeq,16hr in order to avoid 'Serious Community Annoyance', or; 50dB(A) LAeq,16hr to avoid 'Moderate Community Annoyance' during the day.
- Equipment to be fitted with latest silencers, fully serviced and maintained to manufacturers standards.
- Hydraulic rams rather than impact hammers for breaking and crushing material to be used where possible.
- Waiting lorries to switch engines off.
- Dust control during demolition works, such as tool head suppression systems and ground-based water atomiser.
- No burning or any material on site.
- Fuel to be held in bunded tanks.
- Measures and procedures to manage unforeseen contamination.
- Waste management including asbestos removal to be carried out on site to accord with relevant regulations and best practice and the re-use of important architectural features from the site.
- Traffic Management including vehicle routing and traffic marshals to operate the site's access.
- Tree protection measures and method statement.
- Neighbouring consultation – letter drops to ensure neighbours are aware of works and who to contact in case of problems.

These measures aim to minimise impacts on the environment (noise, air and water pollution), minimise and manage traffic impacts and reduce the effects on neighbouring residential amenity and are typical good practice construction management measures. An amended EMP (v3) has been submitted which incorporates the measures the Council's Environmental Health Officer had recommended as conditions. Accordingly, the submitted risk assessment, method statements and amended environmental management plan associated with the proposed development are considered acceptable.

5.3.4 One of the previous reasons for refusal was on the grounds of insufficient information being provided to understand where the air raid shelters were located and as such how the method of demolition and remediation of the site would take these elements into account. This application has been supported by a Level 2 Historic Building Record recognising both the school building and air raid shelter are considered non-designated heritage assets. Whilst the prior approval process does not invite consideration of the impacts of the development upon heritage assets specifically, it is helpful to understand the presence of potential archaeological interests to help inform the method of demolition and site restoration. However, the presence or absence of archaeological interests would not prohibit demolition under the prior approval process despite the efforts of the applicant to ensure appropriate building recording is undertaken.

5.3.5 The report submitted confirms one air raid shelter located beneath the playground/recreation ground to the norther-western part of the site. This shelter forms part of the demolition works and will be filled in using aggregate from site as part of the remediation works then covered with site-won topsoil. The Historic Building Report has been considered by the County's Historic Environment Team who have indicated amendments are required to ensure it is of a suitable standard to be entered onto the Historic Environment Record. The applicant has submitted an amended report, which is pending consultation with the County Historic Environment Team. If comments are received ahead of Planning Committee a verbal update will be provided. As this type of application cannot consider heritage matters, officers have recommended the final report be submitted as part of the applicant's Heritage Statement required for the forthcoming proposals for the wider regeneration of the site.

