



**Committee:** PLANNING AND HIGHWAYS REGULATORY COMMITTEE

**Date:** MONDAY, 13<sup>TH</sup> AND TUESDAY, 14<sup>TH</sup> OCTOBER 2008

**Venue:** LANCASTER TOWN HALL

**Time:** 10.00 A.M.

## A G E N D A

- 1 Apologies for Absence
- 2 Minutes of the Meeting held on 6th October 2008 (previously circulated)
- 3 Items of Urgent Business authorised by the Chairman
- 4 Declarations of Interest

### Planning Applications for Decision

#### Community Safety Implications

In preparing the reports for this agenda, regard has been paid to the implications of the proposed developments on Community Safety issues. Where it is considered the proposed development has particular implications for Community Safety, this issue is fully considered within the main body of the report on that specific application.

### Category A Applications

Applications to be dealt with by the District Council without formal consultation with the County Council.

- |          |                        |  |                            |
|----------|------------------------|--|----------------------------|
| <b>5</b> | <b>A5 08/00866/OUT</b> | <b>Canal Corridor North Site, Bulk Ward<br/>Edward Street, Lancaster</b> | <b>(Pages 1 -<br/>162)</b> |
|----------|------------------------|--|----------------------------|

Comprehensive redevelopment comprising a retail led mixed used scheme to include demolition of existing buildings and associated structures, the demolition of all residential dwellings, the closure and alteration of highways, engineering works and construction of new buildings and structures to provide, retail, restaurants, cafes, workshop, rehearsal space and residential accommodation, together with ancillary and associated

development including new pedestrian link bridge and entranced pedestrian routes and open spaces, car parking and vehicular access and servicing facilities for Centros Lancaster LP

<b>6</b>	<b>A6 07/00663/CON</b>	<b>Heron Chemical Works, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 163 - 170)</b>
		Conservation Area consent to demolish part of Heron Chemical Works building and ancillary structures for Centros Miller Lancaster LP		
<b>7</b>	<b>A7 07/00666/CON</b>	<b>Heron Chemical Works, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 171 - 178)</b>
		Conservation Area consent to demolish structures adjacent to Mill Hall Gatehouse and curtilage wall for Centros Miller Lancaster LP		
<b>8</b>	<b>A8 07/00670/CON</b>	<b>1 Lodge Street, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 179 - 186)</b>
		Application for Conservation Area Consent to demolish 1 Lodge Street (musicians co-op & dance studio) and associated structures for Centros Miller Lancaster LP		
<b>9</b>	<b>A9 07/00671/CON</b>	<b>1 - 2 St Annes Place, Lancaster,</b>	<b>Bulk Ward</b>	<b>(Pages 187 - 194)</b>
		Application for Conservation Area Consent to demolish 1 - 2 St Annes Place and associated structures for Centros Miller Lancaster LP		
<b>10</b>	<b>A10 07/00673/CON</b>	<b>133 - 139 St Leonards Gate, 1 - 5 Stonewell, 3 - 7 Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 195 - 208)</b>
		Application for Conservation Area Consent to demolish 133 - 139 St Leonards Gate, 1 - 5 Stonewell, 3 - 7 Moor Lane and all ancillary structures for Centros Miller Lancaster LP		

<b>11</b>	<b>A11 07/00662/LB</b>	<b>Crown Inn, 18 St Leonards Gate, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 209 - 215)</b>
		Application for Listed Building Consent for the alteration of St Leonard's Gate by the removal of the adjacent redundant spiritualist church and making good and reinstatement of the western flank wall of number 18 St Leonards Gate for Centros Miller Lancaster LP		
<b>12</b>	<b>A12 07/00665/LB</b>	<b>Mill Hall, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 216 - 222)</b>
		Listed Building Application for alterations and reinstatement of northern elevation (following demolition of part of the adjacent Heron Chemical Works) for Centros Miller Lancaster LP		
<b>13</b>	<b>A13 07/00667/LB</b>	<b>Grand Theatre, St Leonards Gate, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 223 - 229)</b>
		Listed Building application for alterations and reinstatement of north-eastern flank wall (following demolition of adjacent 1 Lodge Street) for Centros Miller Lancaster LP		
<b>14</b>	<b>A14 07/00668/LB</b>	<b>Mill Hall, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 230 - 236)</b>
		Listed Building application for alterations and reinstatement of curtilage wall (following demolition of adjacent buildings) for Centros Miller Lancaster LP		
<b>15</b>	<b>A15 07/00669/LB</b>	<b>11 Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 237 - 244)</b>
		Listed Building application for demolition of buildings to rear and alterations and reinstatement of rear flank wall for Centros Miller Lancaster LP		

<b>16</b>	<b>A16 07/00674/LB</b>	<b>127, 129 &amp; 131, St Leonards Gate, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 245 - 252)</b>
		Listed Building application for demolition of rear extensions and outbuildings and alterations / reinstatement of the rear elevation for Centros Miller Lancaster LP		
<b>17</b>	<b>A17 08/00864/OUT</b>	<b>Site at Junction of Alfred Street, and St Leonards Gate, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 253 - 266)</b>
		Outline Planning Application for the redevelopment of the site to provide self contained residential accommodation and associated car parking for Centros Lancaster LP		
<b>18</b>	<b>A18 08/00865/OUT</b>	<b>Part of Heron Chemical Works Site, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 267 - 281)</b>
		Outline application for the redevelopment of the site to provide residential accommodation and ancillary car parking for Centros Miller Lancaster LP		
<b>19</b>	<b>A19 07/00602/OUT</b>	<b>Land East of Golden Lion, Moor Lane, Lancaster</b>	<b>Bulk Ward</b>	<b>(Pages 282 - 291)</b>
		Outline application for the redevelopment of the site to provide a building for retail at ground floor level with offices above and associated car parking for Centros Miller Lancaster LP		

## **ADMINISTRATIVE ARRANGEMENTS**

### **(i) Membership**

Councillors Roger Dennison (Chairman), Eileen Blamire (Vice-Chairman), Ken Brown, Abbott Bryning, Keith Budden, Anne Chapman, John Day, Sheila Denwood, Mike Greenall, Emily Heath, Helen Helme, Val Histed, Andrew Kay, Joyce Pritchard, Bob Roe, Peter Robinson, Sylvia Rogerson, Roger Sherlock, Catriona Stamp and Joyce Taylor

### **(ii) Substitute Membership**

Councillors June Ashworth, Chris Coates, John Gilbert, Tony Johnson, Karen Leytham, Ian McCulloch, Geoff Marsland, Robert Redfern and Malcolm Thomas

**(iii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Members' Secretary, telephone 582170, or alternatively email [memberservices@lancaster.gov.uk](mailto:memberservices@lancaster.gov.uk).

MARK CULLINAN,  
CHIEF EXECUTIVE,  
TOWN HALL,  
DALTON SQUARE,  
LANCASTER LA1 1PJ

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<b>DECISION DATE</b>  24 October 2008	<b>APPLICATION NO.</b>  08/00866/OUT A5 Executive Summary only	<b>PLANNING COMMITTEE:</b>  13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  <b>COMPREHENSIVE REDEVELOPMENT COMPRISING A RETAIL LED MIXED USED SCHEME TO INCLUDE DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED STRUCTURES, THE DEMOLITION OF ALL RESIDENTIAL DWELLINGS, THE CLOSURE AND ALTERATION OF HIGHWAYS, ENGINEERING WORKS AND CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES TO PROVIDE, RETAIL, RESTAURANTS, CAFES, WORKSHOP, REHEARSAL SPACE AND RESIDENTIAL ACCOMMODATION, TOGETHER WITH ANCILLARY AND ASSOCIATED DEVELOPMENT INCLUDING NEW PEDESTRIAN LINK BRIDGE AND ENTRANCED PEDESTRIAN ROUTES AND OPEN SPACES, CAR PARKING AND VEHICULAR ACCESS AND SERVICING FACILITIES</b>		<b>SITE ADDRESS</b>  <b>CANAL CORRIDOR NORTH SITE EDWARD STREET LANCASTER LANCASHIRE</b>
<b>APPLICANT:</b>  Centros Lancaster LP C/o Agents		<b>AGENT:</b>  Montagu Evans LLP

**This summary document contains the conclusions reached in respect of the main outline application for the Canal Corridor North.**

### **Background**

Centros (formerly Centros Miller), were selected as the preferred developer for the Canal Corridor North site and commenced work on the development proposals in November 2005. Between 2005 and 2007 Centros engaged in pre-application discussions and submitted a series of applications in May 2007, but following formal public consultation and assessment by the Planning Service (and its consultants), the proposals were considered unacceptable and were subsequently reviewed. As a consequence the main outline application was withdrawn. In July 2008 a new outline planning application was submitted, alongside new, separate residential applications.

As the applicant's Planning Statement testifies, there is a Development Agreement in place between the City Council and Centros. This is a separate property matter between the two parties and has no bearing upon the planning merits of this case; hence it is not referred to at any other time in the main report or this Executive Summary. Members should be aware that there is a further (separate) Development Agreement between Centros and Mitchells of Lancaster.

## **The Site and its Surroundings**

This brownfield site is a substantial triangular parcel of land to the north-east of the city centre. It is bounded by St Leonard Gate and Moor Lane, whilst the area known as Stonewell links the site to Church Street. To the east lies the Lancaster Canal, separating the proposed development from the residential area of Freehold.

The Canal Corridor North area lies partially within the City Conservation Area and the Moor Lane Mills Conservation Area. The award-winning Bath Mill Estate, on the opposite side of the canal, is also a Conservation Area. The site also contains a number of listed buildings and buildings designated as Key Townscape Features.

A full list of planning designations is included in the main report.

## **Summary of the Proposed Development**

This is an outline application and the precise building dimensions are yet to be defined. In accordance with national advice, the applicant has adopted a parameters-based approach, providing minimum and maximum scales of development for each proposed structure. These parameters are discussed in detail in the main report.

The only matter being applied for at this time is the means of access. Layout, scale, appearance and landscaping are items to be considered at the Reserved Matters stage, should this current application be approved.

The proposals involve the comprehensive redevelopment of the whole site to provide a mix of uses which would act as an extension to the city centre. The scheme is undoubtedly retail-led and aims to enhance the range of shops within the centre. These shops will be connected to the existing St Nicholas Arcade by a new pedestrian bridge, crossing Stonewell. There is also considerable land given over to new residential development at both ends of the site. A new 'interceptor' car park, providing in the region of 800 spaces, is proposed at the northern end of the site. A new public park will be formed from an extended Phoenix Street/Alfred Street upto the canalside.

Omitting the proposals covered by separate outline applications, the breakdown of floorspace is as follows:

<b>Use</b>	<b>Minimum Gross External Area (Sq.m)</b>	<b>Maximum Gross External Area (Sq.m)</b>
<b><i>Retail, Office, Restaurant/Café Uses</i></b>	<b><i>43,661</i></b>	<b><i>45,957</i></b>
<b><i>Workshop</i></b>	<b><i>205</i></b>	<b><i>224</i></b>
<b><i>Rehearsal Space (Musicians Co-Op)</i></b>	<b><i>575</i></b>	<b><i>635</i></b>

As these floorspace figures are gross external, they include areas such as basement service areas, corridors, lifts, etc.

The car parking spaces to be provided are;

Car Parking	Minimum Number of Spaces	Maximum Number of Spaces
<b>Public Spaces</b>	<b>790</b>	<b>810</b>
<b>Private Spaces (e.g. Residential, mobility spaces etc)</b>	<b>27</b>	<b>31</b>

### **Parameters of the Development, Materials and Use of the Proposed Buildings**

The parameters-based approach adopted by the applicants is one that is encouraged where the final details of new buildings and structures are not yet available. These parameters are fixed and any attempt to increase or decrease the scale/layout of the buildings beyond the maximum and minimum scales indicated would require a new planning application. The dimensions shown will include roof pitch, external plant and equipment.

As well as fixing the scale of the development, other parameter plans have been produced for matters such as excavation of land, site demolition and transport routes. These are discussed separately in the main report.

Assessing each of the new building 'blocks' in numerical order allows us to start at the bridge link to St Nicholas Arcades, and work clockwise around the site. The following table indicates the minimum and maximum heights in respect of each block.

It is important to recognise that these figures are shown in metres above Ordnance Survey datum levels. It is also important to note that whilst these units are shown as single 'blocks', these may be further subdivided to provide different size internal units for retailers, as indicated within the Design and Access Statement.

Block Number	Minimum Height	Maximum Height
<b>Bridge Block</b>	<b>14.5m</b>	<b>20.5m</b>
<b>Block B01</b>	<b>22.33m at the west elevation, 19.2m elsewhere</b>	<b>26.33m at the west elevation, 23.33m in the central zone, 23.4m to the east</b>
<b>Block B02</b>	<b>16.75m at the north elevation, 22.4m elsewhere</b>	<b>19.75m at the north elevation, 27.48m elsewhere</b>
<b>Block B03</b>	<b>22.65m</b>	<b>28.98m</b>
<b>Block B04</b>	<b>22.65m</b>	<b>28.48m</b>
<b>Block B05</b>	<b>22.15m</b>	<b>32m at the north-west corner, 29m elsewhere</b>
<b>Block B06</b>	<b>25.5m at the east elevation, 25m elsewhere</b>	<b>29.5m at the east elevation, 29m elsewhere</b>
<b>Block B07</b>	<b>25m</b>	<b>29m</b>



Block Number	Minimum Height	Maximum Height
<i>Block B08</i>	<i>26.25m at the north and east corners 26.5m elsewhere</i>	<i>34.25m at the north and east corners, 29.45m elsewhere</i>
<i>Block B09</i>	<i>26.5m</i>	<i>29.45m</i>
<i>Block B10</i>	<i>30m</i>	<i>35m</i>
<i>Block B11</i>	<i>22.65m</i>	<i>27.98m</i>
<i>Block B12</i>	<i>22.15m</i>	<i>27.48m</i>
<i>Block B13</i>	<i>21.9m</i>	<i>26.98m</i>
<i>Block B14</i>	<i>19.2m at the west elevation, 21.9m elsewhere</i>	<i>23.33m at the west elevation, 26.98m elsewhere</i>

### Planning Policy

The main report contains detailed tables that explain the national, regional and local planning policies that affect the development site.

### Assessment and Conclusions

This development has been considered in full by the Planning Service and its consultants. The proposals represent the largest and perhaps most complex development that has occurred within our district. What Members now have before them is a decision which will determine the future direction that the City of Lancaster, and the wider district as a whole, pursues.

This summary contains the conclusions reached in respect of the detailed assessment of the economic, retail, transport, environmental, social and heritage matters.

In relation to retail matters, the application as revised is a considerable improvement on the 2007 application. The City Council's retail consultants, White Young Green (WYG) still have some concern regarding some of the assumptions adopted by the applicant's agent, and they have updated the Lancaster Retail Study and assumed a realistic increase in the market share of Lancaster City Centre. There is agreement between the applicant and WYG that the retail offer for a city of Lancaster's size and potential can be improved, and WYG have identified that there is a quantitative and qualitative need for additions to the range of convenience and comparison goods in the centre. This will reduce the level of expenditure leakage that occurs at present to other centres, such as Preston and Manchester to the south, and Kendal to the north. WYG's conclusion is that it is "important that the retail and wider city centre offer of Lancaster is enhanced so that Lancaster performs a true sub-regional shopping role and reduces the need for local residents to travel elsewhere, resulting in more sustainable shopping patterns".

The site is the only opportunity to provide modern retailing facilities on a scale that is equitable to the city's role in the retail hierarchy. No other suitable or available sites in sequentially preferable locations within Lancaster exist, and the situation for expansion within the existing core is rightly constrained by the historic street layout and regrettably constrained by the gyratory system.

Both Supplementary Planning Guidance (SPG) 6 (The City Centre Strategy) and SPG 8 (The Canal Corridor North Development Brief) discuss new retail development in this locality. SPG 6 provides a map with an objective to create a mixed-use development with linkage to the existing centre (subject to a need and impact assessment), with the possibility of road closures and improved pedestrian and cycling links. Major retailing is also discussed in SPG 6. As the main committee report indicates, it is the area towards the Canal that was identified as being remote from the existing centre and therefore not appropriate for retail development. But this does not take into account the possibility of a new and direct pedestrian link

connecting this site to the existing centre. Locationally, the Canal is an effective barrier between the existing residential uses and the retailing proposed in this development. New residential development to Alfred Street and Moor Lane, and the provision of the landscaped Canalside Park offers further transitional influences.

Although a need exists, the development could still be found to be inappropriate if the retail impacts arising from it are negative on the city centre or other defined centres. Trade diversion from other centres is expected to be greatest from Preston, which is widely expected to add to its shopping offer still further by the addition of the Tithebarn (John Lewis) development, which at the time of writing the committee report had been submitted formally to Preston City Council as a planning application.

The impacts for Morecambe are discussed in the report. A potential trade impact ranging from 4.6% to 5.7% is identified, but WYG make the case that this is likely to be overestimated for a couple of reasons. Firstly, Morecambe's role as a tourist destination in its own right is very much in the ascendancy and it will continue to play a critical role in terms of visitor expenditure. Secondly, Morecambe has a very different retail composition, and the Secretary of State has previously acknowledged that its comparison goods offer is aimed at local, 'everyday' goods. This does not compete directly with the range of goods likely to be present in the Canal Corridor North development. In fact where trade diversion may occur, it is more likely to come from out-of-centre floorspace such as the out-of-centre retail parks. Morecambe also benefits from having a more localised catchment area than any other settlement in the district.

The impact upon Carnforth is described as negligible by the City Council's consultants, and trade retention in its largest catchment area would remain unchanged.

As well as considering the impact on other centres, Members have to consider the consequences of the 'no change' scenario, in the event that the site is not developed as proposed, particularly if Preston does increase its retail offer as envisaged. Using the applicant's own figures, the trade impacts for Lancaster could, in terms of comparison goods turnover, be in excess of £26M. It is noted that these figures are disputed by another planning consultant, who considers that this diversion would be more in the region of approximately £12M, but this remains a possibility. This concern is shared by WYG, who comment that "it is important that Lancaster improves its retail offer in light of increasing competition from elsewhere, most notably Preston".

Of course there are concerns about the impact on the existing centre. There is the likelihood of displacement of some existing retailers to the new site. Evidence in other towns and cities confirms this occurs. Without appropriate linkage between the two, the development site would operate independently from the existing city centre, but with the pedestrian link proposed, WYG are convinced that the majority of shoppers within the development site would cross into the existing centre and that this would form a natural extension because of the inclusion of a link.

Movement of retailers is not however anticipated on a detrimental scale, because the very reason for the retail elements of the scheme is to provide facilities (unit size) which Lancaster currently does not offer.

All parties are aware of the importance of Lancaster's shopping attraction. WYG state that the application site is "well positioned to enhance the vitality of the city centre and create spin-off benefits for other businesses within the city centre". A medium to longer-term view reached by WYG is that the proposal would have a positive impact on the future vitality and quality of the city centre.

With this in mind it is also worth considering the geography of the existing centre. Its position on the main route from the railway station in particular, and its close proximity to the bus station means that descriptions of a ghost town environment within the centre are, in our view, grossly exaggerated. Added to this is the fact that there are significant areas of population to the west, such as in Fairfield and Marsh, and from the south where pedestrianised links along Penny Street will still provide the most convenient walking route into town, and therefore footfall will continue through the existing centre. There is also the issue about the existing financial institutions along New Street, Market Street and Penny Street. Their

presence is a further anchor in terms of the existing centre's viability. The proposed scheme makes no provision for banks, building societies and other financial services. Planning permission would have to be sought for any change of use to such A2 uses.

Much has been made of the clone town argument. Planning permission cannot be reasonably withheld upon the grounds that the units that are created may be occupied by multiples as opposed to independent retailers. Of course national guidance does promote a diversity of uses, and the application documents includes potential provision for smaller retailers close to the Stonewell nose of the site, as well as food and drink uses along the canal, enhanced cultural uses at the north and south peripheries of the site, residential uses to the north, south and east, and a new recreational, landscaped park along the canal. But in addition the retail conclusions reached by WYG state that there is an identified need for the retail elements of the development, the scale and location is considered acceptable in town centre terms and the proposal does not have any unacceptable trade diversion impacts. In respect of the clone town argument, it is upto the local planning authority and the Elected Members to ensure that the appearance and character of this development is not uniform, is imaginatively treated and contains interesting public realm and art. The Reserved Matters will provide that opportunity, and refusal of those matters would be perfectly reasonable if it was considered that the detailed design did not positively contribute to the city.

The city centre currently hosts a variety of independent shops. It is anticipated that it will continue to do so as the size of the units in the existing centre is usually of a smaller scale than those sought by multiples. If the proposed scheme is approved, trade draw for the city should assist independent retailers in continuing to flourish, and the restricted size of many units should act as a balancing deterrent for all vacant units to be taken by multiples.

It is only right that much of the debate should centre upon highway impact. Lancaster is a city which is difficult to negotiate, especially during peak times when traffic congestion is an everyday occurrence. There are bottlenecks around the gyratory and across the River Lune bridges that contribute to the congestion. The provision of Phase 2 of the M6 link will at last provide an alternative route from the motorway network into Morecambe, Heysham and the surrounding peninsula. The future provision of a Park and Ride facility at Caton Road is another potential step change in transport modal shift, and subject to the reallocation of road space along Caton Road this would be economically and environmentally beneficial. Discussion of other potential measures has been provided to the City Council via Faber Maunsell's Access and Transport Study, including the potential for sustainable and fast transport linkage between Morecambe and Lancaster.

However, the Transport Assessment submitted by the application takes no account of any of these benefits and does not rely on any linked trips occurring.

One of the key objectives of national transport policy is accessibility. The development site is a site which is centrally located, which is close to the Bus Station and the Primary Bus Corridor routes, which provides the opportunity to reconnect the canalside stretch of the Strategic Cycle Network towards the existing centre, and which provides a new pedestrian access from the current retail core. It is therefore accessible by a range of transport modes and national guidance stipulates that local authorities should seek to make the maximum use of the most accessible sites, such as those in town centres. Planning Policy Guidance (PPG) 13 advises that these sites may be scarce and that authorities "should be proactive in promoting intensive development in these areas and on such sites".

National guidance is clear that major generators of travel demand should be located within urban centres and close to (any) public transport interchanges. It also states that development should not be designed on the assumption that the car will represent the only realistic means of access.

The proposals provide a new Interceptor Car Park. This replaces the existing parking provision on the site, which amounts to 306 parking spaces, the majority of which are long-stay. New parking would be at a maximum figure of 810 spaces, all of which would be short-stay. There is a net (maximum) gain within

the site itself of 504 parking spaces. Across the city as a whole, with the reallocation of spaces, the net change is an increase of 489 spaces.

Policy T13 of the Lancaster District Local Plan (LDLP) requires proposals for additional shopper/visitor (short-stay) parking to be accompanied by an equivalent reduction in all-day commuter parking. This proposal cannot achieve that, and this is why it departs from LDLP policy. However it can achieve a reduction of 260 long-stay parking spaces if the City Council has the will and desire to remove the displaced long stay provision from the city altogether. This is not a decision for the developer, whose proposals are provided merely to demonstrate that long term parking could be accommodated elsewhere in the city if replacement long stay parking is provided elsewhere. It is a decision for the City Council as landowner to explore further as part of a wider strategy on its parking provision, and its review of long-term parking is imminent. Alternative car parks will of course be in demand during the construction phases of the development and the temporary car parking strategy will need to address this issue before Reserved Matters can be considered. The Transport Assessment notes that there is some spare capacity at other short-stay car parks in the city.

Residential parking provision is considered to be appropriate given the central location.

The site benefits from a LDLP designation which reserves land at Bulk Road/St Leonard's Gate/Back Caton Road for highway improvements. This is a long-standing designation aimed at the redevelopment of the Canal Corridor site and its potential as a gateway to the city centre. These proposals ensure that this occurs.

Of greater consequence for the city is the wider impact of the changes to the gyratory network. It is no secret that this has been the most challenging aspect of the proposal for the applicant. The intricacies of Lancaster's network are such that many alternative proposals for redirecting traffic, or realigning roads, were dismissed either by the local planning authority (and its highway consultant) during the early stages of pre-application, or by the applicant's own transport consultant and the County Highway Authority during discussion in 2007 and 2008.

The proposals now before Members have been rigorously tested by the relevant parties. There will still be work to do during the detailed design stages, and there are certain queries raised predominantly by MVA regarding matters such as the precise alignment of some of the junctions and the internal layout to the service yard, but it is generally considered that the improvements will deliver efficiencies to the gyratory system.

The greatest (car-related) transport benefits are also those which will help deter rat running from Junction 34 through Bulk Road and Freehold. The redirection of road space in front of Kingsway and the provision of a right-turn from Skerton Bridge will provide more direct routes to the city centre. The right turn at Skerton Bridge in particular will result in traffic not entering the convoluted Kingsway junction. At present the right hand lane on the bridge is shared by all vehicles, and this situation will continue at the right-hand turn, but from this point the existing bus lane is retained along Parliament Street.

The provision of three separate lanes (one for the new development, one effectively for Morecambe and one for the existing city centre), as opposed to the two that currently exist is a key benefit to the proposal and in the words of County Highways it is a measure that provides "additional local capacity around the development".

Congestion will increase in the city due to additional vehicle movements. Peak time retail traffic attraction is forecast as being 108 vehicle movements during the AM peak, 342 movements in the PM peak, and 684 movements in the Saturday peak. By adding the other proposed uses, including residential, the forecast trip generation figures before Members are: 160 vehicle movements in the AM peak, between 419 and 455 vehicle movements in the PM peak, and between 773-834 vehicle movements in the Saturday peak. This, as MVA have stated, is likely to be an over-estimation and a worst-case scenario.

There will be hotspots of congestion around the gyratory, and these may be different to those experienced currently. But the County Highways Department is quite clear on the primary source of this congestion; namely the committed (previously approved but not yet implemented) developments in other locations of Lancaster. Their response states that the Canal Corridor would not be the “primary source of congestion”. Refusing development on the basis of additional congestion would appear to be indefensible at a planning appeal, given these highway comments.

MVA conclude that the applicant’s methodology is robust and the “likely prevalence of linked trips” and the “removal of existing trips associated with existing uses within the development site” add weight to the robustness of the trip generation methodology.

Aside from the substantial highway and junction works proposed through the site, on its peripheries and further afield towards Kingsway, the financial contributions secured towards variable messaging signs, new intelligent signal systems and the funding of network monitoring cameras are essential pieces of infrastructure which are valuable to effective traffic management.

Cycling is a key mode of transport in the district, and the proposals before Members include new linkages to the Canal, and therefore to the wider cycle network, effectively bringing this route back into the city. New cycle parking is provided for in a number of locations, particularly in the Moor Lane area where a new cyclepath connects this highway with the canal. This is proposed via a separate planning application.

Taking the information within this report into account, the issues for Members in terms of transport are these. Do the highway improvements deliver efficiencies to the Lancaster network? County Highways accept this to be the case. Will congestion occur as a result of the proposals? Vehicle movements will of course increase and queue lengths will increase as a consequence, but the County Highway Department attributes this primarily to the other committed developments. The Transport Assessment (TA) methodology includes committed developments and discounts linked trips, and also discounts the impact of the M6 link, and both MVA and County Highways consider this to be a worst case scenario. Does the proposal deliver sufficient sustainable transport measures? The improvements to the cycle network form a major part of the proposals, although there is no provision of additional bus services due to the proximity of existing bus stops close to the periphery of the site. The financial commitment to altering the wider network and funding of new infrastructure is considerable and other major developments within Lancaster will be expected to follow a similar process of contributing to further efficiencies. Is the car parking provision appropriate? The move from long-stay to short-stay on the site is an appropriate one but the City Council will be ultimately responsible for the removal of long-stay parking within the wider city car parks.

The issue of air quality is inextricably linked to traffic generation and congestion. Additional traffic equals additional pollution concentrations. But the Assessment submitted by the applicant and scrutinised by the Environmental Health Service finds that due to the measures of the Air Quality Action plan already in place, the impact of the development upon the Air Quality Management Area will be either negligible or minor in all cases. There will be a “slight worsening of air quality” in terms of nitrogen dioxide and fine particulate matter.

This is consistent with national guidance which states that a deterioration in air quality does not mean that all planning applications inside Air Quality Management Areas should be refused. Impacts such as encouraging sustainable travel choices and reducing the need to travel can be mitigation measures. This centrally located site will, as this main report concludes, reduce car journeys from Lancaster and its district to other retail areas, and is centrally located so that it is as accessible as a development of this scale can possibly be in our district.

No new residential areas will become air quality exceedance areas on completion of the development, and some improvements in air quality (e.g. at Alfred Street) are anticipated, whilst air quality will achieve the required objectives at the new residential locations.

The development construction aspects of the proposal have been fully considered, and the list of mitigation measures is as comprehensive as ever witnessed in this district. The local planning authority, in conjunction with its Environmental Health colleagues and statutory consultees, has a duty to ensure that the impacts of noise, dust and vibration are minimised, and a robust series of planning conditions will ensure that this is the case.

With regards to ecology, the Lancaster Canal is clearly the main feature. The absence of any protected species within the site, other than low levels of bat activity (but no active bat occupation of buildings) means that the wider site has only a local ecological value.

There remains a difference of opinion regarding the impact on Lancaster Canal. The County Ecologist has stated that more should be done to provide biodiversity gains, whilst Natural England comment that the habitat creation and native landscaping plans are welcomed and should be conditioned. The applicant believes that the provision of new features such as the Canalside Park are appropriate compensatory measures. A Bat Mitigation Measures Report and further commitment from the applicant to the provision of new native tree planting at the northern end of the site and towards Parliament Street has been secured just prior to completion of this report

It is recommended that the full mitigation measures be provided, in addition to a Habitat Creation and Management Plan. This will be conditioned.

This brings us onto the parameters of the development. In the main these have reduced since 2007. Detailed information regarding each block is provided at the beginning of the main report. The local planning authority is satisfied that the parameters-based approach allows Officers and Members to gauge the visual impacts of the new buildings. The devil will always be in the detail, and as scale and appearance are Reserved Matters, the parameter plans and the helpful perspective drawings illustrate the likely scale of new buildings.

There may be instances where Members consider that the maximum parameter level of certain blocks is too high, or even that the minimum parameters in some cases may be too small and wouldn't deliver buildings with sufficient verticality or strength. The only area where the local planning authority considers that development should definitely occur at the lowest parameter is at the Moor Lane residential site. However care also needs to be taken in regard to Blocks B06, B07 and B08 (the car park, large retail store and department store) and it is unlikely that development at the maximum levels here would be acceptable. The applicant's elevational drawings indicate that development at the maximum levels is unlikely.

The horizontal parameters proposed also need to be investigated further in respect of the existing Tramway group of buildings. This is to determine that the new structures provide sufficient distance to the Tramway group. This can only be satisfactorily achieved once the site is made safe by demolition of the structures at the rear.

Across the development individuality will remain the key and the report has stated that the uniform treatment of blocks, either in design, scale, shop width and fenestration will not be acceptable. The architect has explored some interesting and sensitive themes within the commendable Design and Access Statement, and these will be used to inform development proposals at the Reserved Matters stage.

The scale of development and the treatment of the roofscape will have a critical impact upon the views from other parts of the city, most notably other elevated areas such as Williamson Park and, more likely, from the Castle Conservation Area. The wireframe drawings and the views of English Heritage confirm that these are, in principle, acceptable but a great deal more work will need to be undertaken at the Reserved Matters stage.

With regard to the comments of English Heritage, they have conceded the loss of the buildings in the centre and to the east of the site. As a consequence the works of demolition within the Conservation Area

(except for Stonewell) and outside the Area(s) are considered appropriate in principle, as are the outrigger removals and repair of flank walls that are the subject of the separate Listed Building applications.

But English Heritage (and other heritage bodies) continue to oppose the proposal in respect of the bridge link and the treatment of Stonewell. The fact that the surrounding buildings are listed and their cumulative contribution to the Conservation Area is such that they believe that the proposal will not preserve the character of the Conservation Area and thus the scheme should enhance it.

Without the bridge English Heritage have suggested that demolition in Stonewell could potentially occur (and be off-set) by the creation of a new public space. By following this argument to its conclusion, the removal of the bridge link and animation of the area at ground level may therefore enhance the Conservation Area.

As a result the concession regarding the public space possibility means that the proposal without the bridge would meet the statutory tests (in the context of previous case law – referred to in the report as the South Lakeland decision), and therefore the correct approach is that the proposed development would preserve the Conservation Area. Consequently, it can only be the bridge which is the contentious issue, not the loss of buildings at Stonewell.

Assessing the inclusion of the bridge within the development, the local planning authority believes that the bridge is not just essential in terms of accessibility and connectivity with the existing centre, but is also potentially an exciting and contemporary structure that would not only frame the enlarged public space, but also the new buildings on either side. Therefore it is the local planning authority's conclusion that the bridge would form a positive contribution to the streetscene in this location.

The resultant layout and design concept is capable of respecting the architecture and character of the city, and it is the local planning authority's conclusion that the development will preserve the Conservation Area and in some respects it will enhance its appearance.

Consideration of this application will no doubt represent a difficult decision for Members. There are matters such as traffic congestion and air quality to take into account, which will worsen compared to the 'no-development' scenario. But the local planning authority believes that the comments from the statutory consultees and from the consultants mean that a refusal of permission cannot be justified. There is the issue about the ecological impacts along Lancaster Canal, which have resulted in a disparity of opinion between statutory consultees.

The situation regarding the historic buildings will be an emotive issue for some. But the case against the development hinges on Stonewell and the issue of the bridge. The local planning authority has sought advice regarding the 'preserve or enhance' tests that should be applied in respect of the Conservation Area, and we believe that the proposals satisfy the test, in the context of the South Lakeland decision. The bridge and the enlarged public space will, in the local planning authority's view, be capable of preserving and potentially enhancing the Conservation Area in which it is located.

There is a robust retail case for the proposals and the development will not adversely impact upon the existing city centre or other defined centres. The enhanced retail offer is a key element to unlocking Lancaster's potential as a heritage/tourism city underpinned by high quality retailing and leisure.

It may not be as comprehensively mixed-use as some people would like, but the scheme has many (non-retail) merits, not least the enhancement of the cultural organisations, the creation of new open space, the delivery of affordable housing, and the potential employment benefits that would ensue.

But the greatest benefit in terms of Lancaster would be the comprehensive approach to regenerating the site. For too long this area has suffered from degradation and presents a hostile environment to pedestrians. Aside from the most immediate local residents, or visitors to the few buildings and uses on the site, much of the central and eastern area represents an inefficient use of valuable urban space. It is

separated by the gyratory at one end, and steep canal towpath walls at the other. It contains level differences from St Leonard's Gate to Alfred Street that make it largely inaccessible for groups who are not as mobile, and visually impermeable for all visitors to the city. As much as landscaping has tried to soften the edges of the vast car parking in this location, the area appears neglected and harsh.

Redevelopment of this site represents an opportunity to remedy these problems. It is difficult to envisage another applicant coming forward in the short-medium term, following any refusal of permission, and committing to comprehensively developing the site. It is more likely that there would be separate piecemeal developments for parts of the site that would not guarantee a holistic approach to delivering the west-east connectivity that is so vital.

That connectivity is, as the main report establishes, an essential part of the three-strand approach to enhancing and reinventing the city. The heritage tourism offer of the Castle and Quay, connected to the historic retail area, and transitioning into the modern retailing facilities and cultural/recreational improvements offered by the scheme is opportunity not just to develop the growth of the city, but more effectively manage the character and appearance of the distinct 'quarters' that could be

### **Recommendation**

It is this spatial vision for the city that assists the local planning authority in making its recommendation. The Centros proposals are considered appropriate to the development site and in the wider context of the development of the city and consequently the district. For the reasons contained in this report, Members are advised that outline planning permission can be granted, subject to the signing of a Section 106 Planning Agreement and a Section 278 Highway Agreement.

A full list of planning conditions and legal agreement measures are contained in the main report.



<b>DECISION DATE</b> 24 October 2008	<b>APPLICATION NO.</b> 08/00866/OUT A5 Full Report	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  <b>COMPREHENSIVE REDEVELOPMENT COMPRISING A RETAIL LED MIXED USED SCHEME TO INCLUDE DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED STRUCTURES, THE DEMOLITION OF ALL RESIDENTIAL DWELLINGS, THE CLOSURE AND ALTERATION OF HIGHWAYS, ENGINEERING WORKS AND CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES TO PROVIDE, RETAIL, RESTAURANTS, CAFES, WORKSHOP, REHEARSAL SPACE AND RESIDENTIAL ACCOMMODATION, TOGETHER WITH ANCILLARY AND ASSOCIATED DEVELOPMENT INCLUDING NEW PEDESTRIAN LINK BRIDGE AND ENTRANCED PEDESTRIAN ROUTES AND OPEN SPACES, CAR PARKING AND VEHICULAR ACCESS AND SERVICING FACILITIES</b>		<b>SITE ADDRESS</b>  <b>CANAL CORRIDOR NORTH SITE EDWARD STREET LANCASTER LANCASHIRE</b>
<b>APPLICANT:</b>  Centros Lancaster LP C/o Agents		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

None.

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This application constitutes a departure from the Lancaster District Local Plan in respect of Policy T13 – Car Parking.

In relation to land use allocations, there are a number of designations that apply to this complex site. The site is also the subject of a Development Brief in the form of Supplementary Planning Guidance Note 8 – The Canal Corridor North – which was adopted in May 2002.

The western part of the site and the area around the Grand Theatre and the Duke's Theatre lie in the City Conservation Area, whilst elevated areas around Mill Hall to the south east of the site fall within the Moor Lane Mills Conservation Area. The Bath Mill Conservation Area lies on the opposite side of Lancaster Canal.

A number of Grade II Listed Buildings occupy positions within the site. They are as follows:

- The Grand Theatre;
- The Duke's Theatre;
- The Tramway Hotel (127 St Leonard's Gate), 129 St Leonard's gate and 131 St Leonard's Gate;
- The Crown Inn, 18 St Leonard's Gate;
- 11 Moor Lane;
- 17-19 Moor Lane.

Mill Hall and Moor Lane Mills (North) Gatehouse are also listed but they are the subject of a separate outline application for development of that portion of the site.

A number of Grade II Listed Buildings occupy positions around the site, and their setting will be affected by the proposals. These buildings are as follows:

- The Centenary Church, St Leonard's Gate (now The Friary Public House);
- 108-110 St Leonard's Gate;
- 112 & 114 St Leonard's Gate
- St Leonard's House;
- 1 Great John Street and 2 and 2a Moor Lane;
- 2 Bryer Street;
- Moor Lane Mill (South);

Most of the site is covered by a Housing Opportunity Site designation. All but the eastern-most part of the site forms part of the wider Lancaster Central Parking Area.

The Strategic Cycle Network runs along Phoenix Street and through the site along Edward Street. Moor Lane also forms part of the Strategic Cycling Network, as does the towpath along Lancaster Canal. Stonewell forms part of the Primary Bus Corridor.

The car parks within the site benefit from Shopper and Visitor Car Park designations. The properties towards the Stonewell corner are part of the Stonewell Upper Floors Improvement Area and are also designated Key Townscape Features. The Golden Lion Pub and properties on (lower) Moor Lane and 113 St Leonard's Gate are also Key Townscape Features. The Duke's Theatre benefits from a protective designation reserving land for its own development.

Lancaster Canal is a County Biological Heritage Site and a designated Informal Recreation Area.

Land to the north of the site at Bulk Road/Back Caton Road is reserved for highway improvements.

Land outside the actual development site but within the red edge of the planning application (in relation to wider network highway improvements) includes a small area of Urban Greenspace/Informal recreation Area at Green Ayre. Parliament Street, which is affected by the proposals, is a Primary Bus Corridor. Kingsway is allocated as a Business Opportunity Site and part of its junction at Caton Road and Bulk Street is included in the designation.

## STATUTORY CONSULTATIONS

The local planning authority has engaged the services of independent retail, transport and environmental consultants to assess the detailed submissions in each of these fields. Their reports are not included within this consultation summary section, but are produced in greater depth within the main body of the report.

Arising from the statutory consultations, the following responses have been received.

**4NW (formerly North West Regional Assembly)** – As the site has been previously developed and is currently underused, broad support for the reuse of the site is offered by Policy DP1 of both the Adopted and Submitted Draft Regional Spatial Strategies.

Lancaster should ensure that they are satisfied that an adequate and up-to-date sequential approach has been carried out for the proposals.

**North West Development Agency (NWDA)** – A major, retail-led mixed-use development would improve the City's retail offer and be consistent with the Regional Economic Strategy objective of promoting economic growth in Lancaster. The vision for Lancaster is to build upon its Georgian heritage, which should be used as a backdrop to a stylish and distinctive retail and leisure activity.

The scheme's design and relationship to the surrounding built environment is an important consideration. The NWDA is pleased to note the alterations in response to concerns during the last application. A sufficiently high-quality and sensitively designed project would add significantly to Lancaster's retail offer and to its attractiveness as a commercial centre for retail, leisure, office and other uses. Therefore we encourage the City council to take a positive attitude to the potential benefits of the proposal, whilst giving proper weight to the sensitive design issues posed.

**Lancashire County Council (County) Strategic Planning & Landscape** – The existing housing supply in the district would satisfy the annual rate of provision beyond 2016. However as the proposal is a major mixed-use development, and may provide some affordable housing, it is acceptable because it complies with the criteria adopted in the Joint Lancashire Structure Plan (JLSP).

With regard to leisure and retail, Policy 16 of the JLSP is applicable. The scale of development is considered appropriate given Lancaster's Tier 1 Centre designation.

The local planning authority may wish to obtain guidance from its consultants in regard to the latest population figures and its impact upon expenditure estimates. If the authority reaches a decision that the development would not harm town centre vitality or viability then the development will conform to policy.

The applicant's sequential approach shows that there is no alternative site available in a more central location. The local planning authority will have to consider if this is the case.

The workshop floor area does not raise any strategic issues.

If the retail matters referred to are considered acceptable, then the proposal will be in general conformity with the JLSP.

**County Highways** – County Highways do not object to the development, providing that all Highway Agreement measures indicated on the plans are provided along with a suitable level of planning obligation.

Their response explains the situation regarding the existing highway network. They accept the modelling undertaken by the applicant and conclude that it is a reasonable basis from which to assess the impacts of the proposal. They also acknowledge that the City Centre suffers from a significant level of congestion at peak times and is a declared Air Quality Management Area. The inclusion of committed developments (i.e. those developments that already have planning permission elsewhere in the city) will increase congestion levels and consequently reduce air quality within the City Centre.

They state that the network modelling indicates that the proposed highway improvement measures will provide a reasonable level of additional capacity and offers a level of journey reliability for all transport modes in the area. However, the network benefits provided by the Canal Corridor development are masked by the impacts of the other committed developments and do not negate against all sources of local congestion across the network, including that experienced on the northbound gyratory approach arms and surrounding area during the peak periods. Queuing will impact on other corridors and junctions. County are confident that the traffic increases should not be at a level that compromises network safety but they agree that overall queue lengths and journey times during weekday and weekend peaks will increase. However they state that the primary source of this additional congestion is from the committed developments – not as a result of the Canal Corridor proposal.

Each element of the development will attract trips by most modes and will require deliveries, servicing and waste collection resulting in further congestion on a number of links in the surrounding area during the periods of weekdays and weekend. It is critical that any development here is supported by suitable measures and sufficient planning obligations to minimise their impact on the network.

Proposed changes to sections of St. Leonard's Gate, Bulk Road and Alfred Street alter route choice availability for existing and committed movements. These changes are not considered to the detriment of the network as a whole. Measures include the provision of a new link road between Caton Road and St. Leonard's Gate which facilitates movement to the development within the existing constrained network. Improvements are also proposed at a number of other key locations providing further capacity.

The development proposes mitigating measures that provide a small level of improvement to the City Centre and its surrounding network, with the updating of the traffic signal management system, three Variable Message Signs and two CCTV cameras. The updated traffic signal management system (known as SCOOT) will minimise the overall network delay, and thus should provide a level of network reliability. Variable Message Signs will provide car park information to drivers as they enter the city. CCTV cameras will monitor traffic movement and provide better network management, including incident detection. In addition to these measures it is essential that a sizable financial contribution is provided with this development (and all others in the future) in order to facilitate the provision of alternative sustainable transport initiatives.

The additional demand associated with the new Interceptor Car Park should not be significant as vehicles would divert from adjacent links. A Car Parking Management Strategy is required for all areas of the site. Latest analysis indicates that the car park barriers should just satisfy typical demand, with a small level of queuing within the site. The Car Park Management Strategy must include a mechanism to ensure that on-site measures can be provided to satisfy demand so that no queuing occurs on the highway network from the car park access. These measures would be required when the anchor store has a sale or at other periods of high demand, such as prior and during Christmas. The proposed Variable Message System should assist in informing drivers of car park space availability prior to decisions being made.

Other conditional matters include parent and child parking, mobility-standard parking, cycle and motorcycle parking. Independent car parks at the new residential areas to Alfred Street and Moor Lane are discussed in the separate outline applications. However some new residential parking is proposed at Alfred Street as part of the main outline application, and these amendments remove rat running through Alfred Street. The Car Park Management Strategy should include this area.

The replacement coach parking (off-site) should be appropriate in that it should include a safe access/egress and be of a size that can satisfy demand. The development site will require a Parking Strategy to ensure that demand is not exceeded, does not impede on the operation of the highway network, and provide site security measures. Again this would be a condition of approval. A 'Service, Delivery, Waste Collection and Routing Strategy' should also be conditioned if approval is considered. The internal arrangement of the service facilities will need to be reconsidered during the final design to enable vehicles to fully negotiate the bend.

Pedestrian and cycle matters shall also be conditioned. Cycle parking was agreed with County Highways. It is important that the Travel Plan provides a strategy to ensure that future employees use sustainable transport modes rather than the private car. The plan should be adhered to and kept up to date for an agreed period after first opening.

During the demolition and construction phases there will inevitably be local traffic problems. A programme and method of construction, including issues relating to the temporary closure of local streets, parking (both on and off site) and the delivery of materials to the site, must be agreed prior to work starting on site.

A list of planning conditions has been provided and is enclosed in full at the end of this report. The measures proposed will predominantly be delivered by Section 278 (Highway) Agreement and must be provided before the development first opens. County Highways also seek planning obligation contributions from this development to fund measures that support sustainable transport. It is for the City Council to determine the extent of these and also gain other contributions from similar major developments (not just the Canal Corridor) to be included in a pool of funding, to deliver items such as improvements to public transport corridors, nodes, highway monitoring equipment, new cycling measures and centralisation of parking.

**County Ecologist** – Lancaster Canal is a County Biological Heritage Site. The proposals will reduce habitat connectivity. If the long-term impacts of shading and loss of function as a wildlife corridor cannot be mitigated, then compensation is required. The applicant should therefore be required to submit further proposals to demonstrate that there will be no net loss as a minimum of biodiversity resource. Such proposals could include reducing shading impacts on the Canal, and building in habitat connectivity/green linkage along the length of the Canal within the red line boundary.

With regards to bat species, many buildings on site have some potential to support bat roosts; the Mitchell's Brewery building is in a poor state of repair and, although no evidence of bat roosts was found, an individual pipistrelle bat was recorded; and Thompson and Jackson's derelict joinery workshop supports a bat roost (previous/occasional occupation). In addition, the canal is known to be used for foraging and commuting, undoubtedly aided by the lack of ambient light along the Canal currently.

As the presence of bat roosts has been confirmed the applicant will need to submit a method statement for approval before the application is determined, detailing how detrimental impacts on the conservation status of the bat population will be avoided during and after the development. This should include a programme of monitoring. If the above tests can be met

and the local planning authority is minded to approve the application, implementation of the approved method statement should be the subject of a planning condition.

In respect of breeding birds a planning condition is an acceptable approach to ensure that disturbance to habitats is minimised.

With regards to Japanese knotweed, a planning condition is again an appropriate method to ensure that this species is not spread.

Conditions are also appropriate in relation to protection of trees, and the submission (post-approval, if the application is approved) of a Landscaping/Habitat Creation and Management Plan.

**County Archaeologist** – The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**County Planning Contributions Officer** – The County Council seek planning obligations to fund measures that support sustainable transport. A list of generic measures including new parking facilities, cycling enhancements, public transport improvements and network monitoring are amongst those listed. The proposed highway works do provide a level of mitigation however, but sustainable transport measures are also required (and also from other developments in the centre, which when pooled can be used to fund such measures).

A detailed Travel Plan is requested and it is suggested that this would be delivered through the Section 106 Agreement, although planning conditions are just as capable of delivering Travel Plan measures.

A contribution of £85,920 is requested for waste management. No figure is placed upon public art contributions but there is a request for enhanced public realm and art as part of the proposals, and the County Arts and Regeneration Officer is available for further discussion.

**Commission for Architecture and the Built Environment (CABE)** – CABE did visit the site and the proposal was being discussed at their Design Panel Review.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the

approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** – Recommend that the scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell. They have also “regrettably” conceded the loss of the other buildings away from the Stonewell area.

They are supportive of the aspirations of the scheme. If the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**Natural England** – Are unaware of any nationally-designated landscapes or statutorily designated areas that would be significantly affected by this proposal. They are satisfied that there are no impacts upon Natural England’s other interests.

They are satisfied with the methodologies for the Ecological Surveys and broadly concur with the mitigation proposals. Planning conditions would be appropriate to deliver these mitigation measures (via method statements). They welcome habitat creation and native landscaping proposals.

Natural England say there is insufficient information in the application relating to protected species. However the mitigation measures regarding bats and birds is sufficient to be controlled via planning conditions, and should include checks of all buildings prior to demolition. Natural England remind the developer that a licence (separate from the planning regime) should be required in relation to bats.

The means of implementation is acceptable.

**Environment Agency** – Part of the site lies within Flood Zone 3 and Flood Zone 2. However the Environmental Statement contains a flood risk assessment as required by paragraph E9 of the PPS 25 (Development and Flood Risk). This indicates that there will only be highways within that area of the site within Flood Zones 2 and 3. As this is the case we have no objections in principle to the proposal. However, should the Reserved Matters application show built development within flood zones 2 and 3 an objection would be formed.

The Environmental Statement identifies that further work is required on contaminated land. This is acceptable and a standard land investigation and remediation condition is proposed.

A condition is requested regarding the submission of a scheme for the provision and implementation of a surface water regulation system.

They also recommend that the developer considers the following as part of the scheme:-

- Water management in the development, including, dealing with grey waters
- Use of sustainable forms of construction including recycling of materials
- Energy efficient buildings

**United Utilities** – No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer. Other generic advice is also provided.

**British Waterways** – No objection subject to the following comments; (i) A financial contribution is suggested to fund additional annual maintenance of the Canal and Towpath between Shaw Street and Nelson Street. They suggest that funding should be for a period of 15 years. (ii) Active canalside frontages, approval of landscaping details and the limiting of canalside building heights should all be encouraged as part of the development. (iii) A Method Statement in relation to ecological matters should be required via planning condition, including the enhancement of biodiversity along the canal. Advice regarding bats, native tree planting and Japanese Knotweed is provided. Generic advice regarding the siting of tables and chairs is also given. (iv) The position of canalside moorings must be agreed with BW. All works must comply with BW's Code of Practice.

**Lancashire Wildlife Trust** – No comments received to the 2008 application. However they did offer comment on the 2007 application, stating that they had no objection providing that mitigation and compensation measures are adhered to (and suggesting that the Urban Habitat Action Plan contained in 'Lancashire Biodiversity Plan' may be useful).

**North Lancashire Bat Group** – No comments received within statutory time period. They did provide comment in 2007 where they stated that there would be no objections subject to the imposition of the conditions relating to the Bat Survey report.

**Police** – No objection to the scheme subject to the applicant achieving 'Secured by Design' as a requirement of the planning permission, with a view to reducing the opportunities for crime, disorder and anti-social behaviour.

**Fire Safety** – No comments received within statutory time period, although comments in 2007 stated that the development would have to comply with Part B5 of the Building Regulations.

**The Theatres Trust** – Supports the application in principle. They are pleased to note the improvements to the front of house facilities at The Grand Theatre and the funding to ancillary facilities at the Duke's Theatre. They do not offer comment on the overall merit of the scheme.

**The Victorian Society** – The Society recommend refusal of the scheme. They comment that their "very strong objection" is based on the proposals being "incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area". They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.



The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** – The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12<sup>th</sup> 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth – much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Lancaster & District Chamber of Commerce** – The Chamber maintains its overall position in support of a mixed use development of the site. They believe that whilst the floorspace sounds substantial, it would soon fill, and although car parking on site will be a draw, the existing centre should be confident that it will still be a major component of the total visitor package. The Chamber says that the city has much to do to re-establish itself as a viable shopping destination. Clawback of shopper leakage on comparison goods will see a major improvement.

The Chamber also acknowledges that the Transport Assessment looks at worst-case scenarios, although the removal of rat-running will provide problems in the Bulk and Freehold wards. The proposals limiting two-way use of St Leonard’s Gate are a mistake. Traffic should not be pushed back towards Bulk Road.

Some concerns from the business community were highlighted during debate, and they included the location of the car park (meaning people may not access the existing city centre), the assumption that traffic is predominantly from the north when traffic from the south would also head to this car park, the projected increase in retailing would require 40% increase in shoppers which will not be achieved with current population levels, an access route through the site should be maintained, the loss of rat runs would put a large burden on the gyratory, more housing should be proposed instead of quite so much retail, too much

competition for independents, threat of displacement of key retailers from existing centre and shift in focus of footfall, loss of other car parking, the need for a southern interceptor car park, need to retain St Leonard's Gate, the retention of Marks and Spencer's in the existing centre is vital, contrary to District Local Plan policies.

Some positive comments from their members included; the development would stop the decline of Lancaster as a shopping destination and improve the prosperity of the city, it would help solve Lancaster's traffic problems,

**Morecambe & District Chamber of Commerce** – No comments received within statutory timescale.

**Lancaster Civic Society** – No objections to the major application.

**Council for the Protection of Rural England North West (CPRE)** – Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

**Ramblers Association** – No comments received within statutory timescale.

**Environmental Health Service** – The Service have provided separate air quality and contaminated land responses. In respect of air quality, their second response supersedes the first, because it contains the response to the applicant's air quality appendices in addition to their Environmental Statement.

Environmental Health Services is satisfied that:

- The scope of the air quality assessment in assessing operational phase impacts is suitable and sufficient
- A suitable methodology has been adopted
- The characteristics of the locality have been considered and taken into account
- Existing knowledge of local air quality is reflected in the assessment
- Other committed developments and cumulative impacts on local air quality have been considered
- Receptors at which air quality impacts should be assessed have been correctly identified, including permitted residential developments not yet completed
- Uncertainties have been minimised and limitations have been identified and considered when reaching conclusions

The scheme would generate additional traffic within and adjacent to the Air Quality Management Area and would have potentially significant implications for it. The submitted Air Quality Assessment predicts a slight worsening of air quality around the Management Area in terms of nitrogen dioxide and fine particulate matter (PM<sub>10</sub>). It could interfere to a degree with the actions required to improve local air quality under the Environment Act 1995. However where this gives rise to adverse impacts the Environmental Statement assesses those as negligible or minor in all cases. No residential areas are predicted to become new exceedance areas as a result of the development. Within the proposed development, air quality at new residential locations is predicted to achieve the air quality objectives.

The Service recommends that if approval is granted, compensatory benefits regarding highway improvements and public transport planning should be conditions.

Any ventilation exhausts from restaurant, café and car parking activities should be the subject of prior detailed agreement before commencement of the development.