- 5.3.6 A Tree Constraints Report, amended Tree Protection Plan, Tree Retention Strategy and Arboricultural Method Statement also supports the application. The submitted report identifies 49 individual trees, 14 groups and three mature hedgerows within the grounds of the former Skerton High School. The majority of which are considered to have a moderate to high value in the landscape, with several being good examples of their species. Seven individual trees are identified as Category A due to their significance and value within the site, 21 Category B, and 21 Category C.
- 5.3.7 The application indicates twelve individual trees, seven groups and a small section of hedgerow are marked for removal. Of the individual trees to be removed one is considered category A (T41). During the determination of this application, amendments have been secured to retain one other large Category A tree to the site frontage (T44) and a further Category B tree (T48) to the rear of the site, which are capable of protection and retention as part of this development. The justification for the tree removal has been explained and is broadly a result of anticipated and inevitable damage that would be caused to the existing unprotected trees and groups of trees by the demolition works. This is due to their unmanaged condition, their proximity to the buildings including the air raid shelter and access required around them by large demolition machinery. The applicant states that *'the machinery and plant, essential for completing demolition and material processing, must work progressively along the perimeter walls, and a working arc and clear reach is required to complete operations. Due to the growth and location of obstructive trees, the removal of the trees noted above is necessary to undertake the demolition work. In addition, the demolition work involves excavation of the substructure (below-ground foundation walls). Unfortunately, the necessary excavation and remediation of the ground along the perimeter walls, will inevitably lead to irreparable damage to the integrity of nearby trees. As a result, it is unavoidable that the demolition works will adversely impact these trees'*. The local planning authority can only consider the proposed method of demolition in relation to the retained trees. The detail submitted is reasonable and acceptable for the purposes of this prior approval application.
- 5.3.8 The method statement and environmental management plan submitted has established the existing site conditions and formulated an appropriate method for removing the buildings from the site which has regard to the site circumstances. The demolition proposed will result in the loss of trees and some disruption to the local area, neighbouring land uses, and increased traffic flows locally whilst deliveries are being made and materials are removed during the demolition process. However, if the works of demolition are carried out in accordance with the submitted method statements, and given the temporary nature of the development, the method of demolition is considered acceptable.
- 5.3.9 Means of remediation
Where prior approval is required, the local planning authority can seek details of the restoration of the site following demolition. Following the demolition of the buildings, the submitted method statement indicates crushed material and aggregate from the site will be used to fill in the footprint of the school buildings and bunker, with topsoil covering the bunker site. The submission proposes a two-metre high, solid, dark green painted timber hoarding erected around the perimeter of the building footprint until such time the site is redeveloped. This is a typical approach and one that, in principle, is reasonable given the works are permitted by virtue of the Order.
- 5.3.10 It is recognised that the previous application was refused on the grounds insufficient information had been provided to justify the removal of mature trees and landscaping within the immediate vicinity of the school categorised as Category A and B specimens. On this basis, the Local Planning Authority determined it could not ascertain whether the remediation and visual appearance of the site following the demolition of the buildings would be acceptable. Justification for felling has been included within a covering letter supporting the application. As set out above, there are broad assumptions that some trees would be required to be removed because the works associated with demolition would inevitably damage the trees. The applicant also indicates that not removing trees prior to the bird nesting season would prejudice commencement of the site's redevelopment and that the retention of trees would significantly hamper the number of new units and the viability of the future scheme. The applicant ideally wants to remove more trees to ensure the site is "shuffle-ready" if their redevelopment proposals secure planning permission soon. Whilst this may not be a favourable set of circumstances, the trees in question are not currently protected and could be removed without any approval from the local planning authority – though unlikely given the applicant is the Council.

5.3.11 The applicant has discussed a tree mitigation strategy which is embedded in the wider regeneration proposals. The intentions of this strategy are policy compliant and promising, but these wider plans are not formally before the local planning authority to be considered. Accordingly, it is not possible to secure the applicants intended replacement tree planting strategy through this process. However, the applicant has committed to implementing a separate tree replacement planting scheme based on the council's replacement tree policy if planning permission for the sites regeneration has not been secured within 24 months of the decision relating to this prior approval. The local planning authority has every confidence a comprehensive regeneration scheme will be forthcoming soon.

5.3.12 The applicant has reconsidered the demolition methods and the practical impacts on existing trees to enable some additional tree retention on site. This will provide improvements to the interim remediation of the site. The retention of additional trees to the frontage of the former school building will help screen the proposed hoarding around the building and will provide a reasonable condition for the site while redevelopment opportunities are explored. It is, therefore, considered that the details pertaining to site remediation would be acceptable.

5.4 Protected Species

5.4.1 Although protected species are not specifically referred in Schedule 2 Part 11 Class B of the Order, Regulation 9 of 'The Conservation of Habitats and Species Regulations 2017' still applies. This states that the "competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the [Habitats] Directives". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions. Article 3 of the Order provides a reminder of this duty insofar as it relates to development permitted by virtue of the Order.

5.4.2 This application is accompanied by a bat survey report and presence/absence surveys relating to the main school building, trees and the existing sub-station. These surveys did not extend to the caretaker's house and as such, this building has been removed from the prior approval demolition application. The submitted surveys and reports concluded there were no indications of use of the site by bats for roosting or barn owls for nesting. It advises that the site should be rechecked for nesting birds if demolition work is to commence in the period March- September inclusive.

6.0 Conclusion and Planning Balance

6.1 Any planning permission granted under Article 3(1) and Schedule 2, Part 11, Class B is subject to the standard conditions set out in paragraph B.2. These conditions include a requirement that the development is carried out in accordance with the details approved and within five years. For the reasons set out above, and having taken all relevant matters into account, it is recommended that prior approval is required for the method of demolition and the sites remediation, and that such can be granted.

Recommendation

That Prior Approval is required and **GRANTED**.