With regards to contaminated land, the Service is satisfied that the applicant's report is comprehensive. The Preliminary Conceptual Site Model has been developed which will assist in defining and refining further phases of site investigation and any remediation.

Post demolition site investigation and risk assessment will be required across the site but particularly in the area of the chemical works. Significant concentrations of quite hazardous contaminants were noted in investigations carried out a decade ago. There may have also been deterioration in ground (water) quality since then due to leaks/spills/decommissioning. Therefore the standard Land Contamination Investigation conditions are required.

**Cultural Services** – The Arts element of the development is to be welcomed, particularly in terms of its potential beneficial impact on the Dukes Theatre, Grand Theatre and the Lancaster Musician's Cooperative.

Specifically in terms of Public Art, the Design & Access Statement that accompanies the planning application is relatively sparse on the matter. However there are numerous other elements referred to which could involve the engagement of an artist (bespoke street furniture design, paving design, a water feature, "feature steps", "wayfinder/markers", lighting design) although these are not specifically referred to in relation to engaging an artist in these areas. Therefore subject to the outline application being approved, Cultural Services would ask to be consulted on the proposed plan for public art within the development, to include the level of funding available for public art, via any Section 106 Agreement and/or via reserved matters arrangements.

**Property Services** – As a landowner affected by the scheme the Council has been served with the relevant information. In addition under the development agreement the Council as landlord has considered the planning application and has no objections to the content of the application.

**Economic Development Service** – The area is underused and appropriate development would strengthen the vitality of the city centre. The scale of development is more consistent with sub-regional retail centre status. The bridge is an essential component of the scheme to enable and encourage pedestrian movement between the new development and the existing centre. New pedestrian signposting will be needed within both retail areas and the developer should contribute.

The Service understands the concerns of existing independent retailers regarding the potential impact of the new development both in terms of increased competition and in the shift of the retail core. To mitigate these potential effects and to maintain/enhance the vitality and attractiveness of the existing retail area, and to promote Lancaster's expanded retail role, we would wish to see the developer provide active and financial support for a town centre management role, incorporating a marketing and events budget. The Economic Development & Tourism Service is currently looking to establish a project, based on the Construction for Merseyside model, through which local construction companies and residents could benefit from major development projects. We would welcome any mechanism that would require a contribution from Centros Miller toward the funding of such an initiative.

There is a need to relocate Joseph Storey & Co. and it is hoped that the developer will find an alternative site.

The investment in the Dukes and the Grand Theatres is essential and is welcomed as enhancing the cultural offer.

Coach parking drop-off arrangements and parking will need to be finalised.

The Lancaster Canal is a major asset. We note the intention to integrate the canal frontage within the wider scheme, increasing accessibility from and to the town centre and taking advantage of the canalside setting. The future prospect of the canal's extension to Kendal, and the potential significant increase in visitors using the canal this would bring, underlines the need to make adequate provision for canal-based visitors.

**Housing Policy Officer** – In principle the development of housing is supported and the Service is pleased in relation to the mix of housing. There is no housing justification for a reduction of the percentage of affordable housing. However it is for Planning Services to determine if the applicant's abnormal costs case is valid, justifying the reduction from 40% to 25%. The affordable housing would have to be distributed throughout the site. In addition, two-thirds of the housing should be provided for rent rather than shared ownership.

**Legal Services** – No comments to make.

**Engineers/Land Drainage/Cycling (CDT)** – No land drainage comments received. In terms of cycling, the long-term objective is to gain full cycle permeability into the existing pedestrian zone. Edward Street is an existing cycle route as cyclists are permitted to ride on public highways. The applicant has relented to allow north/south cycle access through the development, but it is disappointing that this cannot be signed as a route. Moor Lane/Church Street should be marked as an existing route/desire line, it is not a proposed council route.

An appropriate treatment to the Stonewell crossing and appropriate links to Church Street are of strategic importance and provide further linkage to the Castle and Quay areas, and the Millennium Bridge. They would recommend that appropriate markings be provided as part of the application.

Cycle parking provision does not appear to be adequate and as a Cycling Demonstration Town more could be achieved.

The canal cycleway width should be maintained and linkage from Phoenix Street explored in detail.

**Government Office North West** confirmed that they would not be able to offer comment as it may potentially prejudice the Secretary of State's ability to consider the application.

### **OTHER OBSERVATIONS RECEIVED**

**South Lakeland District Council** – They would welcome a reduction in the size of the scheme. They believe that there is a lack of supporting evidence to justify a scheme of this size, and are concerned about trade diversion from Kendal.

**Wyre Borough Council** and **Preston City Council** both made comment in 2007 (regarding the former, now withdrawn outline application) but did not offer comment on the new proposals. Wyre BC stated that they were satisfied that Lancaster would determine the application accordingly, although they commented that the scale of development must be appropriate and not damaging to the market town of Garstang in particular. Preston CC noted errors in the Retail Assessment relating to the applicant's discussion of Preston's Tithebarn development. They had no other specific comment to make regarding the proposals.

**It's Our City Group** – They have produced a detailed objection to the proposals with the main headline themes:

- Inadequate public consultation and Statement of Community Involvement documentation
- Contrary to national, regional and district planning policies and development plans
- The decision to grant Centros 'preferred developer' status
- Transport Assessment is unclear as to the extent of the traffic increase
- Questions the 'increased attractiveness' of Lancaster as a destination
- Do not accept that shoppers will visit the development as part of existing visits to the city
- Impacts upon the gyratory system
- No resolution of the rat-running problems – closure of Alfred Street and Edward Street will only exacerbate matters
- Contrary to national and regional air quality standards – study is not robust enough to demonstrate that there is no detrimental impacts
- Lack of study concerning other pollutants (e.g. NO2 and PM10)
- Concerns regarding the quoted '24-hour' society
- Visual impact of the pedestrian bridge and concerns over its deliverability
- Spatial departure from the Supplementary Planning Guidance
- Value of the unlisted buildings scheduled for demolition
- Relocation of the multiples from the centre
- Retail leakage to Kendal and Manchester is not significant
- Absence of evidence of significant population growth

**Bulk Ward City Councillors** – They object to the proposals on the following grounds:

- Contrary to national planning policy and the Lancaster District Local Plan
- Generation of significant additional traffic on an already congested highway system and the proposed highway measures do not deliver a fundamental solution and will add to the volume of rat-running and environmentally damaging traffic impacts on Derwent Rd and Ullswater Rd
- The job creation claims are not credible and do not take into account job loss amongst existing retail and service sectors of the local economy
- The development will damage retailing in Lancaster City Centre, Morecambe and Carnforth
- The applications will result in a development that will generate considerable amounts of extra greenhouse gases and this is inconsistent with Planning Policy Supplement PPS1 "Planning and Climate Change" and the binding CO2 reductions in the Climate Change Bill currently completing its parliamentary progress.

**Lancaster Canal Trust** – They were represented during a series of consultation meetings with the applicant. They acknowledge the amendments to the proposal and wish to support the enhancement of the canal towpath and its integration into the eastern side of the development, subject to agreement from British Waterways regarding embankment stability.

**Save Britain's Heritage** – Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

**Lancaster Climate Action Group** – Objection based upon the increase in emissions, additional traffic, energy and fuel supplies and inadequate public consultation.

**Lancaster Bicycology** – Objection based upon the impact upon fuel supplies, increase in emissions and the barriers this would cause to cycling in the district.

**CTC (National Cyclists)** – Objection based upon the failure to contribute to cycling, detrimental highway changes, token cycle parking, no cycling zones through the scheme (required to dismount), disruption during demolition.

**Stagecoach** – Welcome the inclusion of Debenhams, but questions the gyrational changes affecting their bus routes, and it is on this basis that an objection is lodged.

Other non-statutory consultees did not make comment on the 2008 application but lodged objections to the previous 2007 submission, based upon the grounds identified in this section. They included **Friends of the Earth**, who opposed the development on traffic and retail impact grounds.

Other organisations did not object in either 2007 or 2008, but made specific comment in 2007. These included **Sustrans**, who wanted assurances regarding high-quality cycling infrastructure.

At the time of compiling this report, there had been **278** objections from members of the public or other local businesses/groups, and **1** letter of support. The reasons for objection included the main headline themes:

- Contrary to national, regional and district planning policies
- Scale of development is too intense in terms of scale, massing, siting
- Loss of publicly-owned space to private developer
- Lack of transparency in Development Agreement
- Lack of green spaces and children's facilities, impacts upon ecology
- Impact upon traffic, including Bulk Road, Freehold and Standen Gate, and the wider gyratory network
- Transport Assessment findings do not stand up to scrutiny
- Lack of public consultation and the presentation of the plans as the only alternative
- Pollution and air quality impacts locally and for the wider area
- Impacts on the viability of the existing retail centre and independent traders in particular
- Potential for retailers to relocate to new development
- Demolition of historic buildings fails to respect the urban grain or intimate character of this part of Lancaster
- Restriction of some existing services if relocations of existing facilities – most notably the Dance School, Homeless Centre and the Orthodontist – do not occur
- No security for Musician's Co-Operative
- Impact of the pedestrian bridge upon the Conservation Area and the setting of Listed buildings
- Retail impact upon Morecambe
- Impacts upon the skyline of Lancaster and views from wider Conservation Areas
- Proposal doesn't meet the equivalent reduction in commuter parking as envisaged by District Plan Policy

- Threats to existing units in St Nicholas Arcades caused by bridge link

The letter of support related to improved external appearance of the existing site and a need to improve retailing facilities.

### **SUMMARY OF CONSULTATION RESPONSES RECEIVED REGARDING THE PREVIOUS OUTLINE PLANNING APPLICATION (07/00672/OUT)**

During consideration of the first outline application the City Council received a significant amount of correspondence from members of the public, both for and against the development.

It is recognised that the proposals have been substantially revised since the last outline application was being considered (and of course it was subsequently withdrawn). However the City Council did give an assurance that a summary of the previous correspondence, both for and against the development, would be included in the eventual report to Planning Committee.

In relation to 07/00672/OUT there were **483 letters and cards** containing objections on the following grounds:

- Adverse impact on traffic congestion into the City and deterioration in air quality
- Conflict with the Local Plan, extends beyond city centre designation
- Lack of proper and adequate consultation; no alternative plans given, residents presented with pre designed scheme
- Adverse effect on character and viability of Lancaster City Centre and Morecambe Town Centre
- Over domination by excessive building heights. Design details not established
- Deteriorating impact on local employment
- Scheme meets needs of large corporations rather than local residents
- Increase in rat-running through Freehold area
- Unsustainable development. Creation of a clone town without individual identity. Council should take account of Real Planning for Lancaster Survey
- Loss of key historic buildings at Stonewell, Brewery, and Heron Chemical Works. Generally does not enhance the built heritage of Lancaster
- Loss of valuable community assets, including no certainty for future of Musicians Co-operative
- Loss of trees and green corridor
- Adverse effect on setting of Dukes Theatre
- Design too modern and not in keeping with Lancaster – Green Party proposals were preferable
- If over developed and unviable City Council will bear financial loss
- Opposition to the bridge link to St Nicholas Arcades.
- Second separate retail centre cannot enhance tourism potential of City
- Small specialist shops should be protected
- Danger of increased crime and disorder
- Loss of option for eastern relief road in the future
- Lancaster should look to Chester and York as model for development
- Concern about managerial and financial transparency over land sale by the Council and Development Agreement. Conflict of interests between Council's land interests and planning powers. Breach of covenants on some areas of land.
- Unreliability of access to plans and information on Council's web site
- Adverse effect on congestion in Galgate

- Council does not have adequate means to restrict retailer relocations to the site
- Car-free housing not viable
- Insufficient facilities for children and young people
- Serious amenity impact on local residents adjoining the site.
- Adverse impact on ecology along canal banks.
- Too much influence by one developer on city centre. Who would have private control of the public realm. Additionally the financial benefits not to Lancaster, but to developers off shore account.
- Impacts of construction works. Developer has already caused disruption in Bury St Edmunds.
- Loss of number of established adopted streets with adverse effect on highway network.
- Adverse effect on cycle network.
- Too many flats in Lancaster.
- No need to attract shoppers from Preston.
- Inadequate facilities for disabled people.
- Scheme should deliver a Park and Ride facility.
- Loss of long stay car parking for employees.
- Loss of coach parking for visitors.

They were **185 Letters and cards** containing support for the proposals on the following grounds:

- The area is run down and in need of redevelopment
- Lancaster has been on the up for some time. There is a need to increase shopping provision
- Lancaster needs a large department store and has lagged behind Preston and Kendal. Development will help keep people shopping in Lancaster
- Great benefits to theatres, Musicians Co-operative and open space provision
- Improvements to canal corridor will improve quality of life for residents
- Objectors are generally from one area of Lancaster, other areas of Lancaster would benefit. Inaccurate to suggest that all local residents are opposed to the scheme
- Supportive of proposals providing there is satisfactory integration between the old and new centres
- Development will take Lancaster forward to the 21<sup>st</sup> Century

There were also **48 letters and cards** which did not raise objections as such but suggested safeguards needed in line with some of the bullet points listed above.

## **REPORT**

### **Background**

Centros (formerly Centros Miller), were selected as the preferred developer for the Canal Corridor North site and commenced work on the development proposals in November 2005. A number of other development companies had expressed an interest in the site but none had proposed schemes which closely resembled the City Council's expectations for the site as described in the Development Brief. Centros did this from the start, hence their choice as the preferred developer.

Between 2005 and 2007 Centros engaged in pre-application discussions with the aim of submitting a series of planning applications in 2007. This occurred in May 2007, but following formal public consultation and assessment by the Planning Service (and its consultants), the



proposals were considered unacceptable and were subsequently reviewed. As a consequence the main outline application was withdrawn. In July 2008 a new outline planning application was submitted, alongside new, separate residential applications.

This is the report for the main outline application and it is presented to Members of the Planning Committee for consideration. However, under the terms of the Shopping Directive legislation, any decision to approve the development can only be a resolution to approve. The matter would then be referred to the Secretary of State, and it would be for them to decide whether the City Council can make the decision, or whether the application should be called-in for the Secretary of State to determine.

For clarity, the proposals also include five Conservation Area Consent applications for the demolition of unlisted buildings and structures within the Conservation Area; six Listed Building Consent applications for alterations to protected buildings and the making good of flank walls following the demolition of adjacent buildings; and three separate applications for development within the site – including a new Mitchell's office headquarters/retail outlet, a residential proposal for the Alfred Street area and a residential application for the land next to Mill Hall. These are referred to briefly in this report, and are expanded on in the separate reports that are due to be considered as part of this committee agenda.

Proposals to extend The Grand Theatre, submitted by Centros, have already been approved by the Planning Committee in June 2008.

It should be noted that two further applications are to follow in due course – a full application and a Listed Building Consent application for the change of use of the Tramway (127, 129 and 131) St Leonard Gate into retail, office, restaurant/café, dentist etc uses. This is aimed at being a potential relocation at some of the uses currently located in Stonewell.

As the applicant's Planning Statement testifies, there is a Development Agreement in place between the City Council and Centros. This is a separate property matter between the two parties and has no bearing upon the planning merits of this case, hence it is not referred to at any other time in this report. Members should be aware that there is a further (separate) Development Agreement between Centros and Mitchells of Lancaster. If the outline planning application is approved, then Centros hope to negotiate with other landowners and acquire the remaining interests via private treaty. If this is not possible then the City Council has already resolved to use compulsory purchase powers if necessary.

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

This brownfield site is a substantial triangular parcel of land to the north-east of the city centre. It is bounded by St Leonard Gate and Moor Lane, whilst the area known as Stonewell links the site to Church Street. To the east lies the Lancaster Canal, separating the proposed development from the residential area of Freehold.

The Canal Corridor North area lies partially within the City Conservation Area and the Moor Lane Mills Conservation Area. The award-winning Bath Mill Estate, on the opposite side of the canal, is also a Conservation Area. The site also contains a number of listed buildings and buildings designated as Key Townscape Features.

At present other highways run through the site. Alfred Street is a residential road and connects to Seymour Street and Edward Street. Elsewhere Lodge Street runs around the rear of the Grand Theatre and has a junction with St Leonard Gate. Brewery Lane is a narrow highway that serves Mitchell's Brewery, whilst the largely hidden St Anne's Place is a small courtyard accessed from Moor Lane.

The site reaches its highest point at the canal, and falls away down towards Stonewell. There are three main level changes across the site and these result in a 14 metre difference between the canal and Stonewell.

The site is dominated by the formal car parking areas. Other major uses that occur across the site include the Brewery and the Heron Chemical Works. Despite the rather sparse appearance of the area as a whole and the industrial uses that take place there, the site also accommodates some of the city's cultural gems; namely The Grand Theatre and the Duke's Theatre. Other important community uses occur within the same area – The Musicians Co-Op premises and the Dance School occupy positions around Lodge Street and St Leonard Gate, whilst a children's play facility is located on Alfred Street.

Other commercial uses include the Post Office at Stonewell, an orthodontist, retail premises, the ice cream, a pet food supplier, a motor vehicle servicing premises and a centre for the homeless.

With such a wide area, the style of existing buildings on the site differs greatly. The traditional, two and three-storey structures are located around the Stonewell 'nose' of the site and have outriggers at the rear. The more modern workshop premises to the east are single-storey in height, whilst the Brewery rises up to four storeys.

A number of existing buildings are excluded from the proposals; i.e. they are to remain on site. These are:

- 18 St Leonard Gate;
- 113 St Leonard Gate (the furniture shop adjacent to the Grand Theatre);
- The Grand Theatre;
- 9-19 Moor Lane;
- The Duke's Theatre;
- The Golden Lion Public House;
- The Duke's Youth Theatre (former Methodist Church);
- 3-5 Edward Street (5 Edward Street was initially shown to be demolished but this has been amended);

Despite being situated in a key position close to the Caton Road entrance to the city, and notwithstanding some of the active uses that occur within its boundaries, the site suffers from dereliction and a general poor appearance, caused by land clearance. Unlike other areas of the city centre, there is little in the way of established landscaping, except for a row of trees on Alfred Street, and the road network cuts a swathe through the site. Key streets do not benefit from the continuous built frontages enjoyed elsewhere in the city. Linkage with other parts of the city is restricted due to the position of the gyratory system.

Some of the listed buildings have fallen into disrepair, most notably the former Tramway Public House on St Leonard Gate. The condition of some of the other notable buildings on the site is discussed in the next section of the report.

Aside from smaller sites such as that of the former Lancaster Cinema, and sites further away from the city centre (such as Kingsway), the Canal Corridor North is the only central site which is capable of delivering a regeneration opportunity such as that envisaged. In order to achieve this ambition, the proposals have to include significant investment in terms of building design, highway infrastructure and public realm.

Because of the need to improve highway infrastructure, the red edge of the application site extends beyond the Canal Corridor North site and takes in highway land as far as Kingsway,

Caton Road, Bulk Road, Parliament Street, St Leonard's Gate, Stonewell and Lower Church Street. Linkage to the existing city centre necessitates the inclusion of part of St Nicholas Arcade within the red edge. Appropriate ownership notices have been served by the applicant.

### **The Canal Corridor North – Site History**

It is important to recall that despite the poor appearance of most of the Canal Corridor North site, the area has an important role in Lancaster's history. Moor Lane to the south is a historic route from the east to the centre of the city and St Leonardgate is equally well-established.

The Grand Theatre has occupied the site since 1782, whilst the former Tramway Hotel, also on St Leonardgate, possibly dates back to c.1750. 17 and 19 Moor Lane, to the east of the current Duke's Theatre, are earlier buildings and although the precise date is not recorded it is understood that they have their origins back in the 17<sup>th</sup> century. Similarly, 133-137 St Leonardgate were 17<sup>th</sup> century constructions but have been rebuilt since then.

But the wider development of the site, then known as Cooper's Field, was linked to the construction of Lancaster Canal at the beginning of the 19<sup>th</sup> century. This development spreads eastwards during that century and the construction of residential terraced properties is linked to the continued expansion of Bath Mill and Moor Lane Mills.

During the early part of the 20<sup>th</sup> century, the dominant uses across the site were the Yates and Jackson Brewery, completed in 1879, a school (between Edward Street and Brewery Lane) and St Anne's Church (now the Duke's Theatre). The city as a whole was one of the most advanced industrial settlements in the country. However the decline of the manufacturing industry changed the face of the city. The slum clearance programme, linked to increased decentralisation of the population and the unchecked growth of the suburbs, was the greatest catalyst for the post-war redevelopment of the site.

By the end of the 1960's Lancaster City Centre had experienced its greatest changes. St Nicholas Arcade (in its previous form) had been constructed and was a partly-covered mall of shops. The loss of St Nicholas Street had created an opportunity for highway improvements and as a consequence of this the A6 became a greater severance between the Canal Corridor North site and the centre of the city.

The demolition of the old St Nicholas Arcade in the late-1980's and the continued absence of active frontages alongside the Stonewell and Great John Street frontages contributed to the physical isolation of the application site from the city centre, a situation which currently exists.

As part of this submission the applicant has been required to undertake a Building Analysis and investigate the condition of buildings across the site.

In terms of those buildings which are to be retained, a number of these have fallen into disrepair or require urgent maintenance. The most obvious example of this applies to 127, 129 and 131 St Leonardgate – often referred to as 'The Tramway' group of buildings. Investigation has revealed that the rear extension is in danger of collapse and holes have appeared within the structure.

Other buildings in need of maintenance despite being actively used include 113 St Leonardgate (The Furniture Warehouse adjacent to The Grand Theatre), part of 9 Moor Lane, 17 & 19 Moor Lane, some areas of the Duke's Theatre, and the former Crown Public House at 18 St Leonardgate.

Typical problems include water penetration, rot, the need for roof replacement and, in the case of the Tramway, the possible need for underpinning in the future.

There are some buildings within the site that are, according to the analysis, are in a poor condition, or are structurally unsafe, or are beyond economic repair. These include the building in the rear courtyard of 3 Stonewell (the Stonewell Post Office), the two-storey rear extension to 9 Moor Lane, the derelict warehouse to the rear of 9 and 11 Moor Lane, the industrial workshop behind 1 and 2 St Anne's Place, part of the Mitchell's Brewery, 64-66 Alfred Street, part of the existing Musician's Co-Operative building.

## **Summary of the Proposed Development**

This is an outline application and the precise building dimensions are yet to be defined. In accordance with national advice, the applicant has adopted a parameters-based approach, providing minimum and maximum scales of development for each proposed structure. These parameters are discussed in detail later in the report.

The only matter being applied for at this time is the means of access. Layout, scale, appearance and landscaping are items to be considered at the Reserved Matters stage, should this current application be approved.

The proposals involve the comprehensive redevelopment of the whole site to provide a mix of uses which would act as an extension to the city centre. The scheme is undoubtedly retail-led and aims to enhance the range of shops within the centre. These shops will be connected to the existing St Nicholas Arcade by a new pedestrian bridge, crossing Stonewell. There is also considerable land given over to new residential development at both ends of the site. A new 'interceptor' car park, providing in the region of 800 spaces, is proposed at the northern end of the site. A new public park will be formed from an extended Phoenix Street/Alfred Street up to the canalside.

Omitting the proposals covered by separate outline applications, the breakdown of floorspace is as follows:

Use	Minimum Gross External Area (Sq.m)	Maximum Gross External Area (Sq.m)
<b><i>Retail, Office, Restaurant/Café Uses</i></b>	<b><i>43,661</i></b>	<b><i>45,957</i></b>
<b><i>Workshop</i></b>	<b><i>205</i></b>	<b><i>224</i></b>
<b><i>Rehearsal Space (Musicians Co-Op)</i></b>	<b><i>575</i></b>	<b><i>635</i></b>

As these floorspace figures are gross external, they include areas such as basement service areas, corridors, lifts, etc.

The car parking spaces to be provided are;

Car Parking	Minimum Number of Spaces	Maximum Number of Spaces
<i>Public Spaces</i>	<b>790</b>	<b>810</b>
<i>Private Spaces (e.g. Residential, mobility spaces etc)</i>	<b>27</b>	<b>31</b>

There are a number of other outline planning applications, Listed Building Consent applications and Conservation Area Consent applications that accompany these proposals, and these are due to be considered as part of this committee agenda. For clarity, the schedule of applications is as follows:

- **08/00866/OUT** – The current outline application for comprehensive site redevelopment;
- **08/00865/OUT** – An outline application to redevelop part of the Heron Chemical Works site on Moor Lane for housing (known as the Moor Lane residential application);
- **08/00864/OUT** – An outline application to redevelop the land at the northernmost part of the site (top of Alfred Street) for residential units;
- **07/00602/OUT** – An outline application to redevelop the vacant land adjacent the Golden Lion Public House for office, likely to be headquarters for Mitchell's;
- **07/00662/LB** – Listed Building Consent application for removal of non-listed Spiritualist Church adjacent to the listed Crown Inn on St Leonard's Gate, and repair of the Crown inn's walls;
- **07/00663/CON** – Conservation Area Consent application to demolish the (non-listed) building and ancillary structures at Heron Chemical Works, Moor Lane;
- **07/00665/LB** – Listed Building Consent application to alter and reinstatement (repair) of the northern elevation of Mill Hall, Moor Lane, following demolition of the Heron Chemical Works;
- **07/00666/CON** – Conservation Area Consent application to demolish (non-listed) structures at Heron Chemical Work;
- **07/00667/LB** – Listed Building Consent application for the alterations and reinstatement of the north-eastern wall of the Grand Theatre following demolition of the Musician's Co-Operative premises;
- **07/00668/LB** – Listed Building Consent application for alterations and reinstatement of the curtilage wall at Mill Hall, Moor Lane (following demolition of Heron Chemical Works buildings);
- **07/00669/LB** – Listed Building Consent application to buildings at the rear of 11 Moor Lane and alter/repair the main rear wall;

- **07/00670/CON** – Conservation Area Consent application to demolish 1 Lodge Street (the current Musician's Co-Operative) and associated structures (non-listed);
- **07/00671/CON** – Conservation Area Consent application to demolish 1-2 St Anne's Place and its associated structures (non-listed);
- **07/00672/OUT** – The previous outline application for comprehensive redevelopment – now withdrawn and superseded by 08/00866/OUT;
- **07/00673/CON** – Conservation Area Consent application to demolish the (non-listed) 133-139 St Leonard's Gate, 1-5 Stonewell and 3-7 Moor Lane;
- **07/00674/LB** – Listed Building Consent application to demolish rear extension and outbuildings at 127, 129 and 131 St Leonard's Gate, and alter/repair the main rear elevation of these buildings;

Planning permission and Listed Building Consent has already been granted for the extension to the Grand Theatre (Ref: **08/00421/FUL** and **08/00422/LB**); both of which were also submitted by Centros.

The outcome of this main outline planning application will affect whether the Listed Building Consent and Conservation Area Consent applications can be determined in accordance with the recommendations reached. For example, if the main outline application is refused, then there would be no justification for the works proposed under the Listed Building and Conservation Area Consent regimes, and it would automatically follow that the recommendations on those applications would revert to refusal. The recommendations for the other three outline planning applications would remain unaffected, because these applications are capable of being implemented separately from the wider scheme.

### **Comparison with Application 07/00672/OUT**

There were a number of reasons why the previous application was withdrawn. The Planning Service (and their consultants) raised significant issues relating to the Retail and Transport Assessments submitted by the applicant. The concerns expressed by the City Council during 2007 are discussed in the separate retail and transport paragraphs of this committee report.

In seeking to address these concerns, and those of objectors including some statutory consultees, the applicant took the opportunity to rethink the scheme, including the position and scale of buildings and the orientation and linkage of key public squares.

Therefore, given these concerns, the Council would have had no alternative but to refuse the application.

This resubmission has sought to address the concerns listed above, and the revised retail and transport assessments are considered in depth later in this report.

However this has provided an opportunity to review the form and layout of the development (even at outline stage), and the physical changes to the 07/00672/OUT layout are considerable, and are as follows:

- Realignment and reorientation of Central Square and the routes leading to it;
- Relocation of Debenhams Department Store;

- Removal of the proposed commercial uses at the northern end of the site and replacement with residential uses;
- Alteration of the scale of housing on Alfred Street;
- Removal of the proposed roundabout on St Leonard Gate;
- Altered access arrangements to the interceptor car park;
- Enlargement of the canalside public park;
- Retention of the original position of Edward Street;
- Provision of a new square adjacent to the Grand Theatre;
- Altered siting of retail blocks and a general reduction in height in most circumstances.

It is important to consider the existing uses across the site at this early stage of the report. The applicant indicates that discussions are ongoing with the existing occupiers of the site regarding relocation on or off the site. Attempts continue to be made in finding alternative, industrial premises for Joseph Storey & Co. who occupy the Heron Works and leisure space for the Dance Studio. Further discussions regarding these uses will occur following determination of the outline application.

The Homeless Centre on Edward Street is subject to City Council discussions (in its capacity as landowner) and alternative sites are being sought.

The applicant advises that the majority of current residents have Assured Shorthold Tenancies, and will be given sufficient notice to vacate their premises and find alternative accommodation. The applicant comments that they are assisting the two long-term residential tenants with their relocation.

#### **Parameters of the Development, Materials and Use of the Proposed Buildings**

As previously discussed, the parameters-based approach adopted by the applicants is one that is encouraged where the final details of new buildings and structures are not yet available. These parameters are fixed and any attempt to increase or decrease the scale/layout of the buildings beyond the maximum and minimum scales indicated would require a new planning application. The dimensions shown will include roof pitch, external plant and equipment.

As well as fixing the scale of the development, other parameter plans have been produced for matters such as excavation of land, site demolition and transport routes. These are discussed in separate sections within this report.

Assessing each of the new building 'blocks' in numerical order allows us to start at the bridge link to St Nicholas Arcades, and work clockwise around the site. The following table indicates the minimum and maximum heights, whilst the commentary that follows explains each building in more detail.

It is important to recognise that these figures are shown in metres above Ordnance Survey datum levels. It is also important to note that whilst these units are shown as single 'blocks', these may be sub-divided to provide different size internal units for retailers, as indicated within the Design and Access Statement.

Block Number	Minimum Height	Maximum Height
<i>Bridge Block</i>	<i>14.5m</i>	<i>20.5m</i>

Block Number	Minimum Height	Maximum Height
<i>Block B01</i>	<i>22.33m at the west elevation, 19.2m elsewhere</i>	<i>26.33m at the west elevation, 23.33m in the central zone, 23.4m to the east</i>
<i>Block B02</i>	<i>16.75m at the north elevation, 22.4m elsewhere</i>	<i>19.75m at the north elevation, 27.48m elsewhere</i>
<i>Block B03</i>	<i>22.65m</i>	<i>28.98m</i>
<i>Block B04</i>	<i>22.65m</i>	<i>28.48m</i>
<i>Block B05</i>	<i>22.15m</i>	<i>32m at the north-west corner, 29m elsewhere</i>
<i>Block B06</i>	<i>25.5m at the east elevation, 25m elsewhere</i>	<i>29.5m at the east elevation, 29m elsewhere</i>
<i>Block B07</i>	<i>25m</i>	<i>29m</i>
<i>Block B08</i>	<i>26.25m at the north and east corners 26.5m elsewhere</i>	<i>34.25m at the north and east corners, 29.45m elsewhere</i>
<i>Block B09</i>	<i>26.5m</i>	<i>29.45m</i>
<i>Block B10</i>	<i>30m</i>	<i>35m</i>
<i>Block B11</i>	<i>22.65m</i>	<i>27.98m</i>
<i>Block B12</i>	<i>22.15m</i>	<i>27.48m</i>
<i>Block B13</i>	<i>21.9m</i>	<i>26.98m</i>
<i>Block B14</i>	<i>19.2m at the west elevation, 21.9m elsewhere</i>	<i>23.33m at the west elevation, 26.98m elsewhere</i>

### **Bridge Block**

This bridge provides access from the existing city centre retail area across Stonewell into the development site. It is created by removal of the Argos unit within St Nicholas Arcades. The bridge has to maintain a clearance height of 6.5m above Stonewell to meet the requirements of the Highways Agency. Its overall height takes this into account and the need for level access from the height of the existing pedestrian walkways in St Nicholas Arcades. Detailed design has yet to be produced for the bridge link and will be considered under the Reserved Matters application, should this current application be approved.

### **Block B01**

Block B01 is one of the most visually important new building within the site. Not only should it act as a link between the existing retail areas and the development site, but it must form an



attractive gateway to the city centre. Because of this, it is one of the most complex and challenging of the new structures.

The applicant has responded to criticism of the previous proposal by reducing the scale of this block and setting the building back, so that views of The Friary are maintained.

Block B01 includes the unshaded area (as indicated on Parameter Plan 8) which connects to the pedestrian bridge. It will be at its tallest at this point and will decrease in size as it surrounds the Tramway and other buildings at St Leonard's Gate. It is envisaged that this will be a two-storey structure with an architectural feature at the western end. The use of the building is anticipated to be retail and the materials will reflect those used on St Leonard's Gate and Moor Lane (i.e. stone), although elements of glazing and steel could form part of the final design.

### ***Block B02***

B02 is not only an important unit along the newly-created Central Street, but the rear of the building will contribute to an improved townscape setting between the Carpet Warehouse building on St Leonard's Gate and the Tramway. Lodge Street, which is the vehicular highway around the side and rear of the Grand Theatre, becomes a small cul-de-sac with Block B02 at its head.

The height of this structure will modulate between two and three storeys. It will be lower in height adjacent to the Tramway, and it is also proposed that the scale of this building will reduce towards the Theatre to respect the setting of the listed building. Along Central Street, it is again envisaged that the building will be two storeys high. It will accommodate retail uses to the front, and workshop uses on the St Leonard's Gate elevation (potentially those that require relocation from existing premises on the site).

Sensitive materials, such as stone, glass and appropriate render (on parts of the rear), are essential here due to the proximity of the listed buildings.

### ***Block B03***

A key corner within the development site, B03 is a focal point in terms of the setting of Central Square and is the first building visible when entering the site through the Canal Link. Again this will be a two-storey structure with room for plant at the roof level.

The building will be predominantly used for retail purposes, but the basement of the building will (in combination with B04) be used for rehearsal space by the Musicians Co-Op.

Within the Central Square, the use of stone and glazing will be predominant materials.

### ***Block B04***

B04's function has evolved throughout the design process. As part of the current submission, it now performs a vital role in enhancing the new square called St Leonard's Place, whilst abutting Seymour Street which links St Leonard's gate to the new development.

The height of the building is expected to mirror that of the adjacent Grand Theatre at four storeys, to provide a strong, vertical emphasis to the new square. Given the height of St Leonard's House immediately opposite, this is considered acceptable in this location.

At the basement level there is more space given over to the Musician's Co-Op, whilst the remainder of the property will be given over to retail uses.

Again the presence of the listed building will inform the material schedule, with an emphasis upon traditional materials. The applicant is committed to creating “a simple and elegant façade which will not detract from the Listed Buildings”.

### ***Block B05***

This is one of the largest blocks and has an important frontage onto St Leonard's Gate. As the highway curves it will be visible from the northern entrance to the site. It will not exceed three storeys in height, with the exception of the area hatched green on Parameter Plan 8, which indicates a possible architectural feature on the corner. It will be two-storeys high to Central Square.

The building also has an important, practical role to perform, as it provides the service entrance of the underground service yards areas. The current site has a considerable land level difference here, and given the lower setting of St Leonard's Gate it is possible that smaller retail units may be provided at the ground floor fronting the highway, bringing active uses along St Leonard's Gate. However, the predominant use of the block is expected to be that of a food retailer.

It is possible that the roof of the building could form an extension to the rooftop car parking proposed at Block B06. The northern and eastern elevations of Block B05 will adjoin B06. Elsewhere, the elevations will respect the material schedule for Central Square.

### ***Block B06***

B06 is the northernmost block within the main outline application and provides vehicular access from St Leonard's Gate into the multi-storey, interceptor car park. The proposed residential development (Ref: 08/00864/OUT) will screen the car park elevation from wider views from the north and the retail developments will perform the same screening role to the south and west. The extension of Phoenix Street will allow access adjacent to the northern elevation, but it is to the east where this block will be visible. However, the eastern side of this building will be residential, so that blank gable walls are avoided on the most public aspect.

This block extends below the ground to accommodate the car parking, which will be provided on five storeys, and will utilise most of the roof space for the same purpose. Care will be necessary in screening the car parking (Marketgate contains similar, successful rooftop screening). The residential units on the eastern side will reflect the design and materials of the existing Alfred Street properties, whilst the St Leonard's Gate frontage are likely to see a continuation of the materials used on Block B05.

### ***Block B07***

B07 will have important elevations facing Seymour Street, Central Square and the Canal Link. The height of the building will be two storeys to reflect those around the Square, although the rooftop will be used for rooftop car parking and the siting of any necessary plant and equipment.

It is proposed that a pedestrian walkway will link Block B07 to Block B10, elevated above Canal Link.

The use of the internal floors will be retail. The stone and glass used around the Square is likely to be replicated on this building.

**Block B08**

Block B08 will be three storeys high at the northern and eastern corner, reducing potentially to just single-storey (with a slightly higher roof level than standard single-storey units to mask the building behind, which is constructed at a lower ground level) at the south-eastern corner.

Residential accommodation will complete the enclosure around the new canalside park, whilst retail and café/restaurant uses are likely to be present alongside the canal and on the corner to Canal Link.

The appearance of the residential units will relate to the existing housing stock on Alfred Street, and traditional materials and influences will be evident in relation to the commercial aspects along the canal. These may include glass, stone, and the use of timber on the canalside elevations.

**Block B09**

A relatively small block in comparison, this is again potentially single storey in height (but with a similar roof arrangement to Block B08) to reflect the southern elevational scale of B08. The applicant advises that smaller retail uses could accommodate this space. B09 serves to mask part of the department store at B10 and brings active uses to the canal.

The design criteria will follow that stated on Block B08.

**Block B10**

This is the Debenhams department store. Previously located on the northern side of the square, the revisions take account of the need to maintain views from Bath Mill across the city. Therefore this tallest building has been sited closest to other tall structures, such as Mill Hall on Moor Lane.

It will be three storeys in height and the centre of the roof will be utilised for plant. At the canalside, the level changes mean that the building will appear as two storeys in height.

Stone and glass are likely to be used on the visible elevations. Render and rainscreen cladding may be used where considered appropriate on the upper elevations.

**Block B11**

This will be a two-storey structure on the corner of Edward Street and Central Square and steps down in scale from Block B10. There is the potential for both flat and pitched roofs here, and materials will match those used elsewhere around this Central Square. Render will be among the materials used on secondary elevations.

The use is anticipated to be retail on this important corner of the development.

**Block B12**

Again two-storey in height with room for plant at the roof level, the scale of this block is kept as low as possible due to the presence of the listed Duke's Theatre to the south.

The applicant has indicated that a sensitive palette of materials will be considered at the Reserved Matters stage, and this will be important given the proximity of the Theatre. This will be a retail unit.

## **Block B13**

This triangular structure also abuts the Duke's Theatre and this building occupies a key position at its junction with Central Street and the existing St Anne's Place. The architects have indicated that an architectural feature could be incorporated on the corner of the building, but this would be likely to project outwards, rather than upwards, in an effort to keep the overall height of the building down.

The building is lower than B12 but will still be two-storeys in height, and the approach to traditional materials will be similar to that adopted for B12. This will be a retail unit with potential for café/restaurants.

## **Block B14**

B14 includes the unshaded area (as indicated on Parameter Plan 8) which wraps around the Stonewell corner to Moor Lane, and connects to the pedestrian bridge walkway.

The building decreases in height as it arrives at the Stonewell junction. However it will predominantly be two-storey in terms of level but will relate to the existing adjacent three-storey property on Moor Lane. The highest part of the building will be used to accommodate plant and equipment, with the necessary roofline articulation required to screen such items. The gable of the adjoining Listed Building at 9-11 Moor Lane will remain visible.

This is a critical public corner to the city centre, and the design standards for this building will be expected to mirror those high standards anticipated on Block B01, with natural stone, glass and steel being proposed. Retail uses are proposed but there is potential for café/restaurant uses also.

## **Public Spaces**

A key component of the proposal is the creation of public spaces around the new buildings. These include Central Square – the new focal point to the proposed retail area and Debenhams department store. Central Square has increased by 30% in area since the 2007 planning application and its orientation has changed to a north-south aspect. It aims to be an “active, sheltered space with hard and soft landscaping and capacity for new art features”. The applicant indicates that it would be designed to accommodate open air seasonal and evening public performances, arts and crafts stalls or local markets.

This Square has four ‘arms’ – one of which runs along a new Seymour Street link to St Leonard's Place, a formal square off St Leonard's Gate which will accommodate some minor car parking (staff and mobility spaces) for the Grand Theatre, but will otherwise be a public square and entrance to the Theatre and to the new Musician's Co-Operative building. St Leonard's Place adjacent to the Grand Theatre has witnessed a 50% increase in area since the original application, and will include more seating and landscaping than originally perceived in 2007.

The Canal Walk (the proposed name for the enhanced canal towpath) would include new landscaping and the potential for barrage moorings, subject to British Waterways consent. The objective is to increase recreational use of this important corridor, and the creation of new links at either end of the site should ensure this occurs, but a balance must be struck between this and protecting the ecological interests at the Canal.

The new Alfred Street canalside park has increased in area by approximately 10% since the 2007 submission. It is designed to include lawns, planted areas and footpaths. This will be a

privately maintained park available to the public at all times. It has the potential to include a play area.

A smaller square at St Anne's Place will establish a new connection between Moor Lane and Central Street (a generic name given to the main street through the site – proper street names with a Lancaster relevance would be considered should the development be permitted), and given its location adjacent to the Duke's Theatre, it will have the potential for smaller open-air performances.

The enlarged Stonewell and Moor Lane corner would allow further public realm, including seating and cafe terraces.

The widths of the new routes are reflective of widths within Lancaster's existing centre. Central Street would be not less than 6.5m wide at any point, the Canal Link would be not less than 5m wide, Canal Walk not less than 3m and Edward Street, Seymour Street, Phoenix Street and St Anne's Place not less than 4.5m wide.

Security (in public squares and routes through the site especially) will be discussed further at the Reserved Matters stage. The Police have been involved in initial discussions regarding the requirements of the Secured by Design initiative.

### **Planning Policy**

There are detailed policy considerations that must be applied arising from the national, regional, county and district tiers of planning policy.

As with any planning application, consideration of the merits of the proposal should be made against the Development Plan in the first instance, and then other material policy considerations. For clarity, this sequential policy analysis is as follows:

#### ***Development Plan Framework***

- Regional Planning Guidance (soon to be The Regional Spatial Strategy);
- The Joint Lancashire Structure Plan (soon to be replaced by the Regional Spatial Strategy);
- The Minerals and Waste Local Plan (if relevant to the application);
- The Lancaster District Local Plan (Comprising of the policies that have been saved by the Inspector – this is clarified in the next paragraphs);
- The Lancaster District Local Development Framework – now including the adopted Core Strategy.

#### ***Other Material Policy Considerations***

- National Planning Policy Statements/Guidance;
- Ministerial Statements (if relevant);
- Draft National Planning Policy Statements (attributed a lower weight as a material consideration until formal adoption as national policy);

- Supplementary Planning Guidance Notes (weight dependent on the age and relevance of the document).

However for ease of reference, the policy guidance provided in this committee report takes a 'top-down' approach, looking at national guidance, followed by regional guidance, County (Structure Plan) policy and then policies at the local district level.

Before discussing the national guidance, it is necessary to establish the latest position regarding regional policy. The regional position is complex. The current Strategy, initially published as Regional Planning Guidance, became the Regional Spatial Strategy for the North West (RSS) in September 2004 with the enactment of the Planning and Compulsory Purchase Act. The RSS establishes the spatial plan for the development of the region for employment, housing, transport and the environment.

A draft revision of the Regional Spatial Strategy was submitted to Government in January 2006 by the North West Regional Assembly. It was subsequently tested in an Examination in Public between November 2006 and February 2007, and the report of the independent panel which conducted this Examination was published in May 2007. The Secretary of State considered the recommendations of this independent panel, and took into account the representations made on the draft revision, and also changes in Government policy since the draft revision was submitted, before publishing Proposed Changes for further public consultation between March and May 2008.

The consultation period ended on 23 May and the City Council understands that all representations have now been considered and amendments made to parts of the Plan, along with updates to the Habitat Regulations Assessment and Sustainability Appraisal/Strategic Environmental Assessment.

At the time of drafting this report, it was anticipated that the final revision of the RSS would be published on 30 September 2008. This is later than the deadline for this committee report and therefore officers will provide a verbal update at the committee meeting. The publication of RSS would remove the Joint Lancashire Structure Plan (JLSP) tier of policies.

In the meantime this report refers to policies as they stood in late-September 2008.

Nationally, none of the Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) are likely to change between committee deadline and the committee meeting. The relevant guidance and key objectives are as follows:

### ***PPS 1 – Delivering Sustainable Development***

This provides generic advice for all new built development. Local Planning Authorities need to ensure that suitable land is made available for development with economic, social and environmental objectives in mind; the development contributes to sustainable economic development; it protects and enhances the natural and historic environment and existing communities; and it ensures a high quality of development through good and inclusive design.

The PPS also addresses community involvement and the development of a vision for its district.

### ***PPS 1 Supplement – Planning and Climate Change***

This identifies how planning should contribute to reducing emissions and stabilising climate change. Key objectives include the delivery of spatial strategies that make a full contribution to the Government's Climate Change Programme; providing for homes, jobs, services and

infrastructure needed by communities and shaping places so that they secure the highest viable resource, emission reduction and energy efficiencies; deliver patterns of urban growth which help secure the fullest possible use of sustainable transport; conserve and enhance biodiversity; reflect the needs and interests of communities and enable them to contribute to tackling climate change; and respond to the concerns of business in adapting to climate change.

In doing so planning applications must consider the scale of the development and its conformity to development plans and national guidance, as well as other regulatory regimes which complement the planning process.

### ***PPS 3 – Housing (and the supplement Delivering Affordable Housing)***

The Government aims for affordable housing are to provide high-quality homes in mixed, sustainable communities for those in need; to widen the opportunities for home ownership; and to offer greater flexibility, quality and choice to those who rent.

Wider housing objectives are the delivery of a mix of affordable and market housing with varying tenure and prices; a sufficient quantity of housing to satisfy need and demand; suitably-located housing, and reuse of previously-developed land where appropriate.

### ***PPS 6 – Planning for Town Centres***

The key objective is to promote the vitality and viability of town centres by planning for growth and focusing development in such centre, encouraging a wide range of services in a good environment. Other objectives include the enhancement of consumer choice by providing a range of shopping, leisure and local services, supporting efficient, competitive and innovative retail, leisure and tourism sectors, and by improving accessibility by ensuring that development is well-served by a choice of transport modes.

Wider Government objectives such as geographical sustainability, social inclusion, regeneration of deprived areas, creation of employment opportunities and an improved physical environment are all relevant, as is the promotion of economic growth or regional, sub-regional and local economies.

The criteria for determining need for the development is described in full in the Retail Assessment paragraphs of this report.

Proposed changes to PPS 6 were, at the time of this report, subject to public consultation. This consultation was scheduled to end on 3 October 2008. The changes currently proposed require the proposal to be in accordance with the Development Plan, or where this is not the case, then applicants would be required to demonstrate that there are no more central sites to accommodate the proposal, and that there are no unacceptable impacts arising from the development. This impact test would replace the current need test. However, this document has not proceeded through consultation and it cannot yet be afforded any considerable weight.

### ***PPS 9 – Biodiversity and Geological Conservation (and the companion Good Practice Guide)***

PPS 9 objectives include the promotion of sustainable development, the conservation, enhancement and restoration of the diversity of England's wildlife and geology, and a requirement to contribute to urban renaissance by enhancing biodiversity in green spaces and among new developments (Which are expected to take account of the value of biodiversity in supporting economic diversification). Planning decisions should prevent harm

to biodiversity and geological conservation impacts. Where permission results in significant harm, to these assets, other sites should be considered. Where this is not reasonably possible, mitigation measures should be put in place or compensation measures should be sought. Otherwise development should be refused.

The Good Practice Guide contains a five-point approach adopted by the Royal Town Planning Institute which closely follows the guidance listed above.

### ***PPS 10 – Planning for Sustainable Waste Management (and the Companion Guide)***

This provides a framework which enables communities to take responsibility for their own waste and help implement the national waste strategy. Developments must ensure the design and layout of new development supports sustainable waste management.

### ***PPG 13 – Transport***

The three key objectives of national transport policy have remained unchanged for some time and seek to promote sustainable transport choices, the promotion of accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reducing the need to travel, especially by car.

### ***PPG 15 – Planning and the Historic Environment***

This establishes the national policies for protecting historic and heritage assets and explains that the function of the planning system is the promotion of sustainable and economic growth, coupled with protection and enhancement of the environment in towns. The planning process must reconcile these aims.

### ***PPG 16 – Archaeology and Planning***

This document emphasises the importance of archaeology. The case for the preservation of archaeological remains must be assessed on the individual merits of each case. Authorities must be satisfied that the developer has made appropriate and satisfactory arrangements for the excavation and recording of archaeological remains.

### ***PPG 17 – Planning for Open Space, Sport and Recreation***

The guidance contains broad objectives to support the urban renaissance, promote sustainable development, and promote social inclusion and community cohesion. It contains guidance relating to the protection of green spaces and playing fields, and seeks to ensure the recreational qualities of open spaces are not eroded. The location of new open space should also consider safety, recreational needs, loss of amenity, and accessibility.

### ***PPS 22 – Renewable Energy (and the Companion Guide)***

PPS 22 refers to aims in the Energy White Paper which seek to cut carbon dioxide emissions and maintain reliable and competitive energy supplies. Four elements of the sustainable development strategy – social progress, effective protection of the environment, prudent use of natural resources, and maintenance of high and stable levels of economic growth and employment – are also referred to. Development proposals have to demonstrate any environmental, economic and social benefits and impacts, and mitigation against those impacts through careful consideration of location, scale, design and other measures.



***PPS 23 – Planning and Pollution Control (and the accompanying Annex Documents)***

This document considers the quality of land, air and water and requires assessment of potential impacts arising from development. It also requires the planning system to play a key role in determining the location of development which may directly or indirectly give rise to pollution. The relevant pollution authority must be satisfied that potential releases can be adequately regulated under the pollution control framework, and the cumulative impacts must not make the development unacceptable.

***PPG 24 – Planning and Noise***

This guidance contains advice on minimising noise impacts from development and construction. The guidance recognises that much of the development necessary for the creation of jobs and construction of infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development, but must find a balance to ensure that there is no unacceptable degree of disturbance.

***PPS 25 – Development and Flood Risk (and the accompanying Practice Guide)***

The key objectives are to appraise any flooding risk, manage the risk where it is found and reduce the risk through location, layout and design of new developments, incorporating measures such as sustainable urban drainage systems and green infrastructure for flood storage. Development proposals should be accompanied by Flood Risk Assessments and must ensure development is flood-resilient.

The Regional, County and District planning policies affecting the proposal are numerous, and for ease of reference a table has been produced over the forthcoming pages of this report which lists the policies in question and provides the City Council's analysis of how the proposed development relates to each policy.

**The Regional Spatial Strategy – as Amended by Secretary of State's Proposed Changes**

As discussed in the introduction to the Planning Policy section, the following policies relate to the situation as it stood at the time this report was compiled.

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
<b>DP1</b>  <b>Development Principles</b>	<p>The following principles underpin the Regional Spatial Strategy (including RTS). Other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to these principles. All may be applicable to development management in particular circumstances;</p> <ul style="list-style-type: none"> <li>• Promote sustainable communities;</li> <li>• Promote sustainable economic development;</li> </ul>	<p>Proposal seeks to promote sustainable communities, make best use of infrastructure, marry opportunity and need and manage the demand for travel.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<ul style="list-style-type: none"> <li>• Make the best use of existing resources and infrastructure;</li> <li>• Manage travel demand and reduce the need to travel and increase accessibility;</li> <li>• Marry opportunity and need;</li> <li>• Promote environmental quality;</li> <li>• Mainstream rural issues;</li> <li>• Reduce emissions and adapt to climate change.</li> </ul> <p>The eight Policies DP2-9 amplify these principles and should be taken together as the spatial principles underlying the Strategy. They are not in order of priority. The whole of the RSS should be read together and these principles should be applied alongside the other policies which follow.</p>	
<p><b>Policy DP4</b></p> <p><b>Making the best use of existing resources and infrastructure;</b></p>	<p>Priority should be given to developments in locations consistent with the Regional and Sub-Regional Spatial Framework as set out in Chapter 5 (notably policy RDF1) and sub regional policies in Chapters 10-14 which:</p> <ul style="list-style-type: none"> <li>• build upon existing concentrations of activities and existing infrastructure;</li> <li>• do not require major investment in new infrastructure, including transport, water supply and sewerage. (Where this is unavoidable, development should be appropriately phased to coincide with new infrastructure provision).</li> </ul> <p>Development should accord with the following sequential approach:</p> <ul style="list-style-type: none"> <li>• first using existing buildings (including conversions) within settlements and previously developed land within settlements;</li> <li>• secondly using other suitable infill opportunities within settlements where compatible with other RSS policies;</li> <li>• thirdly, the development of other land where this is well located in relation to housing, jobs, other services and</li> </ul>	<p>The location of the proposal is consistent with the Regional and Sub-Regional Spatial Framework, builds on existing concentrations of activities and does not require major infrastructure investment.</p> <p>For the most part, the development does not use existing buildings on the site.</p> <p>The ES makes some statements about recycling and sustainable construction. These should be followed up at Reserved Matters stage.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>infrastructure. This will normally be on the fringes of settlements.</p> <p>Natural and man-made resources should be managed prudently and efficiently. Sustainable construction and efficiency in resource use (including reuse and recycling of materials) should be promoted.</p>	
<p><b>Policy DP5</b></p> <p><b>Managing the Demand for Travel</b></p>	<p>Development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. A shift to more sustainable modes of transport for both people and freight should be secured and road safety improved.</p> <p>Safe and sustainable access for all, particularly by public transport, between homes and employment and a range of services and facilities (such as retail, health, education, and leisure) should be promoted, and should influence locational choices and investment decisions.</p> <p>Major growth should, as far as possible, be located in urban areas where strategic networks connect and public transport is well provided.</p> <p>All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available...</p>	<p>The site is clearly in a sustainable location in an urban area genuinely accessible by public transport, walking and cycling.</p>
<p><b>Policy DP7</b></p> <p><b>Environmental Quality</b></p>	<p>The protection of environmental quality (including air and water), should be promoted, especially by:-</p> <ul style="list-style-type: none"> <li>• Understanding and respecting the character and distinctiveness of places and landscapes;</li> <li>• Promoting good quality design in new development and ensuring that development respects its setting taking into account relevant design requirements, the NW Design Guide and other best practice;</li> <li>• Reclaiming derelict land and remediating contaminated land for end-uses to improve the image of the region and use land resources efficiently;</li> </ul>	<p>Urban design and integration with the historic fabric of Lancaster is a key issue;</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<ul style="list-style-type: none"> <li>• Maximising opportunities for the regeneration of derelict or dilapidated areas;</li> <li>• Assessing the potential impacts of managing traffic growth and mitigating the impacts of road traffic on air quality, noise and health.</li> <li>• Promoting policies relating to green infrastructure and the greening of towns and cities;</li> <li>• maintaining the quantity and quality of biodiversity and habitat.</li> </ul>	
<b>Policy DP9</b>  <b>Reducing Emissions and adjusting to Climate Change</b>	<p>As an urgent regional priority, plans, strategies, proposals, schemes and investment decisions should:-</p> <ul style="list-style-type: none"> <li>• Contribute to the regional policy to reduce CO<sup>2</sup> emissions from all sources including energy generation and supply, buildings and transport in particular, for residential and commercial development, by developing trajectories or other yardsticks for identifying trends in carbon performance;</li> <li>• Take into account future changes to national targets for CO<sup>2</sup> and other greenhouse gas emissions;</li> <li>• Identify, assess and apply measures to ensure effective adaptation to likely environmental, social and economic impacts of climate change.</li> </ul>	<p>Sustainable construction and renewable energy to be addressed at Reserved Matters. Matters to include insulation, use of Sustainable Urban Drainage Systems, green roofs and microgeneration.</p>
<b>Policy RDF 1</b>  <b>Main Development Locations</b>	<p>In making provision for development, plans and strategies should accord with the following priorities, taking into account specific considerations set out in Sub Regional Chapters 10-14:</p> <ul style="list-style-type: none"> <li>• The first priority for growth and development should be the Regional Centres of Manchester and Liverpool;</li> <li>• the second priority should be the inner areas surrounding these regional centres. Emphasis should be placed on areas in need of regeneration and Housing Market Renewal Areas in particular;</li> <li>• The third priority for growth should be the following towns/cities Altrincham, Ashton-under-Lyne, Barrow-in-Furness, Birkenhead,</li> </ul>	<p>Identifies Lancaster as the only priority area for growth in North Lancashire and South Cumbria. Other designated Regional Towns and Cities are Barrow, Blackpool, Preston and Blackburn. This is a central site.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>Blackburn, Blackpool, Bolton, Burnley, Bury, <i>Carlisle</i>, <i>Chester</i>, <i>Crewe</i>, Ellesmere Port, <i>Lancaster</i>, Macclesfield, Northwich, Oldham, Preston, Rochdale, Runcorn, St Helens, Skelmersdale, Southport, Stockport, Warrington, Widnes, Wigan, Workington /Whitehaven.</p> <p>As far as possible growth should be focussed in their centres and inner areas but development elsewhere may be acceptable if it satisfies other policies, notably DP1 to 9. Emphasis should be placed on areas in need of regeneration (particularly the Housing Market Renewal Areas).</p> <p>The towns/cities highlighted in <i>bold italics</i> offer particular opportunities for growth which should be harnessed in sustainable ways.</p>	
<p><b>Policy W1</b></p> <p><b>Strengthening the Regional Economy</b></p>	<p>Plans and strategies should promote opportunities for economic development (including the provision of appropriate sites and premises, infrastructure, and clustering where appropriate) which will strengthen the economy of the North West by:</p> <p>•Realising the opportunities for sustainable development to increase the prosperity of Carlisle and Lancaster</p>	<p>The proposal is a major opportunity for sustainable development in North Lancashire</p>
<p><b>Policy W2</b></p> <p><b>Regionally significant economic development.</b></p>	<p>Regionally significant economic development will be located close to transport nodes within the urban areas of...Crewe, Lancaster and Carlisle Barrow-in-Furness and Workington and Whitehaven;</p> <p>Sites will be identified in LDF documents, having regard to the priorities in Policy RDF1 spatial principles in Policies DP1- 9 and relevant sub regional policies in Chapters 10-14. They should be:-</p> <ul style="list-style-type: none"> <li>• Capable of development within the plan period, having regard to the condition and availability of the land, infrastructure capacity, market considerations and environmental capacity;</li> <li>• Highly accessible, especially by adequate public transport services, walking and cycling;</li> </ul>	<p>The proposal is a regionally significant economic development and meets all the criteria set out in Policy W2.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<ul style="list-style-type: none"> <li>• Well-related to areas with high levels of worklessness and/or areas in need of regeneration;</li> <li>• Well related to neighbouring uses, particularly in terms of access, traffic generation, noise and pollution.</li> </ul> <p>They should not be used for development that could equally well be accommodated elsewhere and should not be developed in a piecemeal manner.</p> <p>Sites for regionally significant office development should be focussed in or adjacent to the regional centres and town/city centres listed in RDF1 consistent with the sequential approach in PPS6.</p>	
Policy W5 – Retail Development	<p>Plans and strategies should promote retail investment where it assists in the regeneration and economic growth of the North West's town and city centres. In considering proposals and schemes, any investment made should be consistent with the scale and function of the centre, should not undermine the vitality and viability of any other centre or result in the creation of unsustainable shopping patterns.</p> <p>Comparison retailing facilities should be enhanced and encouraged in the following centres to ensure a sustainable distribution of high quality retail facilities ...Barrow-in-Furness – Blackburn – Blackpool- Carlisle – Lancaster – Workington/Whitehaven.</p> <p>Investment of an appropriate scale in centres not identified above will be encouraged in order to maintain and enhance their vitality and viability, including investment to underpin wider regeneration initiatives, to ensure that centres meet the needs of the local community, as identified by Local Authorities.</p> <p>Retail development that supports entrepreneurship, particularly increasing the number of independent retailers, should be supported.</p>	Policy directs new comparison retailing to Lancaster subject to the criteria identified.

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<p><b>Policy W6 – Tourism and the Visitor Economy</b></p>	<p>Plans, strategies, proposals and schemes should seek to deliver improved economic growth and quality of life, through sustainable tourism activity in the North West. This should be in line with the principles outlined in Policy W7 and focused on:</p> <ul style="list-style-type: none"> <li>• Carlisle, Bolton, Birkenhead Lancaster and Kendal as destinations with emerging potential for heritage related tourism development where tourism supports and compliments their status as historic towns &amp; cities;</li> </ul>	<p>Proposal should complement Lancaster as a historic city;</p>
<p><b>Policy L4 – Regional Housing Provision</b></p>	<p><b>Policy L 4</b></p> <p><b>Regional Housing Provision</b></p> <p>Local Authorities should monitor and manage the availability of land identified in plans and strategies and through development control decisions on proposals and schemes, to achieve the housing provision (net of clearance replacement) set out in Table 7.1.</p> <p>In doing so they should:</p> <ul style="list-style-type: none"> <li>• Work in partnership with developers and other housing providers to address the housing requirements (including local needs and affordable housing needs) of different groups, (for example disabled people students, older people, black &amp; minority ethnic communities and families with children including single headed households) to ensure the construction of a mix of appropriate house types, sizes, tenures and prices, in line with policies L2, L3 and L6;</li> <li>• Use the results of up-to-date Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments, to inform the allocation of and development control decisions upon specific sites;</li> <li>• Ensure that all new homes are built to Code for Sustainable Homes” standards, in line with</li> </ul>	<p>The need for 400 homes per annum is identified for the district. This proposal could deliver upto 179 new units of accommodation.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>Policy EM16, and promote the use of the Lifetime Homes standard;</p> <ul style="list-style-type: none"> <li>• Ensure that new housing development does not have an adverse cumulative impact on the existing housing stock and market;</li> <li>• Ensure that new dwellings will be served by adequate water supply and sewage management facilities;</li> <li>• Allow for clearance replacement to reflect local circumstances, as a mechanism for the recreation of viable and sustainable neighbourhoods;</li> <li>• Introduce phasing policies which secure the orderly and managed release of housing land over the period of the plan in line with the sequential approach set out in Policy DP4, taking into account the need for co-ordinated provision of necessary infrastructure and the overall availability of land for housing;</li> <li>• Ensure that the transport networks (including public transport, pedestrian and cycle) can accommodate additional demand generated by new housing; and,</li> <li>• Maximise the re-use of vacant and under-used brownfield land and buildings in line with Policy DP4 and indicative targets set out in Table 7.1;</li> </ul> <p>For the purpose of producing local development frameworks, local planning authorities should assume that the average annual requirement set out in Table 7.1 will continue for a limited period beyond 2021.</p>	
Policy L5 – Affordable Housing	Plans and strategies should set out requirements for affordable housing, and the location, size and types of development to which these requirements apply–Evidence, including from Strategic Housing Market Assessments, should be used to support the setting of quotas and thresholds for affordable housing provision along with an indication of the type, size and tenure of affordable	The proposal has to make an appropriate provision for affordable housing.



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	<p>housing required.</p> <p>Plans and strategies should set out a range of delivery mechanisms to secure the provision of affordable housing. Local authorities should consider all or some of the following where appropriate:</p> <ul style="list-style-type: none"> <li>• Seeking a proportion of affordable housing on all development sites which are above the relevant thresholds;.</li> </ul>	
<p><b>Policy RT9</b></p> <p><b>Walking and Cycling</b></p>	<p>Local authorities should work with partners to develop integrated networks of continuous, attractive and safe routes for walking and cycling to widen accessibility and capitalise on their potential environmental, social and health benefits. A high priority should be given to routes linking residential areas with schools, hospitals and other community services.</p> <p>Local authorities should ensure that proposals and schemes for new developments incorporate high quality pedestrian and cycle facilities, including secure cycle parking.</p> <p>When considering improvements to the region's transport networks, scheme promoters should take the opportunity to enhance walking and cycling routes wherever possible.</p>	<p>Proposal would create a significant new walking route into Lancaster and new connections to the Strategic Cycle Network.</p>
<p><b>Policy EM1 –</b></p> <p><b>Integrated Land Management Plans,</b></p>	<p><b>EM1 Historic Environment</b></p> <p>Plans, strategies, proposals and schemes should protect, conserve and enhance the historic environment supporting conservation-led regeneration in areas rich in historic interest, and in particular exploiting the regeneration potential of:</p> <ul style="list-style-type: none"> <li>• The historic Cities of Carlisle, Chester and Lancaster;</li> </ul>	<p>The impacts on the historic city centre is a critical consideration.</p>
<p><b>Policy EM2 –</b></p> <p><b>Remediating Contaminated Land</b></p>	<p>Plans, strategies, proposals and schemes should encourage the adoption of sustainable remediation technologies. Where soft end uses (including green infrastructure, natural habitat or landscape creation) are to be</p>	<p>The proposal will remediate a significant quantity of potentially contaminated land.</p>

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	<p>provided on previously developed sites, appropriate remediation technologies should be considered which reduce or render harmless any contamination that may be present.</p>	
<p><b>Policy EM3 – Green Infrastructure</b></p>	<p>Plans, strategies, proposal and schemes should aim to identify, promote and deliver wider spatial outcomes that incorporate environmental and socio-economic benefits by:</p> <ul style="list-style-type: none"> <li>• Multi-purpose networks of greenspace, particularly where there is currently limited access to natural greenspace or where connectivity between these places is poor;</li> <li>• Conserving and managing existing green infrastructure;</li> <li>• Creating new green infrastructure;</li> <li>• Enhancing its functionality, quality and connectivity.</li> </ul> <p>Local authorities should work with partners to:</p> <ul style="list-style-type: none"> <li>• Identify partnerships at an appropriate scale to take forward green infrastructure planning, in the context of relevant environmental and socio-economic objectives. Green infrastructure should include the identification, development and management of new areas of open space, not just more intensive use of existing areas of open space;</li> <li>• Ensure that a key aim of green infrastructure is the maintenance and improvement of biodiversity;</li> <li>• Protect the integrity of sites of international importance;</li> <li>• Use existing strategies and frameworks to develop consensus on green infrastructure priorities and associated data needs;</li> <li>• Consider how to improve access to and usage of open spaces by disadvantaged groups and communities;</li> <li>• Set out the significant green</li> </ul>	<p>The proposal is integrated with the Lancaster Canal – this and the Canal side Park comprise key green infrastructure.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>infrastructure needs across the spectrum of economic, environmental and social objectives;</p> <ul style="list-style-type: none"> <li>• Identify and secure opportunities for delivery and put in place implementation plans;</li> <li>• Integrate proposals to improve green infrastructure in the delivery of new developments, particularly through area based regeneration initiatives and major proposals and schemes;</li> <li>• Maximize the role of green infrastructure in mitigating and adapting to climate change;</li> <li>• Provide new areas of appropriate greenspace where development would otherwise cause unacceptable recreational pressure on sites of international ecological importance, for example where new housing is proposed close to such sites.</li> </ul>	
<p><b>Policy EM5 – Integrated Water Management</b></p>	<p>In achieving integrated water management and delivery of the EU Water Framework Directive, plans and strategies should have regard to River Basin Management Plans, Water Company Asset Management Plans, Catchment Flood Management Plans, and the Regional Flood Risk Appraisal. Local planning authorities and developers should protect the quantity and quality of surface, ground and coastal waters, and manage flood risk, by:</p> <ul style="list-style-type: none"> <li>• Working with the Water Companies and the Environment Agency when planning the location and phasing of development. Development should be located where there is spare capacity in the existing water supply and waste water treatment, sewer and strategic surface water mains capacity, insofar as this would be consistent with other planning objectives. Where this is not possible development must be phased so that new infrastructure capacity can be provided without environmental harm;</li> <li>• Producing sub-regional or district level strategic flood risk assessments, guided by the Regional Flood Risk Appraisal. Allocations of land for</li> </ul>	<p>Water Management is addressed in Environmental Statement.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>development should comply with the sequential test in PPS25. Departures from this should only be proposed in exceptional cases where suitable land at lower risk of flooding is not available and the benefits of development outweigh the risks from flooding;</p> <ul style="list-style-type: none"> <li>• Designing appropriate mitigation measures into the scheme, for any development which, exceptionally, must take place in current or future flood risk areas, to ensure it is protected to appropriate standards, provides suitable emergency access under flood conditions, and does not increase the risk of flooding elsewhere;</li> <li>• Requiring new development, including residential, commercial and transport development, to incorporate sustainable drainage systems and water conservation and efficiency measures to the highest contemporary standard;</li> <li>• Encouraging retrofitting of sustainable drainage systems and water efficiency within existing developments;</li> <li>• Raising people's awareness of flood risks and the impacts of their behaviours and lifestyles on water consumption.</li> </ul>	
<p><b>Policy EM15 –</b></p> <p><b>A Framework For Sustainable Energy In The North West</b></p>	<p>Plans and strategies should promote sustainable energy production and consumption in accordance with the principles of the Energy Hierarchy set out in Figure 9.4 11.2 and within the Regional Sustainable Energy Strategy. In line with the North West Sustainable Energy Strategy the North West aims to double its installed Combined Heat and Power (CHP) capacity by 2010 from 866Mwe to 1.5 GW, if economic conditions are feasible.</p> <p>All public authorities should in their own proposals and schemes (including refurbishment) lead by example to emphasise their commitment to reducing the annual consumption of energy and; the potential for sustainable energy generation, and facilitate the adoption of good practice by the widest range of local stakeholders.</p>	<p>Renewable energy and micro-generation to be addressed at Reserved Matters stage.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
<p><b>Policy EM16 – Energy Conservation &amp; Efficiency</b></p>	<p>Local authorities, energy suppliers, construction companies, developers, transport providers and other organisations must ensure that their approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of local planning, development and energy consumption. To support this, Distribution Network Operators and Local Planning Authorities should make effective provision for required energy network upgrades in terms of distribution connections and substations.</p> <p>Plans and strategies must should actively facilitate reductions in energy requirements and improvements in energy efficiency by incorporating robust policies which promote:</p> <ul style="list-style-type: none"> <li>• Minimum energy efficiency standards for new homes equivalent to Level 3 of the Code for Sustainable Homes by 2010, Level 4 by 2013, and Level 6 'zero carbon' by 2016 (up until the date – currently expected to be April 2008 – when it is anticipated that it will become a mandatory requirement to meet the Code ratings);</li> <li>• Minimum energy efficiency standards for all other buildings to 'very good' (or where possible, in urban areas, 'excellent') of the Building Research Establishment's Environmental Assessment Method (BREEAM);</li> <li>• the implementation of energy conservation measures and efficiency of design, layout, location and use of materials and natural resources in new buildings and refurbishment schemes.</li> <li>• The wider adoption of energy efficiency measures in existing buildings.</li> </ul>	<p>Energy efficiency to be addressed at Reserved Matters stage.</p>
<p><b>Policy CNL4 – Overall Spatial Policy for North Lancashire</b></p>	<p>Plans and strategies will:</p> <ul style="list-style-type: none"> <li>• Secure the regeneration of Morecambe through the development of tourism and the restructuring of the housing market;</li> <li>• Provide new development harness</li> </ul>	<p>The proposal should enhance and be sensitively integrated having regard to the historic character of the City.</p>

RSS Policy	Submission RSS for the North West as amended by Secretary of State's proposed changes	Comment
	<p>opportunities for sustainable growth in Lancaster that enhances and is sensitively integrated with in line with RDF1, the spatial principles DP1-9 and the criteria in W2 and W3 having due regard to the historic character of the city;</p> <ul style="list-style-type: none"> <li>• Build on the strengths and opportunities offered by Lancaster University and the University of Cumbria;</li> <li>• Ensure a sufficient an increase in the supply of affordable housing;</li> <li>• Support the role of the Port of Heysham in line with Policy RT46; and</li> <li>• Develop proposals for the safe and effective management of traffic in Lancaster and Morecambe to enhance the public realm and support their leisure and tourism roles.</li> </ul>	
Para 15.1	<p>The overall aim in North Lancashire is to address the challenge of creating a model sustainable urban area, which serves and supports the needs of an extensive rural hinterland. There are significant challenges in creating highly skilled employment opportunities, regenerating areas such as Morecambe and providing affordable housing in rural areas. There is potential to marry opportunity and need in line with policy DP6 by exploring linkages with Lancaster and harnessing growth opportunities there in sustainable ways.</p>	No further implications for Lancaster Core Strategy.

### **Policies in the Joint Lancashire District Structure Plan (2001-2016)**

Subject to the impending amendments at the regional level, the Joint Lancashire Structure Plan (county-level) contains the following relevant policies.

JLSP Policy	Joint Lancashire Structure Plan – Substance	Comment
<b>Policy 1</b>  <b>General Policy</b>	<p>General locational policy directing development to principal urban areas, key service centres and strategic locations. Lists criteria including the efficient use of land, high</p>	<p>The development is located within in one of the principal urban areas, in an accessible location which can deliver a mix of uses and provides a pedestrian link to the core of the town centre.</p>

JLSP Policy	Joint Lancashire Structure Plan – Substance	Comment
	accessibility for all forms of transport, a balance of land uses and enhanced roles for town centres.	
<b>Policy 2</b>  <b>Main Development Locations</b>	Seeks to direct development to identified principal urban areas including “Lancaster/Morecambe”.	Development is located within Lancaster.
<b>Policy 7</b>  <b>Parking</b>	Seeks to progressively reduce long-stay commuter parking in principal urban areas such as Lancaster. Priority is given to short-stay parking in town centres through adoption of appropriate management measures, including parking at new developments. Also seeks improved cycle parking and use of Travel Plans.	Long-stay parking is shown to minimally increase as a result of the proposals. However it is upto Lancaster City Council to reduce its stock of long-stay car parking and this could be achieved via the proposals should it wish to do so. Short-stay parking will be increased as a result of the new development. Cycle parking is proposed and the applicant is committed to the production of a Travel Plan via Reserved Matters.
<b>Policy 12</b>  <b>Housing Provision</b>	Establishes the level of new dwellings for Lancaster District for 2001-2016 as 5,120.	These figures have been superseded. The development proposes upto 179 new homes, 25% of which will be affordable.
<b>Policy 16</b>  <b>Retail, Entertainment and Leisure Development</b>	Directs that the scale of development shall be commensurate to the scale of each centre. Lancaster is a Tier 1 (uppermost) centre.	Enhanced cultural facilities, new food and drink opportunities and new recreation space will be created.
<b>Policy 20</b>  <b>Lancashire’s Landscapes</b>	Development must be appropriate to the landscape character type. A series of 24 landscape character types are referred to and development is required to respect and enhance it. A series of 11 criteria is stated, against which development will be assessed. The guiding principles are the recognition of local distinctiveness, a positive attitude towards landscape change, and an integrated approach to landscape resources.	The Design and Access Statement, PPG 15 Report, Planning Parameters report and Environmental Statement discuss the 11 issues in detail, and commentary is provided through this committee report.
<b>Policy 21</b>  <b>Lancashire’s Natural and Man-Made Heritage</b>	Protects natural and man-made heritage from loss or damage according to the hierarchy of international, national, regional, county and local importance. Heritage resources of national and international importance are afforded the strongest levels of protection.  Exceptionally development may be	Natural resources include the Biological Heritage Site (Lancaster Canal). Listed Buildings are affected by alteration and demolition of outriggers. Buildings designated as Key Townscape Buildings occupy the Stonewell ‘nose’ of the site and proposed to be demolished (these are not of national or international importance).

JLSP Policy	Joint Lancashire Structure Plan – Substance	Comment
	considered if mitigation and compensation measures are satisfactory to result in no net loss of heritage value.	The Environmental Statement discusses mitigation measures in each regard.
<b>Policy 22</b> <b>Protection of Water Resources</b>	Stipulates that there should be no adverse impacts upon groundwater and surface water.	Mitigation measures during construction and post-construction are referred to in the Environmental Statement. Statutory consultees have no objection.
<b>Policy 24</b> <b>Flood Risk</b>	Generic policy restricting development in areas at risk of flooding.	Environment Agency confirm no objection to highway improvement works in the identified Flood Zones.
<b>Policy 25</b> <b>Renewable Energy</b>	Lists the criteria against which development is assessed, including the wider environmental, economic, and social benefits of proposed renewable energy schemes.	The renewable energy measures are specific issues for the Reserved Matters stage.
<b>Policy 27</b> <b>Development and Waste minimisation</b>	Development that generates waste during construction phases must be assessed against the need to minimise waste, especially using the reduce, recover and reuse principles.	Applicant is proposing a Site Waste Management Plan as indicated in the Environmental Statement.

### Planning Policy – Lancaster District Core Strategy

The Core Strategy was adopted on 23 July 2008. Consequently some of the ‘saved’ policies of the Lancaster District Local Plan have been wholly replaced or partially replaced by policies in the Core Strategy. Further discussion of the Lancaster District Local Plan, and the process of ‘saving’ policies, follows this table.

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
<b>VISION</b>	<p>A SUSTAINABLE SELF CONTAINED AND VARIED GROUP OF COMMUNITIES COMPRISING LANCASTER – A PROSPEROUS HISTORIC CITY WITH A THRIVING</p> <p>KNOWLEDGE ECONOMY...WHICH WILL LEAD THE NORTH WEST IN ITS QUALITY OF LIFE AND ENVIRONMENTAL AND DESIGN STANDARDS AND WITHIN WHICH SUSTAINABLE HOUSING, ECONOMIC AND RETAIL DEVELOPMENT TO MEET LOCAL NEEDS WILL BE SUPPORTED.</p>	<p>This is the largest development proposal in the District for many years. Its contribution to delivering the Core Strategy vision is potentially immense. To achieve this development should;</p> <ul style="list-style-type: none"> <li>• Have a strongly positive impact on the economy of Lancaster;</li> <li>• Be of a scale which meets local needs not currently being met in the District resulting in more sustainable shopping patterns than exist at present;</li> <li>• Make a strong contribution to enhancing quality of life in the</li> </ul>



Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
		<p>District;</p> <ul style="list-style-type: none"> <li>• Adopt exemplary design and environmental standards and complement Lancaster as a historic city;</li> </ul> <p>The policy analysis below will consider whether this has been achieved;</p>
<p>Policy SC1</p> <p>Sustainable Development</p>	<p>In assessing whether a development proposal or allocation is as sustainable as possible, the Council will apply the following principles;</p> <p><u>Location (Core Strategy and Allocations)</u></p> <p>It is convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities;</p> <p>The site is previously developed;</p> <p>The current use, appearance or condition of the site cause adverse environmental impacts which could be alleviated through development;</p> <p>The site can be developed without incurring unacceptable flood risk or drainage problems;</p> <p>The site can be developed without the loss of or harm to features of significant biodiversity, landscape, archaeological or built heritage importance;</p> <p>The proposed use would be appropriate to the character of the landscape.</p> <p><u>Design, Construction and Use (Development Control Policies)</u></p> <p>It is convenient to walk or cycle around the site;</p> <p>The proposal re-uses existing buildings;</p> <p>The proposal uses locally sourced, sustainable or recycled construction materials, sustainable waste</p>	<p><u>Site characteristics</u></p> <ul style="list-style-type: none"> <li>• The new homes, shops and cultural facilities on the site are connected by a pedestrian spine from the existing City Centre to the Lancaster Canal – one of the District's main cycle routes and new links are proposed from the Canal to both ends of the site.</li> <li>• Although no measures are proposed to enhance bus provision, the site is between 200 and 600m walking distance from Lancaster's bus station.</li> <li>• The site is previously developed;</li> <li>• Much of the site including the car parks, Heron Chemical Works, vacant brewery buildings and St Leonard's Gate frontage is of poor appearance;</li> <li>• Apart from areas required for highway improvements in the Kingsway/Parliament Street /North Road area, the site is not within an identified flood risk area;</li> <li>• Impacts on built heritage and archaeology are a key issue. Lancaster Canal is a County Biological Heritage site and there may be impacts on protected species associated with birds and bats. The issue of whether the proposal is appropriate to its surroundings is also critical;</li> </ul> <p><u>Development characteristics</u></p> <ul style="list-style-type: none"> <li>• The proposal provides a permeable pedestrian layout and is well served by bicycle;</li> <li>• A number of buildings including the Brewery and the Heron Chemical Works would be cleared to enable the development;</li> <li>• Construction materials and micro-generation are a reserved matter;</li> <li>• The proposal would remediate</li> </ul>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
	<p>management practices and minimises construction waste;</p> <p>The proposal would clean up contamination and other environmental problems associated with the site;</p> <p>The proposal uses energy efficient design and orientation, energy efficiency and renewable energy technologies;</p> <p>The proposal has an acceptable impact on drainage systems and uses Sustainable Drainage Systems (SUDS); where appropriate;</p> <p>The proposal is integrated with the character of the landscape and, where appropriate, enhances biodiversity, increases tree-cover, provides for archaeological investigation and creates publicly accessible open space.</p>	<p>actual and potential contamination including the Heron Chemical Works site;</p> <ul style="list-style-type: none"> <li>• It is stated in the Environmental Statement (ES) that the proposal 'may' include sustainable drainage features such as green roofs;</li> <li>• The proposal would create a new public square and canalside open space. The latter will incorporate landscaping and tree planting. Integration with the town centre is a key issue.</li> </ul>
<p><b>Policy SC2</b></p> <p><b>Urban Concentration</b></p>	<p>Over the period of the Strategy;</p> <p>90% of new dwellings</p> <p>95% of new (iii) employment floorspace and</p> <p>98% of new (iv) retail floorspace</p> <p>Will be accommodated within the existing urban area of Lancaster, Morecambe, Heysham and Carnforth. The distribution of development will reflect the different roles of these settlements within the regional hierarchy of Regional Spatial Strategy.</p> <p>Allocations, Development Control policies and Development proposals will only be allowed where they do not result in a negative impact on a Natura 2000 site. Particular attention will be paid to the impacts of recreation pressure, water or airborne pollution on Morecambe Bay.</p>	<ul style="list-style-type: none"> <li>• The site is located within the urban area of Lancaster.</li> <li>• No potential impacts on a Natura 2000 site have been identified.</li> </ul>
<p><b>Policy SC4</b></p> <p><b>New Housing Development</b></p>	<p>The Council will...</p> <p>...both identify a housing land supply and release sites via the granting of planning consent in accordance with</p>	<ul style="list-style-type: none"> <li>• The proposal will deliver up to 179 new homes including family homes and flats;</li> <li>• The proposal supports the urban concentration strategy;</li> </ul>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
	<p>the Core Strategy principles of:</p> <p>Urban Concentration, as described in Policy SC2</p> <p>Sustainable Development, as described in Policy SC1, and,</p> <p>Supporting regeneration within the Regeneration Priority Areas identified in Policy ER2.</p> <p>The Council will aim to maximise the opportunities offered by the development of new dwellings to:</p> <p>Redress imbalances in the local housing market;</p> <p>Achieve housing that genuinely addresses identified local housing need; and,</p> <p>Secure units of “in-perpetuity” affordable housing.</p>	<ul style="list-style-type: none"> <li>• The proposal is located within a Regeneration Priority Area;</li> <li>• 25% of new residential units provided across the totality of the applications on the site will be affordable (Planning Statement p6.14)</li> </ul>
<p><b>Policy SC5</b></p> <p><b>Design Quality</b></p>	<p>The Council will work with developers, local and national stakeholders and communities to maintain and improve the quality of development by;</p> <p>Seeking to ensure that throughout the District and particularly within the following areas...</p> <ul style="list-style-type: none"> <li>• Lancaster City Centre and its approaches;</li> <li>• Conservation Areas;</li> <li>• Regeneration Priority Areas (see Policy ER2);</li> </ul> <p>New development is of a quality which reflects and enhances the positive characteristics of its surroundings including the quality of the landscape, results in an improved appearance where conditions are unsatisfactory, complements and enhances the public realm and, in high profile locations, creates landmark buildings of genuine and lasting architectural merit.</p>	<p>The application is a major development in a high profile location in a Conservation Area. It is therefore a key site and it is important for the achievement of the Core Strategy vision that a high quality solution is achieved;</p> <p>The views of independent conservation and design bodies are significant;</p>
<p><b>Policy SC6</b></p> <p><b>Community</b></p>	<p>The Council will use spatial planning to enhance community safety by;</p> <p>Encouraging high quality, pedestrian</p>	<p>The proposal encourages pedestrian friendly design. The applicants are committed to using ‘Secured by Design’. The impact on Lancaster City Centre,</p>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
<b>Safety</b>	<p>friendly designs and incorporating “Secure by Design” principles and attention to personal safety issues in all new development;</p> <p>Throughout the District, avoiding car dominated environments and reducing the impact of traffic;</p> <p>Managing Lancaster City Centre and Morecambe and Carnforth Town Centres to promote vitality and viability and deliver safe high quality public realm;</p> <p>Co-ordinating planning and licensing policies to tackle disorder in Lancaster and Morecambe centres;</p> <p>Attracting older people and families into Lancaster and Morecambe Centres during the evening with leisure and cultural attractions, events and increasing their residential population;</p> <p>Using development to remove dereliction and eyesore sites particularly in Regeneration Priority Areas identified in Policy ER2;</p> <p>Achieving greater use of pedestrian and cycle networks, parks and open spaces in particular the key greenspace systems identified in Policy ER2.</p>	<p>particularly during unsociable hours will be a key consideration. Improvements to the Dukes and Grand Theatres together with the development of canalside food and drink will draw more people to what is currently an empty and rather threatening area during the evening.</p>
<b>Policy SC7</b>  <b>Development and Flood Risk</b>	<p>Development proposals and allocations will be assessed in line with the search sequence set out in Planning Policy Statement 25 on Development and Flood Risk;</p>	<p>No built development is proposed within the flood zone parts of the site. Therefore there is no Environment Agency objection.</p>
<b>Policy SC8</b>  <b>Recreational Open Space</b>	<p>Through future Local Development Documents, the Council will identify, protect and enhance a greenspace and informal recreation network based around the following greenspace systems...</p> <ul style="list-style-type: none"> <li>• The Lancaster Canal through both Lancaster and Carnforth...</li> </ul> <p>Through future Local Development Documents, the Council will investigate the potential to provide significant new</p>	<p>The proposal includes provision for canalside enhancements and new public open space in areas directly outside the cultural and retail facilities.</p>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
	<p>or improved open space in the following areas of deficiency.</p> <ul style="list-style-type: none"> <li>• Central Lancaster;</li> </ul> <p>The Council will seek to maximise the involvement of communities in the design and layout of new recreational open space.</p>	
<p><b>Policy ER2</b></p> <p><b>Regeneration Priority Areas</b></p>	<p>CENTRAL MORECAMBE is identified as a Regeneration Priority Area of sub-regional importance. Through tourism, housing renewal and heritage led regeneration, central Morecambe will be re-invented as a visitor destination drawing on its natural and built heritage, and as an office and service centre with restored historic townscape and a revived housing market;</p> <p>The following are identified as Regeneration Priority Areas of local importance;</p> <p>CENTRAL LANCASTER; Design-led Regeneration will be strengthened as a shopping destination, enhanced as a historic city visitor attraction with a restored and enhanced historic environment, as the District's main centre for office based employment and as a cultural centre;</p>	<p>The regeneration of Morecambe is the Council's regeneration priority. The Authority must be satisfied that any impacts on Morecambe are not of a type or scale which would have a negative impact on the regeneration of Morecambe;</p> <p>In terms of Lancaster, the proposal should strengthen Lancaster as a shopping destination and be of a design which enhances Lancaster as a historic city. Proposed enhancements to the two theatres should strengthen Lancaster as a cultural centre and enhance its visitor potential.</p>
<p><b>Policy ER4</b></p> <p><b>Town Centres and Shopping</b></p>	<p>In order to maintain the vitality and viability of its town centres, provide services as locally as possible and minimise the need to shop by car, the Council proposes the following retail hierarchy;</p> <p>LANCASTER CITY CENTRE will be a Sub-Regional City Centre – the main comparison shopping destination for Lancaster District attracting significant numbers of shopping trips from adjoining parts of Cumbria, North Yorkshire and Central Lancashire as well as developing a role as a tourist destination;</p> <p>MORECAMBE TOWN CENTRE will continue to develop as a Town Centre providing local comparison and convenience shopping goods for the District north of the River Lune and retaining an important role as a visitor destination;</p>	<p>The proposal will clearly reinforce Lancaster as a comparison destination and enable it to attract trips from adjoining parts of the sub-region. It is important that the proposal does not significantly impair the local comparison and convenience goods roles of Morecambe or the market town role of Carnforth.</p>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
	<p>CARNFORTH TOWN CENTRE will develop a District Centre role as a Key Service Centre, Market Town and visitor destination...</p>	
<p><b>Policy ER5</b></p> <p><b>New Retail Development</b></p>	<p>Between 2005 and 2021, new comparison retailing will be focused on a planned expansion of Lancaster's Primary Shopping Area and to meet regeneration needs in Central Morecambe.</p> <p>In order to address existing and future needs and to ensure that day-to-day shopping needs are met locally, the Council proposes that, between 2005 and 2021, new local food retailing be provided in town or local centres or, at an appropriate scale in sustainable locations in areas of deficiency.</p>	<p>Provided that pedestrian links are robust, a proposal of this nature can be considered to be a planned expansion of Lancaster City Centre.</p> <p>The inclusion of a food element in this scheme is also in line with Policy ER5;</p>
<p><b>Policy ER6</b></p> <p><b>Developing tourism</b></p>	<p>The Council will promote and enhance tourism development in the District by...</p> <p>Creating a high quality historic environment in LANCASTER CITY CENTRE developing the potential of the Castle and Town Hall and, through regeneration and new development, creating new environments of a quality which enhance the City;</p>	<p>The policy reinforces the need for high quality design which complements and enhances the historic city.</p>
<p><b>Policy ER6</b></p> <p><b>Renewable Energy</b></p>	<p>The Council will promote renewable energy in the District by...</p> <p>Promoting and encouraging the development of renewable energy;</p> <p>Promoting micro-renewables through its Development Control policies;</p> <p>Promoting energy efficiency through Building Control.</p>	<p>Microgeneration and energy efficiency measures can be conditioned at this stage and will need to be robustly addressed at Reserved Matters.</p>
<p><b>Policy E1</b></p> <p><b>Environmental Capital</b></p>	<p>The Council will safeguard and enhance the District's Environmental Capital by:</p> <ul style="list-style-type: none"> <li>• applying national and regional planning policies and;</li> <li>• Protecting and enhancing nature conservation sites, urban greenspaces, allotments, landscapes of national importance, listed</li> </ul>	<p>Impact on the City's built heritage will be a key consideration, ensuring that development conserves and enhances its sense of place.</p> <p>Resource consumption and energy efficiency in construction and operation would be addressed at the Reserved Matters stage.</p> <p>Community involvement should be carried</p>

Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
	<p>buildings, conservation areas and archaeological sites;</p> <ul style="list-style-type: none"> <li>• Encouraging development which makes the minimum and most efficient use of finite natural resources including land, buildings soil, non-renewable energy, water and raw materials;</li> <li>• Resisting development in places where environmental risks including from flooding cannot be properly managed;</li> <li>• Taking full account of the needs and wishes of communities and, in particular, vulnerable and disadvantaged groups such as the elderly, young people and people with disabilities;</li> <li>• Using all practicable means to make places more pleasant and liveable with safer, cleaner, more legible and more attractive streets and spaces;</li> <li>• Resisting development which would have a detrimental effect on environmental quality and public amenity;</li> <li>• Ensuring that development in the city of Lancaster and other historic areas conserves and enhances their sense of place;</li> <li>• In areas where environmental quality is unsatisfactory such as Poulton and the West End of Morecambe, seeking development of a quality which will raise standards and help to deliver a step change in their environmental quality and sense of place;</li> <li>• Identifying how habitats in urban and rural areas will be protected and, where possible, enhanced in extent and in their diversity of wildlife species;</li> <li>• Directing development to locations where previously-developed land can be recycled and reused, dereliction cleared and contamination remediated;</li> </ul>	<p>out in line with the Statement of Community Involvement.</p> <p>The Accessibility Officer to comment on accessibility issues;</p> <p>Proposal will create attractive new public spaces and will deliver a major change in an area where conditions are unsatisfactory;</p> <p>The development provides for the recycling of contaminated and previously used land.</p> <p>The proposals will have to provide for the safeguarding of any protected species and the management of the relevant portion of the Lancaster Canal.</p>
Policy E2	The Council will minimise the need to travel by car by;	The proposal is located in a highly sustainable locations with good access to



Core Strategy Policy	Lancaster District Core Strategy Substance	Comment
<b>Transportation Measures</b>	<p>Focusing development on town centres and locations which offer a choice of modes of transport and resisting major development in car dependent locations;</p> <p>Improving walking and cycle networks, creating links and removing barriers and ensuring that development is integrated with pedestrian and cycle networks...</p> <p>Reducing local traffic impacts through the Lancaster Air Quality Management Plan;</p> <p>Ensuring all major development proposals are accompanied by enforceable measures to minimise the transport impacts of development.</p>	<p>public transport, cycle and pedestrian networks and with strong potential for trip linkages with journeys to work and other local journeys and with a large walk-in population augmented by the residential proposals in the scheme itself.</p> <p>The proposal includes a major improvement to pedestrian and cycle networks in the provision of a Bridge.</p> <p>The Local Highway Authority will comment on the effectiveness of measures to minimise traffic impacts.</p>
<b>Policy MR1 Planning Obligations</b>	<p>The Council will work with developers to ensure that the long-term implications of development on existing infrastructure, services and facilities are addressed.</p> <p>Where a development would create a need for additional or improved infrastructure, services or facilities or exacerbate an existing deficiency, contributions will be sought to ensure that the appropriate improvements are completed in advance of completion.</p> <p>Exceptionally, where provision on site is not appropriate, the Council will seek the delivery of equivalent community benefits off site, or a financial contribution in lieu.</p>	<p>Key elements delivered by the scheme should include;</p> <ol style="list-style-type: none"> <li>1. Enhancements to the theatres;</li> <li>2. The delivery of a footbridge;</li> <li>3. Affordable Housing;</li> <li>4. New public open space;</li> <li>5. Junction and highway improvements;</li> <li>6. Enhancements to the cycle network;</li> <li>7. Car parking provision;</li> </ol>

### **Policies in the Lancaster District Local Plan (1996-2006)**

To assist in making a smooth transition from the old development plan system to the Local Development Framework system, the Planning & Compulsory Purchase Act 2004 enabled local planning authorities to seek approval from the Secretary of State for their existing District Local Plans to be 'saved' for the duration of the transitional period.

The policies in the following table are those that have been 'saved' by a Direction issued by the Secretary of State on 18 September 2007. Some of these policies may now have been wholly superseded, or partially superseded by the Core Strategy. Where this is the case it is stated.



The policies that have been wholly superseded are shown for clarity, because consultees, objectors and supporters may have referred to them within their responses.

Saved, Partially Superseded (by Core Strategy) or Wholly Superseded (by Core Strategy) Lancaster District Local Plan Policies			Comments
H3	Housing Opportunity Sites	Identifies Canal Corridor and Stonewell as Housing Opportunity Sites.	Housing acceptable in principle subject to Core Strategy principles.
H10	Affordable Housing	Requires major schemes to deliver affordable housing. Policy is now partially superseded by Core Strategy policy.	Affordable housing of 25% is proposed.
H12	Housing Design.	Requires high standard of design reflecting local distinctiveness for housing development.	Residential design is a key issue and the Design and Access Statements for the residential sites include different potential approaches to public and non-public elevations.
H13	Sustainable Living	Requires housing development to have taken full account of energy efficiency issues.	This is a Reserved Matters issue.
H20	Upper Floors of Shops	Identifies Stonewell as priority area for bringing vacant upper floors into use.	This policy still exists but is no longer relevant as upper floors at Stonewell have been brought into use over time.
H21	Flat Development	Sets out criteria for new flats.	Largely a Reserved Matters issue following agreement of the principles of residential development.
S1	The District's Retail Hierarchy	Establishes the role of Lancaster, Morecambe, Carnforth and the smaller Local Centres. This policy has been partially superseded by the Core Strategy.	Identifies Lancaster as the sub-regional centre and as the principal location for new retail development.
S2	Criteria for edge and out of centre retail development.	Requires new edge of centre retail development to meet need, impact and sequential tests and provide strong links to centre. This policy is now wholly superseded by the Core Strategy,	Addressed by the City Council's retail consultants, White Young Green. Policy is no longer part of the LDLP.
S19	Food and Drink uses outside Town centres	Permits such uses where they are acceptable in terms of residential amenity and traffic.	Location of specific uses is a Reserved Matter.

T1	The City Council's Transport Strategy	Aims to reduce car dependence, manage travel demand, make the most efficient use of existing transport infrastructure and maximise non-car modes of transport. This policy has been wholly superseded by the Core Strategy.	Proposal seeks to locate use within the urban area, proposes an Interceptor Car Park to manage demand, proposes existing infrastructure improvements and new links to Strategic Cycle Network/pedestrian footpaths. Policy is no longer part of the LDLP.
T5	The Primary Bus Corridor	Protects Primary Bus Corridor Routes from adverse development. This policy has been wholly superseded by the Core Strategy.	The proposal introduces a short stretch of new bus lane at Kingsway, with potential for linking into any future Park and Ride from Caton Road. The existing bus lane at Parliament Street is retained towards Bulk Road junction, and the right turn on Skerton Bridge modified to retain the bus lane. This policy is no longer part of the LDLP.
T9	Providing for Buses in New Development	Seeks to maximise opportunities for public transport and locate development as close as possible to existing or proposed services.	Development is centrally located close to existing stops and within an approximate 6 minute walk of the Bus Station.
T10 and T11	City Centre improvements	Safeguards land for highway improvements around St Leonard's Gate/Alfred Street.	Land remains safeguarded for the delivery of the new access route. Highway improvements to be delivered in conjunction with the Highway Authority.
T13	Car Parking	Seeks to retain the level of shopper and visitor parking. Additional shopper/visitor parking is only permitted where this is accompanied by an equivalent reduction in all-day commuter parking. This policy has been partially superseded by the Core Strategy.	Shopper/visitor parking spaces are increased. There is no equivalent reduction in commuter parking. There is scope for the City Council, should they wish to do so, to significantly reduce commuter parking as a result of these proposals. The City Council's review of long-term parking is imminent.
T15	Non-Residential development in the Lancaster central Parking Area	Permits non-residential parking within the Central parking Area where no customer/staff parking is included. Requires cycle parking measures to be adopted. This policy has been partially superseded by the Core Strategy.	Proposal will not result in an overall loss of parking. No customer/staff parking is provided except for replacement facilities at The Grand Theatre. Cycling parking measures are adopted.
T17	Green Travel Plans	Development proposals must be accompanied by a Green Travel Plan.	Applicant has committed to a Travel Plan and discussed the matter with County Highways. As this is an outline application, a planning condition will be imposed.
T24	Cycle Networks	Identifies and safeguards strategic cycle routes across site. This policy has been partially superseded by the Core Strategy.	Alternative provision and new connections to cycle network is made.

T26	<b>The National Cycle Network - New development</b>	Requires improvements, linkages and secure and convenient cycle parking facilities in line with County Council standards.	New cycle parking provision and connections to cycle network is made. Cycle parking has been agreed with County Council.
T27	<b>Public Rights of Way</b>	Requires diversion if a PRoW is obstructed, or linkage if development lies adjacent to or within a PRoW.	New cycle and pedestrian connections are being made from Lancaster Canal.
E7	<b>Protection of Watercourses</b>	Protects existing watercourses from development that would affect its flow or water quality.	Environmental Statement contains information relating to Lancaster Canal. Statutory consultees have no objection.
E11	<b>Development Affecting Flood Plains</b>	Requires effective flood protection measures. This policy has been partially superseded by the Core Strategy.	Only highway works occur in Flood Zones. Environment Agency satisfied in principle.
E12	<b>Nature Conservation in Wider Environment</b>	Requires impacts upon wildlife, habitats and features to be taken into account. Any impacts to be minimised or compensated for.	Environmental Statement discusses these details at length and details would be conditioned at the Reserved Matters stage.
E17	<b>Sites of County Conservation Importance</b>	Safeguards County Biological Heritage Sites.	Management of canalside is referred to in the Environmental Statement and would also be conditioned and managed at Reserved Matters stage. Disparity between the views of County Ecologist and Natural England. A separate Mitigation Measures Report (for bats) has been submitted.
E30	<b>Green Corridors</b>	Protects the Lancaster Canal (as a Green Corridor) from development and seeks to enhance it.	New canalside park and linkage to wider city is proposed. No new built development proposed within existing towpath. Environmental Statement discusses measures at length.
E29	<b>Green Spaces</b>	Protects the designations from development, unless there are exceptional education or community-related proposals.	The area of land-take at Parliament Street is minimal and is required for the works of highway improvement outside the site. Replacement planting will occur.
E32	<b>Listed Buildings and Conservation Areas - Demolition</b>	Safeguard District's Built Heritage and lists criteria for demolition, including demonstration by applicant that building cannot be reused, or exceptionally where substantial community benefits outweigh the loss arising from demolition.	PPG 15 report indicates substantial community benefits outweigh the loss from demolition. Broad support from the City Council and Lancaster Civic Society. Opposition from other heritage statutory consultees.
E33	<b>Listed Buildings - Alterations and Extensions</b>	Prevents alterations or extensions to Listed Buildings which would adversely affect architectural or historic character.	PPG 15 Report indicates outrigger or later extension removal from Listed Buildings. Separate applications have been submitted for Listed building Consent and Conservation Area Consent. Works are

			deemed to improve the setting of the structures and improve chances of new uses (in respect of Tramway Group of Buildings).
E34	Listed Buildings at Risk	Permits appropriate new uses for Listed buildings at risk which will secure the building's future and integrity.	Tramway group of buildings will be improved by demolition of dangerous structures and new uses sought.
E35	Conservation Areas and their Surroundings	Prevents development which would adversely affect important views into and across a Conservation Area, or lead to an erosion of its historic form and layout, open spaces and townscape setting.	Environmental Statement presents key views across the city with wireframes to demonstrate parameters of new development. Objection from some heritage bodies regarding impact on Conservation Area. Broad support from City Council and Lancaster Civic Society.
E36	Conservation Areas – Change of Use	Prevents inappropriate change of use in Conservation Areas.	New uses within the Conservation Area as proposed are appropriate town centre uses. Specific details to be considered at Reserved Matters stage.
E37	Conservation Areas – Demolition	Safeguard unlisted buildings in Conservation Areas where they make a positive contribution to the architectural or historic interest of a Conservation Area. Lists criteria for demolition, including demonstration by applicant that building cannot be reused, or exceptionally where substantial community benefits outweigh the loss arising from demolition	PPG 15 report indicates substantial community benefits outweigh the loss from demolition. Broad support from the City Council and Lancaster Civic Society. Opposition from other heritage statutory consultees.
E38	New Building in Conservation Areas	Permits development which reflects the style and scale of surrounding buildings and uses complementary materials.	Design and Access Statement provides overview. Environmental Statement contains parameter wireframe images. Design and scale are Reserved Matters in this submission.
E39	Conservation Areas - Alterations and Extensions	Prevents alterations or extensions in Conservation Areas which would adversely affect the special character of a building and area, or where the design, scale, form, material and quality of the proposal is unsympathetic. Requires high quality shopfront design.	PPG 15 Report indicates the Conservation Area and Listed Building proposals. Separate applications have been submitted for Listed building Consent and Conservation Area Consent. Outtrigger or later extension removal from Listed Buildings.
E42	City Centre Conservation Area	Proposals for new shopfronts and adverts must be appropriate in character and appearance.	Design will be a Reserved Matter.

E44, E45 & E46	Archaeology	Provides for the recording and safeguarding of archaeological remain.	County Archaeologist prefers pre-determination evaluation but has also proposed a condition should approval be recommended.
E47	Access Corridors	Requires appropriate uses on Access Corridors which upgrade environmental conditions if required, uses high-quality materials, retains landscaping features and provides discreet signage. This policy is wholly superseded by the Core Strategy.	Stonewell is part of the Access Corridor. Uses here will be appropriate town centre uses. Design is discussed in the design and Access Statement but is a matter for Reserved Matters stage.
R9	Informal Recreation	Concentrate opportunities for informal recreation in the 'The Lancaster Canalside Park'. This policy is wholly superseded by the Core Strategy.	New canalside recreation opportunity provided by the development. This policy is no longer part of the LDLP.
R11	Open Space and Children's Play Areas	Requires housing developers to provide open space and play facilities.	New informal open space to be provided at Moor Lane as part of the development. Formal canalside park located opposite some of the Alfred Street housing.
R19	Duke's Theatre	Safeguards land for expansion of theatre.	Proposal would be capable of implementation through the scheme.
R21	Accessibility	Requires disabled access provision.	Means of access applied for at this stage, relevant conditions to be imposed
R22	Crime Prevention	Lists crime prevention measures. This policy has been wholly superseded by the Core Strategy.	Crime prevention will be a Reserved Matter. Policy no longer part of the LDLP.

Some LDLP policies were not saved by the Secretary of State and these are stated in the following table.

Lancaster District Local Plan Policies Not Saved			Comments
T7	Kingsway	Allocates land for comprehensive development at the Kingsway site. Part of the designation includes the existing Kingsway junction, which is affected by the development proposals. This policy was not saved.	Kingsway site development is under construction. The proposal takes account of the junction at Kingsway. This policy is no longer part of the LDLP.
T14	The Redevelopment of Non-Residential Car Parking	Permits redevelopment of non-residential car parks where they comply with other LDLP policies. This policy was not saved.	This policy is no longer part of the LDLP.

<b>E10</b>	<b>Contaminated Land</b>	<b>Requires effective remediation of contaminated land. This policy was not saved.</b>	<b>Details of contamination addressed at Reserved Matters. No objections from statutory consultees in principle. Policy is no longer part of the LDLP.</b>
<b>E18</b>	<b>Development Affecting Protected Species</b>	<b>Protects species listed in national legislation. This policy was not saved.</b>	<b>Details contained within the Environmental Statement. Further comment from statutory consultees required at the time of drafting this report. Policy is no longer part of the LDLP.</b>
<b>E43</b>	<b>Development in the Lancaster City Centre Conservation Area</b>	<b>Proposals for redevelopment of vacant sites must preserve or enhance the Conservation Area. This policy was not saved.</b>	<b>Most of the site is in use (not vacant). Policy is no longer part of the LDLP.</b>

There are two Supplementary Planning Guidance Notes (SPG) which are relevant to the proposal.

The first is SPG 6 – ‘The Lancaster City Centre Strategy’, which underpins all other SPG for the Central Lancaster area.

This guidance provides generic aims to achieve “a major change in the current open and underused” area and achieve a distinct series of quarters, with this being a ‘Brewery Quarter with a mix of uses. New landscaping, the creation of pedestrian and cycle linkages (including access to the canal), and the potential creation of canalside moorings are aims within the guidance. Residential uses are not discouraged as part of the development and the site offers an opportunity for “managing parking to favour short and medium-stay visitor parking over commuter parking”.

Retail elements are not discouraged either, subject to the demonstration of retail need and satisfaction of the relevant tests in PPS 6; the need for improvements to road, public transport, pedestrian and cycle access; a need for balancing of car parking requirements of the site as a whole with the parking needs of the centre as a whole; a requirement for strong pedestrian access; the need for a mix of uses, protection of existing amenity and incorporation of development into historic street frontages. The future of the industrial and cultural uses on the site are also key considerations expressed through SPG 6.

The applicant has submitted a Transport Assessment which includes a series of highway improvements on and off-site and a consolidation of short-stay car parking at the site with longer-stay commuter parking being removed from Alfred Street and Edward Street. Although the development is retail-led, this is not to the exclusion of other uses such as workshops, extensions to cultural facilities, replacement cultural facilities and a new canalside recreational facility.

SPG 8 is the Development Brief for the Canal Corridor North site and provides a guide to development principles. This document was the subject of public consultation during 2001.

The guidance recognises that the area “needs a comprehensive approach with infrastructure provision” and that the “relationship between major development in the area and the vitality and viability of the City centre requires very careful consideration”.

Key objectives of SPG 8 are reprinted below, with an equivalent summary of the approach adopted by the applicant in respect of each objective.

- To create an attractive entrance to the city centre and a seamless join between the commercial and employment centre of Lancaster and surrounding residential areas;

***Final design of the site is a Reserved Matter, should this application be successful. The pedestrian bridge aims to connect the existing (employment) centre to the development, with new residential development bounding the Canal.***

- Sensitive integration of new buildings within the existing historic fabric, using high quality designs, local styles/materials, and re-using stone and architectural features from cleared buildings where possible;

***Again design of the site is a Reserved Matter, but the Design and Access Statement contains detail relating to the scale parameters, design and likely palette of materials should this application be successful. Potential areas for design features are shown on specific, identified buildings. The Environmental Statement contains information relating to the reuse of cleared material.***

- Landmark high quality, mixed-use developments on major sites;

***Landmark buildings must form part of the development at Stonewell and at the Alfred Street approach to the site in particular. Design styles across the development will need to be high-quality because of the surrounding Listed Building stock.***

- The accommodation of any new retail development close to Lancaster City Centre with the best possible pedestrian links;

***The retail development extends from Stonewell through the site to the department store at the Canal. This is further than the Brief envisaged at the time but the straight link along Central Street ensures good accessibility to the existing retail offer.***

- A significant element of residential development with a mixture of tenure types including new student housing and affordable housing;

***A mix of different house types is proposed ranging from one and two-bedroomed units to family sized housing. No student accommodation is identified (previously the further education providers have stated that there is at present no additional off-site demand for student housing), but a minimum of 25& affordable housing is proposed across the site, and across different sizes of accommodation and with differing tenures.***

- The retention of the employment role of the area;

***Employment will be created at the new retail units, food and drink units and workshop units proposed throughout the site. No indication is given as to whether the financial contributions to the cultural organisations will result in employment opportunities.***

- All new buildings, car parks, footpaths and open spaces to be fully accessible to people with limited mobility and other disabilities;

***This is a requirement controlled by the Building Regulations and will be adhered to.***

- The implementation of the Lancaster City Centre road improvements and pedestrian, cycle and public transport access;

***The allocation of road space for highway improvements (as designated in the Lancaster District local Plan 1996-2006) forms part of this application, to deliver an amended vehicular access arrangement from Back Caton Road and Bulk Road. New pedestrian and cycle links are proposed as part of the development. Public transport is not re-routed along St Leonard's Gate and existing bus stops are to be used instead.***

- The removal of through traffic from Alfred Street and Bulk Road and the creation of a 'Home Zone';

***Traffic is removed from Alfred Street through its partial closure and the development of new residential units on the opposite side of the street creates the opportunity to deliver a Home Zone, as referred to in the applicant's supporting documents. Much will depend on the detailed design, should outline approval be granted. Bulk Road becomes one-way at its junction with St Leonard's Gate to prevent cars leaving the development site and using Freehold as a rat run. Bulk Road then becomes two-way again at the Factory Hill junction.***

- New and improved pedestrian and cycle routes including better linkages to Shaw Street Bridge, the creation of linkages between the Canal and River frontage and enhancements to the Canal and Canal Towpath opening up views of City;

***Two new cycle routes connecting the city to the Canal and ultimately towards Shaw Street Bridge/De Vitre Street area to the north and the towpath network to the south are proposed. These are at Moor Lane and via the Canalside Park. New pedestrian access is available at these points and also at Canal Link in the centre of the site. A new cycle route along Bulk Road and towards the River Lune at Parliament Street is also indicated on the proposed plans..***

- Significant new publicly available recreational open space including a landscaped walkway from Kingsway to the City Centre incorporating public art;

***The proposals do not provide for a landscaped walkway from Kingsway. Landscaping will be incorporated within the Alfred Street residential development (the element closest to Kingsway) and will be provided through the site. New recreational space is provided at the Canalside Park.***

- The reinforcement and enhancement of the area's cultural facilities in line with the City Centre Strategy;

***The proposals deliver new funding to the Grand Theatre and the Dukes Theatre for enhancement to existing facilities. The proposals for the Grand have already been approved. The Musician's Co-Operative benefit from new premises as part of the scheme. The existing Dance School remains the subject of a relocation site search, currently being undertaken by the applicant. Public art and enhanced public realm will be items for the Reserved Matters.***



- Retained/enhancement of City Centre shopper and visitor parking;

***Short-stay shopper and visitor parking numbers increase as a result of the development.***

- In the longer term, the redevelopment of other previously used sites and long-stay commuter car parks;

***The applicant's Transport Assessment indicates that longer-stay parking increases by 15 spaces as a result of the changes. However this has the potential to be significantly reduced (by upto 260 spaces) should the City Council so wish. It is the City Council's responsibility to manage its long-stay parking provision and, should it wish, reduce it.***

- Extensive public involvement in the development of the proposals;

***There have been considerable objections regarding public consultation during the process. This is discussed towards the end of this report.***

The guidance also contained Key Concerns, which were as follows:

- The need for new retail development and whether a sequential approach has been followed to site selection;

***A Sequential Analysis is included in the Retail Assessment.***

- The impact of any commercial proposals, particularly retailing and leisure, on Lancaster City Centre and other shopping centres in the District and the development of strong linkages with the City Centre;

***An Impact Analysis is included in the Retail Assessment.***

- The demand for transport, its impact on the local road network and the provision made for traffic management, public transport enhancements, pedestrians and cyclists;

***Full consideration of these matters is provided in the Transport Assessment..***

- The accessibility of any development to people with disabilities;

***This will be controlled through the Building Regulations and has to be adhered to.***

- The impact of development proposals on the area's listed buildings and Conservation Areas and approaches to the City Centre;

***This is the subject of the Planning Policy Guidance 15 Report and the Environmental Statement. Supplementary information is provided in the Planning Parameters Report, the Design & Access Statement and the Existing Building Analysis.***

- The safeguarding of the area's cultural heritage;

***This is again the subject of the aforementioned report. Discussion of the impacts at the Stonewell 'nose' of the site in particular is provided later in this report.***

- The impact of development on existing and proposed residential areas;

***The Planning Parameters report and the Environmental Statement provide wireframe photographic drawings showing the maximum and minimum levels of development.***

Other key headlines from SPG 8 include:

- The need for contributions to off-site transport improvements, including a recognition that a “very intensive development proposal or a proposal that would generate significant movements from the south might require limited highway works over and above those proposed in the Local Plan”;
- Need to protect and enhance the cultural and entertainment feel of the site in which the Grand and the Dukes play an essential part and an element of any Cultural Quarter;
- Minimising the need to travel by promoting mixed use development and trip linkages within the city centre, and promoting development close to a major transport hub;
- An acceptance that housing, office development, retailing, cultural and leisure uses could feature in a mixed use scheme providing linkage with the existing city centre is adequate;
- A cautious approach will be taken towards late-night uses;

The SPG also contained a map which effectively split the site into three zones; Mitchells and the Stonewell end of the site, St Leonard's Gate car parks and Alfred Street to the north, and the Heron Chemical Works and Alfred Street (commercial) Units to the east.

Each of these areas contained broad principles of development to guide applicants. In each case, they are as follows:

***Mitchells and Stonewell***

- A comprehensive development of the whole site incorporating the Brewery and Bottling Plant;
- A high density of development which makes efficient use of this previously used edge of centre site;
- A mixture of uses including a residential element to create variety and vitality;
- The incorporation, where practical of the under-used frontage properties on St Leonardgate, Stonewell and Moor Lane, including Swan Yard and the former Tramway pub and adjacent buildings in particular;
- The safeguarding of the Duke's Theatre and its role as a key element of the City's cultural quarter;

- A pedestrian and cycle-friendly environment with new public spaces, safe, direct walking and cycle routes between the site and the St Nicholas Centre and Church Street areas, to the surrounding car parks, to the Canal Towpath and Shaw Street Bridge;
- Provision for any necessary road improvements and traffic management measures;
- Consideration of the potential of neighbouring under-used sites and car parks such as Lodge Street and Albert Street to be incorporated within the development;
- The location of any new retail floorspace at the western end of the site linked to strong linkages to the City Centre.

### ***St Leonard's Gate Car Parks and Alfred Street***

- The retention and enhancement of a significant quantity of city centre shopper and visitor related car parking on the site with the subdivision of car parking into visually contained areas by the use of tree and shrub planting;
- The retention and enhancement of the Grand Theatre as a cultural resource and a historic building;
- The completion of a car park access road;
- The creation of a network of pedestrian and cycle routes linking the Brewery area Phoenix Street and the Canal Towpath.

### ***Heron Works and the Alfred Street Commercial Units***

- The creation of a Home Zone in the Alfred Street/De Vitre Street and Bulk Road areas following the completion of the proposed road improvements. This could include the restriction of traffic to residents only and the removal of through traffic, new surfacing and landscaping, a review of parking provision, improved pedestrian and cycle provision and linkages to Shaw Street Bridge and the creation of new public open space and children's play facilities. Details will be worked up in consultation with local residents;
- A major review of the role of the Canal, to include better linkages to surrounding areas, the opening up of views over the city, enhancements to the Shaw Street bridge, a landscaping strategy and measures to secure better quality development and boundary treatment on sites adjoining the Canal.
- In the shorter term, the redevelopment of the Alfred Street north site for residential purposes having regard to any technical limitations imposed by the canal retaining wall;
- The phasing of residential development to ensure that such development does not take place close to industrial uses which could adversely effect its amenity;
- The relocation of the Recycling Point to the area currently occupied by the swings and the creation of a new public open space separating the new housing from the remaining industrial area incorporating a pedestrian link to the Canal towpath.

- Consideration of the scope for rationalising the design and appearance car parks and the existing road overall quantity of car parking;
- Implementation of the relevant elements of the Lancaster Cycling Strategy and the creation of new pedestrian and cycle links between the Lancaster Canal and the City Centre and a footpath/cycle link between the canal and Phoenix Street via a new connection to the proposed new housing at Alfred Street.
- Improvements to the appearance of, and access arrangements for, the Heron Chemical Works in connection with proposed road improvements.

Other Supplementary Planning Guidance which has informed the submission of this application and the consideration of the proposal's impacts include SPG 3 – Kingsway Development Brief; SPG 10 – Affordable Housing; SPG 13 – The Lancaster District Cycling Strategy; SPG 15 – the Lancaster District Walking Strategy.

SPG 7 – Shopfronts and Advertisements Guide – and SPG 12 – The Residential Design Code – will be used to consider matters of design at the reserved Matters stage, should this current application be approved.

SPG 16 – The Phasing of New Residential Development – has been superseded by the adopted Core Strategy.

This list of policies has been considered during assessment of the proposal and in reaching a recommendation.

### **Background - Retail Assessment**

In producing a Retail Assessment, the applicant has to consider the role of Lancaster within the regional retail hierarchy, assess the current performance of the centre and then analyse the prospects for growth that may occur in the future. Having reviewed this information, an assessment must then consider whether the scale of the proposal is acceptable, whether there is a need for the development (using the established national tests), whether there is any sequentially preferable site available to accommodate the proposal, and whether the site is accessible.

In setting the scene for the proposal, the applicant comments that Lancaster is one of only seven 'Regional Towns and Cities' identified by the Draft Regional Spatial Strategy for the North West (the others being Blackburn, Blackpool, Burnley, Preston, Barrow and Carlisle). This is effectively the next tier in the retail hierarchy below the Regional Centres of Manchester and Liverpool. The applicant states that all of the Regional Towns and Cities have been the subject of "recent major town centre retail-led development or has planning permission or emerging proposals for such uses", with the exception of Lancaster.

Given the scale of this application, Lancaster City Council appointed independent consultants to review the Retail Assessment. White Young Green (WYG) were subsequently appointed and provided comment on both the 2007 outline planning application and the current submission.

In terms of assessment, WYG reviewed the development's conformity in retail planning terms against national and local planning policies. In doing so, they also assessed the methodology and key assumptions adopted by the applicant's retail consultants, and analysed the data sources that they used and the validity of their interpretation of the results.

Some Members will be aware that WYG were previously appointed to produce the Lancaster Retail Study (LRS), which was published in February 2006. The quality and appropriateness of the LRS is beyond question, as the Core Strategy Inspector's Report confirms.

*The inspector reported that "The LRS used an appropriate "broad-brush" approach in identifying existing shopping patterns, reviewing the retail hierarchy and estimating future retail expenditure and needs. It was an independent, neutral study, using conservative estimates on economic and retail trends, typical sample sizes and accredited data, with soundly-based assumptions and estimates which have not been undermined by newer retail developments. Retail estimates are based on the catchment area, the status of the centres in the regional hierarchy, retail capacity, sustainability and deliverability. The split between comparison/convenience goods in the various centres is based on sound evidence, and the need for additional retailing and the balance of comparison/convenience retailing between the various centres can be considered when making land allocations and determining planning applications".*

*"Since retail needs cannot normally be forecast beyond 5 years, the LRS does not prescribe the scale of new retail development in each of the centres. This follows a similar approach and methodology to that found in other strategic retail studies of this nature, and I can see no fundamental shortcomings in the LRS to seriously question the retail strategy and policies of the Core Strategy".*

A number of objectors have made comment regarding new comparison retailing in Lancaster, and the impacts on Morecambe's retailing role. It is therefore considered important to recall the Inspector's comments regarding retailing in Morecambe.

*"Turning to the retail hierarchy, the latest RSS (Policy W5) identifies Lancaster City Centre as a key regional centre, particularly for comparison retailing. The City Council sees Lancaster City Centre as the most appropriate location for new comparison retailing, reflecting its sub-regional role and the conclusions of the LRS. This strategy would help to maintain its status and market share, improve its retail offer and meet future need and capacity for comparison retailing. The status of the remaining centres largely stems from the former JLSP and adopted LDLP. The LRS re-examined the hierarchy of the district's shopping centres, and the results have been incorporated into Policy ER4. This confirms the role of Lancaster City Centre as a sub-regional centre, Morecambe as a town centre, Carnforth as a district centre, along with designated local centres. This retail hierarchy provides a network of centres of varying size and type, reflecting the current range of shops and other facilities available, (reflecting) the definitions of centres in PPS6, and the retail hierarchy in the emerging RSS".*

*"On the basis of current evidence, I cannot see any significant imbalance in retail provision between Lancaster City Centre and Morecambe...Issues about specific retail schemes, such as Centros and Frontierland, are not for the Core Strategy to address".*

The national, regional and local plan policies in relation to retailing and town centre uses are listed in the Planning Policy chapter of this report and are of course relevant. They are not repeated in the following paragraphs.

In relation to the first (withdrawn) outline application, 07/0672/OUT, the City Council was critical of the Retail Assessment. We advised the applicant that the issue of retail impact had not been satisfactorily addressed and that a number of key policy considerations would have to be re-examined.

Areas of concern included the following:

- No breakdown of the floorspace into convenience and comparison goods;

- The use of out-of-date (1998) shopping studies;
- Failure to demonstrate a clear quantitative need for the proposal;
- Turnover of the development (at both base and design years) was unclear;
- A more detailed commentary on qualitative need was required;
- Absence of appropriate, explicit commentary on the scale of the development;
- The need for further commentary on the sequential approach;
- Failure to address any potential impacts upon Morecambe, Carnforth and Kendal;
- Details of site accessibility should be stated in the Retail Impact Assessment, and not just in the Traffic Assessment.

As part of the current submission a new Retail Assessment has been produced and this has been analysed by WYG. Their findings are incorporated into the following paragraphs.

### **Retail Overview - Existing City Centre**

Members will need no introduction as to the extent of the existing retail offer in Lancaster City Centre. However, for the purposes of this report, it is necessary to examine the nature, vitality and viability of the existing centre.

The primary shopping area of the city centre is an area containing Penny Street, Lower Market Street and Cheapside. Many people have different perceptions about what is currently 'the centre' of Lancaster's retail area; some argue that it is the area around the Market Street fountain, possibly because that is a congregating area and has multiple retailer representation (Woolworths) immediately adjacent to it. Others maintain that 'Horseshoe Corner' at the junction of Penny Street and Market Street is the true central area, because of the concentration of retail uses including Next and British Home Stores and the entrance to St Nicholas Arcade. Elsewhere, Marketgate is popular because of the presence of Lancaster Market and the multiples in and around Cornmarket Square, including Marks and Spencer and New Look.

The secondary retail area of Lancaster exists from King Street, China Street and the upper reaches of Market Street, down Church Street, North Road and the areas around the Bus Station to the north. It also runs along Common Garden Street, Brock Street and (upper) Penny Street to the south of the city, before returning along Dalton Square and Great John Street.

Retailing has also continued in out-of-centre locations, most notably the Kingsway Retail Park to the north, whilst the Bulk Road Retail Park occupies a position on the corner of Bulk Road and Parliament Street.

Significant retail expansion within the city has only recently been possible in two main areas. The first, in the late-1980's and early-1990's, saw the redevelopment of St Nicholas Arcade. This was an opportunity to redevelop a rather poor, partially covered shopping arcade constructed in the 1950's/1960's.

The second opportunity came as a consequence of the fire to the fine Lancaster Market Hall in the mid-1980's. Following site clearance and the temporary use of the site for a replacement market hall, the site was developed into the Marketgate Shopping Centre in the mid-1990's.

Opportunities for further expansion within the city have been limited because of the historic street layout and the presence of a considerable number of listed buildings. The only other development opportunity of note in the centre in the last 20 years has witnessed the construction of the Vue Cinema.

The comparison goods (the provision of items not purchased on a daily basis, such as clothing, footwear, household goods, electrical, etc) floorspace of the existing city centre is estimated at 55,166 sqm gross. Additionally there is a further 4,424 sqm gross of comparison goods floorspace in other frontages. Convenience goods (the provision of everyday items such as food and drink, newspapers, etc) floorspace amounts to 5,007 sqm gross in the city centre with a further 379 sqm gross in other frontages.

At the time of application submission, the applicant had calculated that there was 5,997 sqm of vacant units within the city centre. Most of these were single shop units. The largest of these was on Penny Street at 670 sqm, but this was not a typically-sized unit. In fact, only three vacant units in the primary shopping area exceeded 200 sqm, and the majority of units were under 100 sqm in size.

However, it is an often-quoted misconception that Lancaster's unit vacancies are high. They stood, at the time of application submission, at 10.5%, whilst the national average vacancy rate is at 10.8%. There were also relatively few vacancies within the primary retail area.

The City Council's own survey (2007) indicated that 53% of city centre units were in retail use, with that use being split into 41% comparison goods, 44% service retailing, and 5% as convenience retailing.

Comparison goods floorspace provision in the city centre has generally been in decline since the mid-1990's. In addition shopping rents for 'Zone A' were recorded (by the applicant's retail agent) at £105 pr sq.ft in June 2007. WYG research showed rental levels increasing from £75 per sq.ft in 1997 to £100 per sq.ft in 2005, which is broadly similar to the applicant's research.

This is lower than the equivalent Zone A rental levels in Blackburn, Blackpool, Carlisle and Preston. Both Carlisle's and Preston's levels in June 2007 were recorded at £140 per sq.ft and Blackpool's at £125 per sq.ft.

The applicant has indicated that there are a large number of retailers who would have an interest in a scheme such as that being proposed, and it has even gone to the length of posting the names of likely retailers on its development website. It says that retailers are "now requiring units with an average unit size of 650 sqm or more", which rules out all but one of the vacant units within the city centre.

However the current city centre does enjoy a very good range of multiple retailers and balances this with an excellent range of independent retailers.

### **Proposed Floorspace**

In respect of the current submission, the maximum floorspace proposed equates to 46,314 sq.m (gross) or 31,091 sq.m (net). This floorspace has now been divided by the applicant to provide an indicative floorspace split, which is as follows:

- Comparison goods retailing: 37,084 sqm gross / 24,900 sqm net
- Convenience goods retailing: 4,834 sqm gross / 3,115 sqm net
- Class A3 uses (food and drink/catering): 3,646 sqm gross / 2,552 sqm net
- Class A1 services (retail services as opposed to genuine retail shops): 750 sqm gross / 525 sqm net

The sum of the retail maximum floorspace (including food and drink) is 46,314 sqm gross. This is almost 2,000 sqm higher than that previously submitted in 2007, but this is largely due to the introduction of a foodstore into the development, which will have a floor-plate for convenience good sales of no more than 2,635 sqm.

The comparison goods floorspace has consequently decreased and could comprise a mix of smaller units that could accommodate more specialist retailers' needs as well as some multiple retailers' requirements.

It is intended that the scheme will be anchored by a department store - Debenhams - which is identified by the applicant to meet a deficiency in this type of retailing in Lancaster.

When calculating the turnover of the development, the applicant has assumed a 'worst case scenario' where an allowance for mezzanine floorspace in all of the proposed units has been assumed, and that in reality the scheme's turnover will be lower than that 'tested' in the different scenarios.

### **Proposed Development Turnover**

Identifying the potential turnover is essential to understanding whether there is a need for the development.

The applicant's agent has estimated comparison and convenience goods turnover per sqm. It has used different scenarios to calculate this - in terms of comparison goods the scenarios range from £5,000 turnover per sqm to £6,600 per sqm. This relatively wide range is deliberately selected to test and demonstrate the implications of a range of different comparison goods retailers. WYG have confirmed that this is a robust approach to adopt, and the upper figure exceeds their own assumed average sales density per sqm in the LRS in February 2006.

Taking the highest figure of £6,600 into account (in order to provide the most robust assessment), the proposed development is estimated to have a comparison goods turnover of £144.3M, which includes a turnover of £11.46M for the department store.

A similar methodology was adopted for estimating convenience turnover, this time using figures ranging from £7,704 to £11,500. Using the highest figure only, the convenience goods floorspace is identified to have a turnover of approximately £35.8M.

### **Quantitative Need**

As the term suggests, identifying whether a quantitative need exists is effectively identifying whether there is the capacity for the development proposals.



The LRS sought to identify quantitative need for new comparison and convenience retail floorspace in Lancaster up until 2016. These findings remain an important consideration in any assessment of need. Therefore, the applicant's agent has used the LRS in an attempt to demonstrate quantitative need.

In response to this application objectors have stated that effectively doubling the retail floorspace for clothing and footwear is not sustainable for a city of Lancaster's scale and would not be economically viable for the existing traders.

Guidance within PPS 6 states that when assessing the issue of need, assessments should normally be "no more than five years ahead...Assessing need beyond this time period may pre-empt future options for investment in town centres, except where large town centre schemes are proposed and where a longer time period may be necessary to allow for site assembly".

The applicant has selected both a seven-year period, using 2006 as the Base Year (this is the baseline year in the LRS) upto 2013, and a ten-year period from 2006-2016. Given the time period required for site construction and the need to develop proposals that connect to St Nicholas Arcades, WYG advise that a seven-year period is appropriate, but the ten-year period is not reasonably justified.

The applicant has also used the study area adopted in the LRS, which is an acceptable approach. This study area is further broken down into 16 'zones', of which zones 1-6 represent the primary catchment area of the proposed development. These zones include Lancaster, Morecambe, Heysham, Carnforth and their surrounding villages, and crosses district boundaries to include Kirkby Lonsdale to the north and Garstang to the south. WYG confirm that this catchment area is appropriate.

The expenditure and population data used by the applicant comprises the estimates contained in the LRS. However they acknowledge that since the publication of the LRS in 2006, revised population estimates have been produced by the Office for National Statistics. These figures indicate a 5,000-population increase to 143,000 in the Lancaster District. The applicant indicates that additional population would result in additional comparison goods expenditure of £22.1M in 2013.

The applicant continues to utilise the findings of the LRS in respect of expenditure growth. WYG advise that this is a "cautious approach and does not benefit the applicant's argument". Within zones 1-6, comparison goods expenditure growth is estimated at £129.7M. The growth rate of +3.8% per annum, as stated in the LRS, has been used to assume growth rate. Latest data (produced in September 2007) suggests that actual growth rate across 2001-2006, and forecast growth rate between 2007-2012 should be +5.0% per annum.

WYG have applied the 5% figure and have calculated expenditure growth in the primary catchment area of £236.1M between 2006-2013.

It is then necessary to assess any outstanding retail commitments and their potential turnover. The applicant identifies a comparison goods turnover of £14.96M, of which £12M is to be derived from the primary catchment area.

These figures have been derived from the LRS. Again, there have been a number of retail commitments within the wider district since the completion of that study. In addition the LRS did not identify the potential turnover of outstanding commitments and so the applicant has sought to estimate the comparison goods turnover. It does this by applying a generic sales density of £2,500 per sqm to the identified floorspace. WYG questioned the robustness of the approach. For example, the Frontierland retail development in Morecambe includes Next,

which would certainly achieve a much higher sales density than £2,500 per sqm. Therefore, in order to provide more certainty regarding this approach, WYG have applied the average sales densities of the named operators, and produced these figures in the following table:

This approach concludes that a figure of £34.25M (£27.4 in the primary catchment area) would be achieved, which is significantly higher than the £14.96M (£12M in the primary catchment area) identified.

Taking the growth in expenditure between 2006-2013 of £129.7M and deducting the £12M figure, the applicant identifies a residual growth in comparison goods expenditure to support the proposed development of £117.7M. This compares to a comparison goods turnover of upto £144.3M, based on the most cautious approach. This would lead to a conclusion that there is insufficient growth to support the proposal. By applying the more cautious estimates, the deficit in expenditure increases.

But not all turnover is derived from zones 1-6. Between 14% and 24% will be derived from outside these zones. This results in a turnover of between £109.7 and £124.1M being derived from the primary catchment area. Given this, the revised population forecasts and the approach adopted, the applicant considers that there is sufficient growth in comparison goods expenditure between 2006-2013 to support the proposal. WYG believe that the turnover figures of outstanding commitments have been underestimated.

As WYG and the applicant both acknowledge, growth in expenditure would not necessarily support additional facilities in Lancaster. Zones 1-6 include areas such as Garstang where, for example, residents may be equally well-positioned to shop in Preston than Lancaster. WYG state that "the assertion that capacity based on expenditure growth alone" is questionable. WYG calculate a deficit in capacity of between -£42.6M and -£10.4M to support the proposed development.

However, WYG have also applied the +5% growth figure, and this results in expenditure growth within the primary catchment area increasing to £235.5M between 2006-2013. Subtracting the higher outstanding commitments figure of £27.4M would leave £208.1M.

In relation to the issue of capacity, the Retail Assessment indicated that the city centre achieves a market share of approximately 31% within the primary catchment area. The applicant's agent has produced a supplementary letter acknowledging that this was incorrect and that the figure of 31% was based on the entire study area in the LRS (zones 1-16), rather than zones 1-6. The supplementary letter confirms that Lancaster's market share within its primary catchment area is 47.8%.

(WYG make the point that by taking into account all facilities in Lancaster, including out-of-centre, such as the Bulk Road Retail Park for example, then Lancaster's market share in zones 1-6 increases to more than 50% currently).

Using the applicant's revised figures, Lancaster's market share within its primary catchment area would increase from 47.8% to somewhere between 63.1% and 67.4%. WYG considers that an increase to 67.4% is realistic given the type of development that is proposed. WYG make an important comment that currently the offer in Lancaster is identified to retain less than half of the expenditure in its primary catchment. This is evidence that the city centre is "not performing a true sub-regional retail role" and demonstrates the existing limited retail offer of Lancaster. However, given the extent of the primary catchment area and the strength of competing provision elsewhere, the level of expenditure retention is probably at the upper end of what could be achieved.

The Retail Assessment considers that the level of inflow from outside the primary catchment area could more than double through the improved provision arising from this development. WYG acknowledge that some inflow will occur, but are cautious about the impacts; so much so that to provide for a robust appraisal of the Retail Assessment WYG have discounted it altogether. This is because other retail improvements, most notably in Preston, will impact upon the inflow figures.

WYG have produced statistical analysis based upon the changes in market share referred in the preceding paragraphs. The table below is their assessment of capacity for additional retail floorspace in Lancaster upto 2013. They have used the updated turnover figures identified in the LRS rather than used the assumed turnover provided by the applicant (because the applicant believes that the LRS overstated the city centre's role for bulky goods comparison shopping).

This table indicates that there will be capacity of more than £215M available for additional comparison goods floorspace within Lancaster, including outstanding commitments. This allows for no increase in inflow and is based on the realistic increase in market share. In fact, WYG's analysis identifies sufficient capacity for the proposal regardless of which turnover scenario is used.

It should be recalled that this level of capacity is based on the more cautious population forecasts, and by applying the latest figures the level of expenditure generated by local residents will increase, and hence future capacity to support the development will increase too.

With regards to convenience goods expenditure, the methodology referred to in the earlier paragraphs has been used.

The Retail Assessment indicates capacity on convenience goods to be £87.7M in 2011. This is a figure referred to in the LRS, but unfortunately it is the capacity figure for 2016, not 2011. The level of capacity in the LRS for 2011 is lower than this at £79.5M. Additionally, outstanding commitments need to be taken into account, and the LRS identifies these commitments to have a convenience goods turnover of approximately £3.7M.

Despite the anomalies, WYG advise that the level of capacity at 2011 is sufficient to support the proposal, and that level of capacity increases at 2013. Consequently, WYG advise that there is "demonstrable quantitative need for the convenience goods element of the proposal.

WYG are correct to recall paragraph 8.10 of the LRS, which stated that, "both Lancaster and Morecambe are not anchored by a major superstore...the Council may seek it appropriate to encourage new food provision well-related to the defined town centre to help generate increased footfall and wider 'spin-off' benefits...it will also help to redefine the role of the town centre as a focus for main food shopping whilst at the same time will increase customer choice to local residents".

WYG conclude their analysis of quantitative need by stating that the proposals will help address the imbalance between in-centre/edge-of-centre and out-of-centre retail provision.

### **Qualitative Need**

The qualitative need case examines whether the proposals would improve or enhance the quality of the retail offer within the city, providing for greater consumer choice. Whether there is an appropriate distribution of locations and a range of shopping, leisure and other local services serving the community could be indicators of qualitative need.

Current national town centre policy puts greater weight on quantitative need, but qualitative considerations may provide additional justification for the development. This is why the Retail Assessment, and this committee report, focuses primarily on the quantitative case.

It is fair to acknowledge that the improved retail offer, comprising of better customer choice and an enhancement in the range of goods being offered in the city will reduce the need for local residents to travel to competing centres elsewhere, most notably Preston.

This is emphasised by the commentary in the LRS which stated that “there is a real opportunity for Lancaster to improve its quality and range of offer by subtle delivery of a more diverse range of shopping, tourism and leisure destinations”.

### **Need - Other Town Centre Uses**

Additional town centre uses, predominantly A3 food and drink uses, are proposed as part of this development. As PPS 6 identifies, it is necessary to consider the appropriate tests for the type of floorspace too. This is not included in the Retail Assessment.

WYG have analysed this proposed provision. Upto 3,646 sqm of gross food and drink floorspace is proposed as part of the scheme.

There is an important distinction to be made here. In respect of other town centre uses, PPS 6 identifies that it is not necessary to satisfy the relevant tests for uses that fall within the ‘defined town centre boundary’. This is in comparison to the tests for retail uses, which refer to the ‘primary shopping area’, as opposed to the ‘town centre boundary’. As such, part of the application site falls within the Lancaster City centre boundary as designated by Policy S1 of the LDLP, and it is concluded that the development will form a natural extension to the city centre. In addition, given that the floorspace for other town centre uses is only a small proportion of the overall development floorspace, it is realistic to conclude that it would be ancillary to the retail proposal. Given the scale, location and type of uses proposed, WYG consider that the other town centre uses are appropriate.

### **Need - Appropriateness of Scale**

National guidance stipulates that any development should be appropriate to the centre that it will serve and complement its role. As this report states, Lancaster is identified as a ‘Regional Town and City’ within the RSS and as a Tier 1 Centre in the JLSP, as well as a Major Sub-Regional Shopping Centre in the LDLP.

WYG have accepted that the scale of development proposed is reflective of the quantitative capacity identified, and that it is an appropriate scale in relation to its catchment area.

At the time of drafting this report, the emerging RSS contained policies which sought to enhance and encourage retailing facilities in centres like Lancaster, to ensure a sustainable and proportionate distribution of high-quality retail facilities outside the larger regional centres.

Taking this into account, the enhancements to the retail provision in the city would improve its recognised role as the main centre in the district and would reinforce its position within the sub-regional and regional hierarchy. The scale of development is therefore considered appropriate.

On a related matter of scale, objectors have often quoted a part of SPG 8 which states that “The Council would not wish to encourage retail, commercial, leisure, food and drink uses and other uses likely to attract a lot of people”.

This quote does not apply to the development site as a whole, but it relates to the Alfred Street Workshops and Heron Chemical Works area adjacent to the Canal. The rationale for providing this guidance in 2002 was that the “area is relatively remote from the city centre and the Primary Bus Corridor”.

This guidance would be applicable if a separate planning application came in for retail, commercial, food and drink and leisure uses within the Alfred Street/Heron Works area, and where the sites closer to the city centre did not form part of the same comprehensive development. But the proposals now before Members provide for the redevelopment of the whole site, not just the piecemeal redevelopment of the Alfred Street canalside area and the Heron Works site. Therefore, the issue of remoteness caused by intervening land uses between here and the city centre is removed due to the creation of direct connectivity to the existing centre and its public transport linkages.

### **Other Need-Related Considerations**

Additional benefits such as regeneration of this site and new employment created by the proposal are not indicators of ‘need’.

However PPS 6 does indicate that they are material considerations which may be given weight depending upon local circumstances. The applicant is correct to state that the development will bring significant private sector investment to an under-utilised part of the city centre.

These issues are discussed further in the Socio-Economic section of this report.

### **The Sequential Approach to Site Selection**

PPS 6 states that proposals should apply the sequential approach to site selection. This process should consider alternative sites for locating the proposed development. The purpose of this exercise is to explore the possibility of enabling the development to fit onto more central sites, possibly by reducing the footprint of the proposal, or by developing more innovative ways of accommodating the development (such as multi-storey development).

In assessing the sequential approach, the strategies set out in the development plan documents, the catchment area that the proposal would serve and the nature and scale of the proposal are all considerations. Applicants are advised to consider ‘disaggregation’, i.e. whether specific parts of a development could be operated from separate, sequentially preferable sites. All possible options in the centre should be thoroughly assessed before less central sites are considered.

PPS 6 advises that “local planning authorities should be realistic in considering whether sites are suitable, viable and available... (and should) take into account any genuine difficulties... (which the applicant may demonstrate) which are likely to occur from operating the applicant’s business model from the sequentially preferable site”.

This site is recognised as being an ‘edge-of-centre’ site. The PPS 6 definition of an edge-of-centre site (for retail purposes) is one that is “well connected to and within easy walking distance - i.e. upto 300 metres - of the primary shopping area. Account should also be taken of local circumstances, such as local topography, barriers such as major roads, and the attractiveness and safety of the perceived route.

In this case the development site is within 70 metres of the nearest primary shopping frontage and would be linked by a bridge to the existing centre, crossing the major road that currently separates the site.

The applicant's sequential approach highlights that only sites/units that are allocated for retail development, and are located within the defined city centre shopping frontage, or other edge-of-centre sites that are better connected to the defined shopping frontages would be sequentially preferable, given the close proximity of the development site to the centre. WYG have confirmed that this is a reasonable approach to adopt.

As part of this assessment the applicant has identified the following sites and examined whether they are viable, available and suitable for development. These sites include:

***Allocated Sites***

- New city centre development; (which is not a site in itself but an acknowledgement that three sites had been identified as suitable for retail development, two of which are referred to immediately below and the other, King Street, referred to in the following paragraphs);
- The Brewery site (between Market Street and Church Street);
- Dalton Square/Penny Street (a chain of sites between the two);

***Non-Allocated Vacant Sites***

- 47-51 North Road;
- 70 King Street (The Former Cinema Site);
- Penny Street and Henry Street Island Site;
- Vacant Units;

***Sites Within Morecambe***

- The Library Car Park;
- Pedder Street Car Park;
- Winter Gardens Car Park;
- Telephone Exchange Car Park;
- Victoria Street Car Park;
- West View Car Park;

The applicant has not included King Street within its sequential analysis, although it is included within the policy commentary and so this committee report assesses that site too as an allocated site under Policy S3.

In respect of the allocated sites identified, this follows the sites that are identified under LDLP Policy S3. This policy has not been 'saved' by the Secretary of State pending the completion and adoption of the emerging, replacement Local Development Framework suite of documents. Notwithstanding this, it remains that these sites are sequentially preferable to the development site, regardless of policy allocation status. However, all three sites are now

developed - The Brewery Site by the new cinema and related development; the Penny Street/Dalton Square site is an area accommodating the Walkabout Pub and Wilkinsons, to name but two; and the King Street site was developed residentially. Therefore there are no allocated sites which are sequentially preferable to accommodate the additional retail floorspace proposed.

The non-allocated retail sites (such as vacant units in the city centre) could accommodate additional retail floorspace, but it is acknowledged that those listed are too small in size and cannot be considered as either suitable or viable options for a comprehensive, modern, retail-led development designed to attract and retain more shoppers (and operators) to the district.

The applicant is also correct in declaring that some of the non-allocated sites, such as 47-51 North Road, hold no significant sequential advantage over the application site.

It is also a matter of record that the Core Strategy identifies the Canal Corridor as the district's key retail development opportunity for major retail development. By selecting the application site as an appropriate location to extend the retail offer of the city centre, the City Council itself has had to consider sequential alternatives and it has concluded that no suitable, viable or available sites in a sustainable preferable location exist.

Therefore the debate turns to Morecambe and whether a development of this scale could be accommodated there.

Whilst the sites identified in Morecambe are capable of accommodating some retail development, the alternatives listed are not large enough to accommodate development of this scale. Even allowing for disaggregation of the proposed retail floorspace throughout the district, WYG advise that the development would fail to create the critical mass necessary to provide comprehensive development and provide a genuine improvement in the retail offer of Lancaster.

Furthermore it is the case that Morecambe occupies a lower position in the regional and district retail hierarchy (Tier 2 in the JLSP), and that in principle, development of this scale would be inappropriate.

Therefore, in the absence of any suitable, viable and available alternatives, the site selected is the most sequentially preferable.

### **Impact and Trade Diversion**

It is a fundamental element of national town centre policy that the identification of the existence of a need for development does not necessarily mean that the proposal will have no negative impact.

Even allowing for the fact that need and the sequential test have been satisfied in this particular case, there could still be reasonable grounds to resist a proposal if the proposal would materially harm the vitality and viability of any defined centre nearby.

When assessing impact, local planning authorities are advised to take account of:

- The extent to which the development would put at risk the RSS, or alter the hierarchy of retail roles;
- The likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre;

- The likely impact of the proposal on trade/turnover and on vitality/viability of existing centres within the catchment area of the proposed development;
- Changes to the range of services provided by centres that could be affected;
- Likely impact on the number of vacant properties in the primary shopping area;
- Potential changes to the quality, attractiveness, physical condition and character of the centre, and to this role in the economic and social life of the community.

With regards to the first of these points, as this report has already identified Lancaster is recognised within the RSS as a Regional City and is therefore an appropriate location to focus further retail development. This site is supported for further development by SPG 6 and SPG 8, which consider that it would be appropriate to extend Lancaster's retail offer into this locality. Therefore, it is clear that the regional hierarchy and the roles identified in the RSS (as stated at the time of writing this report) are not adversely affected by this proposal.

In relation to future public sector investment, it has already been stated by WYG that they consider that the development would have clear 'spin-off' benefits for the wider city centre.

The applicant considers the potential impacts on the turnover, vitality and viability of existing centres using the three scenarios it adopted in the comparison goods turnover (i - £6,600 per sqm, ii - £6,000 per sqm, iii - £5,000 per sqm). WYG have again used the highest figure here to provide the most robust assessment of impact. There is also a fourth scenario - termed by the applicant as a "do nothing" approach. This looks at the non-development of the site and the likely consequences if the John Lewis department store anchoring the Tithebarn development in Preston is constructed.

As the Retail Assessment has already concluded, 86% of turnover is assumed to be derived from the primary catchment area. Any enhancement of retailing would increase the market share achieved by Lancaster from within the primary catchment and, to a lesser extent, from the wider LRS study area.

The applicant makes the case that the scheme would enable Lancaster to 'clawback' expenditure that is currently lost to other competing centres. This is true and would have a positive impact upon the turnover of the city centre, as well as reducing the influence that other competing centres have upon the shopping patterns of those within the primary catchment area.

The applicant identifies the main level of trade diversion, should the scheme be permitted, would be from Preston (£48M), Kendal (£15M) and Manchester (£10M). WYG make the point that the LRS identified that within the primary catchment area a number of shopping trips are currently being directed to competing centres, such as Preston.

Within the district, the applicant assessed the impacts upon Morecambe and Carnforth, and these results have again been analysed by WYG.

The applicant identifies a potential impact of 5.7% on its retail turnover. This figure is at the uppermost of a range of impacts under the different scenarios, ranging from 4.6% to 5.7%.

Again WYG make the case that the retail role of Lancaster does differ to that of Morecambe, given their positions in the retailing hierarchy. However WYG consider that Morecambe will continue to perform an important role for a much more localised catchment area. It is also fair to assume that Morecambe has a very distinct role to play in terms of tourist/visitor



expenditure; a role that continues to be enhanced as a result of increased confidence arising from the completion of landmark visitor schemes such as the Midland Hotel and improved retail offerings in the form of the opening of the Next/Homebase/JJB units.

Morecambe's range of comparison goods offer is also markedly different from Lancaster's. The Secretary of State acknowledged (when granting permission for the unimplemented Factory Outlet Centre scheme at Frontierland) that the comparison offer was either discount or aimed at local everyday comparison goods (e.g. chemists, pet shops etc). If the Canal Corridor North is focused at the relatively higher end of the comparison goods market, then the impacts on Morecambe will be more limited. Therefore, in WYG's opinion the potential impact on Morecambe is likely to be overestimated, and trade diversion where it occurs would be likely to come from the new out-of-centre floorspace as opposed to Morecambe Town Centre.

Carnforth is forecast to have a comparison goods turnover of £11.4M, which reflects the more localised shopping role that it performs. It also has a restricted catchment area, with the majority of its expenditure being drawn from Zone 7 (north of Carnforth). Using the worst case scenario, the applicant reaches a conclusion that impacts upon Carnforth will be "negligible with trade retention in Zone 7 remaining unchanged at 6%. These figures are not disputed by WYG.

The applicant comments that Lancaster's comparison shopping floorspace declined by 8% between 1994 and 2004. Under the applicant's 'do-nothing' scenario, it tests the effects of the 150,000 sqm retail development in Preston, anchored by a John Lewis department store of a scale of 25,000 sqm (as has been reported).

There is some disparity between the applicant's assumed comparison goods turnover of £452.1M of the Tithebarn scheme when compared to another consultant's - GVA Grimley's - which assumes £250M. This is noted.

However for the purposes of reporting the content of the submitted Retail Assessment, the applicant estimates that by replicating existing trade draw patterns, Lancaster would experience a convenience goods turnover impact of £26.4M (9.7%). The applicant argues that this indicates "the vulnerability of Lancaster with no further investment in the city centre".

Aside from Preston and Lancaster, the growth of the five other Regional Towns and Cities is a theme that the applicant's agent enlarges on in the Retail Assessment.

Blackburn has witnessed refurbishment of its existing shopping centre in the last decade or so, but further refurbishment in the Lord Square area will result in an enhanced shopping area, due to open in 2009 and will accommodate upto 25 new stores and 300 car parking spaces. British Home Stores and Debenhams are current anchors within the centre.

Blackpool has one major shopping centre, Houndshell, which has been expanded to accommodate a Debenhams and a Next store, amongst others.

Burnley has selected a preferred developer (Henry Boot Developments) for a site known as the Pioneer Site. However the applicant has advised that a department store has yet to sign up for the scheme and that "there does not appear to be any immediate prospects of development proceeding". Burnley does contain a number of multiple retailers within its Charter Walk Shopping Centre, and this has previously been extended by 7,879 sqm.

Carlisle has The Lanes development, anchored by Debenhams, and its original size of 27,174 sqm was extended in 2000 to 38,276 sqm. Carlisle also has a House of Fraser department store, a smaller Hoopers Department Store and a multi-storey Marks & Spencer.

Barrow in Furness has the Portland Walk Shopping Centre, again anchored by Debenhams, which includes 26 units at a total floorspace of 18,580 sqm net.

Out of these centres, only Lancaster and Burnley do not have the presence of a department store. Burnley have similar aspirations but problems have resulted in their Pioneer Scheme stalling somewhat. The applicant reasons that "Carlisle has a generally more comprehensive range of multiple comparison goods retailers than Preston, which reflects that the investment (that Carlisle) has provided the type of floorspace capable of attracting these retailers". It perhaps also indicates why Blackpool and Preston have similar schemes either nearing completion or in the pipeline.

The department store has prompted considerable opposition. There are many objections which refer to the creation of a 'clone town' development, and how such a proposal would be damaging to Lancaster's social and economic fabric, and its uniqueness. The local planning authority understands these concerns and is certainly not dismissive of them. If a clone town environment were created by the development, then the application will have failed to deliver an enhancement of Lancaster's retailing facilities. But other historic towns and cities across the country, such as York and Chester, accommodate department stores and larger retail units without detriment to their character. What is critical is the success of the bridge link, the design of the new units (uniform heights and widths would be unlikely to be permitted at detailed Reserved Matters stage) and the integration of the Grand, the Dukes and the canal within the development. Providing improved level access to those facilities – in essence reconnecting them back to the existing centre - and other facilities such as the Musician's Co-Op and the Canalside Park are essential to the success of this proposal.

With regard to the bridge link, the local planning authority recognises the importance of connectivity to the existing centre. Without such connectivity, the ambitions of re-establishing the historical connection between the development site and the existing centre, and the prospects of providing accessible routes between the centre and the cultural and recreational resources would not occur, and those benefits arising from the development would be lost.

If the proposed development was constructed without a bridge link, it is the local planning authority's view that shoppers and visitors to the city would not have any visual reason – any attraction, perhaps other than the tempting views of the Castle and Priory that would be created down Central Street - to cross Stonewell at the pedestrian crossing. Even a major store on this corner of Stonewell would help alleviate this situation, and it is noticeable that the applicant's Design and Access Statement includes the possibility of the removal of the bridge should St Nicholas Arcades ever be significantly redeveloped.

But without a visual, significant attraction on the opposite side of Stonewell, the significant risk is that people would shop in the new centre and would not visit the historic core of the city, to the economic detriment of the existing centre.

White Young Green were asked to provide figures to the City Council to assess how important the bridge link was for maintaining pedestrian flow between the existing centre and the development site. They indicated that between "20% to 30%" of shoppers and visitors would visit the existing centre if a bridge link was not constructed. This figure increases to between 60%-70% if the link was provided. In terms of retail vitality of the existing centre, this demonstrates the retail case for a link into the existing retail offer.

There are therefore strong retail impact grounds for establishing a connection across Stonewell into the centre. The impacts of the bridge upon the historic resources are discussed later in this report.

Continuing the impact theme, objectors have raised the issue of retailers relocating from the existing centre to the development site. This is perhaps best reflected in the 'Its Our City' objection, which talks of a "gravitational pull which would act against the footfall crossing (the proposed bridge) to the existing centre". The objection continues by considering similar developments in other urban areas which have witnessed trade diversion, and uses the Fremlin Walk Development in Maidstone as a case example.

This is a perfectly valid point. The existing centre is more than just the main retail area. It accommodates all of the local financial institutions, provides essential facilities such as the Library and City Museum, and Market Square acts as a community meeting point. Its contribution to the economic and social life of the community cannot be underestimated.

It is realistic to assume that there will be the potential for a smaller number of retailers relocating from existing sites to the proposed development. This will of course have some impact upon the existing city centre.

But WYG are cautious about any negative impact arising from this. They state that it is "important to note that the development is well located to increase the overall attraction of the city centre enhancing its overall vitality, reducing expenditure currently being directed to (other) competing centres". By providing modern retail floorspace (currently lacking in the city due to the constraints posed by the historic buildings in the centre), this would increase overall footfall and, in WYG's view "will have a positive impact upon the future viability of the centre".

This relates closely to the applicant's assertion that there is a high turnover in the existing centre with regard to the independent retailers because there is an absence of major attractions (including a department store) to drive footfall.

If this is accepted, then it is up to the City Council to ensure that the existing centre remains an attractive retail destination, both as part of an extended city centre and in its own right. Aside from delivering an enhanced shopping offer, much of this depends on the relevant authorities working together to develop better city centre management, and the applicant has provided a financial contribution towards this, details of which are contained towards the end of this report. As the socio-economic paragraphs of this report conclude, there is the potential to improve public areas within the centre, to develop 'heritage tourism' themes further based upon the Castle and other historic attractions to the west, and to perhaps pursue planning designations which would prevent unattractive and unsympathetic signage on historic retail buildings.

A vibrant university city, based upon a mix of independent retailers and national multiples, with an active cultural and heritage identity is, in our view, the message that Lancaster must project if it wants to evolve. This improved retail offer would help put the foundations in place for Lancaster to develop its regional role in this regard.

With this in mind, the local planning authority accepts WYG's conclusions that this proposal provides a natural extension to the city centre and does meet an identified need, and that therefore the proposal represents Lancaster's only deliverable and clear opportunity to extend the retail area of the city centre.

### **Background - Transport Assessment**

For a development of this scale within the city centre, the Transport Assessment has to model the proposed traffic impacts arising from the development and include the cumulative impact from other permitted (but not yet implemented) schemes within the area.

Given the scale of this application, Lancaster City Council appointed independent consultants to review the Transport Assessment. MVA Consultancy (MVA) were subsequently appointed and provided comment on both the 2007 outline planning application and the current submission.

In relation to the first (withdrawn) outline application, 07/0672/OUT, MVA, the County Council (County Highways) and the City Council were critical of the Transport Assessment submitted by the applicant; in particular the question of future traffic volumes within the city. We advised that the issue of traffic/highway impact had not been satisfactorily addressed and that a number of key considerations would have to be re-examined.

Areas of concern included the following:

- The validation of the traffic modelling was not proven;
- The impacts upon the southern section of Lancaster's highway network required further exploration;
- No supporting information was produced to justify the decision to consider only four 'key' junctions – and greater detail was required relating to the design and capacity of the proposed junction designs;
- There were concerns regarding access to the development in respect of the roundabout, car parking control systems and servicing;
- The future parking strategy required greater clarity;

The 2007 Transport Assessment (TA) included 'Paramics' and 'TRANSYT' traffic modelling. Following the withdrawal of this first application and further discussions between the applicant and Lancashire County Council's Highways Department, Paramics modelling was excluded from the new submission and the focus has been on TRANSYT modelling. This approach, and indeed the methodology of the TA was agreed in advance with Lancashire County Council's Highways Department.

As a result of the concerns, the applicant reconsidered the Transport Assessment and the scheme as a whole. The previous outline application was subsequently withdrawn and the amendments to the scheme were presented as part of the new application.

The methodology excludes any of the potential benefits that may arise from the granting of Phase 2 of the M6-Heysham link road. Additionally it omits any potential benefits arising from the proposed County Council Park and Ride site at Caton Road. Finally, it also discounts any potential 'linked trips' that would occur - i.e. those people that would be visiting the city centre for other purposes who would also take the opportunity to shop.

Other terms agreed with the County Council as part of the 2008 methodology include:

- The use of weekday (am), weekday (pm) and Saturday peak periods;
- The use of traffic surveys undertaken in February 2006 measuring traffic flows, movements and queue lengths. Additional surveys were carried out in October 2006. Historic data from 1997-2006 was obtained from the County Council;
- The use of car parking surveys undertaken in February 2006;

- Development traffic calculated on the basis of city centre short-stay car parking and retail floor area;
- Inclusion of the agreed 'committed developments';
- Assessment of the traffic impact using TRANSYT (Traffic Network Study Tool) modelling;
- Traffic distributions based upon Retail Studies and base network distributions;
- Rat-running traffic being re-allocated onto the network;
- Existing long-stay car parking relocated from the application site to existing car parks at Nelson Street and Moor (Lane) Mills;
- Existing short-stay car parking relocated from Nelson Street and Moor Lane Mills to the application site.

As well as assessing the impacts of traffic in and immediately around the development site, the Transport Assessment (TA) also considers the wider gyratory system. It describes this as "three interconnecting ring road systems"; one of which is the main gyratory from King Street around to Thurnham Street, one is the Caton Road-Kingsway and Parliament Street ring road, and the other is the Greyhound Bridge and Skerton Bridge loop.

This part of the report looks at the proposed arrangements within the application site, such as the provision of car parking and servicing arrangements, before considering the impact of wider highway alterations.

### **Car Parking and Cycle Parking Provision**

The matter of car parking provision is one that is critical to the development. In terms of car parking spaces, the scheme proposes the following:

- A new multi-storey (Northern Interceptor) car park accommodating between 790 and 810 shopper's spaces;
- A maximum of 99 parking spaces for the new residential units, with a further capacity for 6 on-street parking spaces at the remodelled Alfred Street;
- 11 parking spaces at the Grand Theatre, 7 of which are for staff and 4 of which are mobility spaces;
- Provision of a temporary car parking strategy during the construction phases to mitigate against the temporary loss of parking provision.

The first issue to be considered is how the proposed car parking arrangements relate to the existing car parking arrangements on-site and across the city centre.

The second issue to be considered is whether the number of parking spaces proposed is appropriate in relation to the amount of new commercial floorspace and residential units.

With regard to the first issue, the existing car parking provision in Lancaster City centre equates to 469 long-stay spaces and 1,150 short-stay spaces. This figure includes 245 long-

stay spaces and 61 short-stay spaces across the development site, in addition to 6 coach parking spaces.

The current short-term car parks operate with a “small reserve capacity”, which will be absorbed during seasonal periods of high demand, such as Christmas. During survey analysis of the city’s car parks, the applicant’s traffic consultants found that the average stay in short-stay car parks was recorded at 90 minutes, which they suggest is quite low for a city centre shopping location. They conclude that the proposed increase in retail and leisure uses will increase the duration of stay and parking demand.

The long-term car parks operate at capacity during the working week.

Below is a table summarising the car parking changes that would occur as a result of the granting of this outline application.

	Short Stay Parking	Long Stay parking
<b>Existing Parking Provision</b>	<b>1,150</b>	<b>469</b>
<b>Loss of Short-Stay Parking on Canal Corridor North (CCN) Site</b>	<b>- 61</b>	
<b>Loss of Long-Stay Parking on CCN Site</b>		<b>- 245</b>
<b>Replacement Long-Stay Parking on Nelson Street and Moor (Lane) Mills Car Parks</b>	<b>-260</b>	<b>+ 260</b>
<b>New Short-Stay Parking on CCN Site</b>	<b>+ 810</b>	
<b>TOTAL</b>	<b>1,639</b>	<b>484</b>
<b>NET CHANGE IN CAR PARKING</b>	<b>+ 489</b>	<b>+ 15</b>

When considering the above figures, Lancaster District Local Plan Policy T13 (partially-superseded) is relevant. The policy states that proposals which would result in the reduction in the level of shopper/visitor parking will be refused. This is not the case here, where there will be an increase in short-term (shopper and visitor) parking of 489 spaces.

However T13 also states that proposals for additional short term parking will only be permitted where this is accompanied by “an equivalent reduction in the all-day commuter parking”.

There is a reduction of 245 long-term parking spaces from the Canal Corridor site. However the potential reallocation of short stay car parking to long term car parking on Nelson Street and Moor Lane Mills means that 260 additional long term spaces are being provided off-site, resulting in a net increase across the city of 15 long-term car parking spaces.

It remains incumbent on Lancaster City Council as landowner to reduce its long-term parking provision, and the concentration of short-term parking at the Canal Corridor site will allow it to consider redevelopment of other car parks, including long-stay car parks, should it so wish. The reallocation of 260 long-term spaces is merely an indication by the applicant that this displaced parking provision could be provided elsewhere should the Council so wish. However the ownership and use of Nelson Street and Moor Lane Mills car parks is the

responsibility of the City Council, and it may wish to take the opportunity to reduce its commuter parking by not replacing this amount of car parking.

The Property Services Business Plan makes provision for a review of long-term parking, and this review is imminent.

Irrespective of this, it is clear that the proposals do not result in an “equivalent reduction” in all-day commuter parking, and therefore the proposal is contrary to Policy T13 of the District Plan.

The site also loses its 6 coach parking spaces, although compensatory provision on the western side of Kingsway on council-owned land has been identified as a suitable site, with coaches dropping off/picking up in town as they presently do and then parking at Kingsway.

The development’s car parking provision has been assessed not just in terms of JLSP Parking Standards, but also the North West Regional Assembly’s review of parking standards

The TA does not compare the proposed retail parking spaces to national or regional parking standards. However, MVA applied that maximum parking standards for A1 retail uses as taken from the North West Regional Assembly’s (NWRA) parking guidelines. MVA report that they are “satisfied that the 810 space multi-storey car park is within the relevant maximum parking standards”.

It is important to note the type of parking being offered at the multi-storey, which is anticipated to be short-stay, and time limited for all users. There is no provision for all-day parking or staff parking, in accordance with the Council’s desire to reduce the amount of long-stay parking provision within the City Centre. However despite this there is still a need for a Travel Plan to be implemented to ensure that staff transportation is made by sustainable modes as opposed to the private car. These staffing movements have been excluded from the Transport Assessment, and so if congestion is not to increase further then a robust Staff Travel Plan must be agreed as part of any grant of permission.

The applicant has indicated that a Retail Car Park Management Strategy will be enforced. This is welcomed but further strategies are required for all new car parks. This must be linked to the detailed delivery of the Travel Plan and should contain detailed measures such as security, parking charges and operational details. The strategy should also demonstrate that the parking provision provided to existing users (such as the existing dwellings on Alfred Street) should not be at a level that is to their detriment.

It is essential that the Car Park Management Strategy includes a mechanism to ensure that on-site measures can be implemented when required to satisfy parking demand appropriately, so that no queuing occurs on the highway from the car park access. These measures would typically be required when stores such as Debenhams has a sale or at other periods of high demand, such as prior and during the Christmas period.

In addition if car parking charges are in line with other car parks in Lancaster City Centre, then County Highways conclude that car park attraction is consistent with the estimated development-related trips. It does however exclude diversion of traffic from other car parks, but this is considered by County Highways to be “not significant”. However the car park barrier system to the multi-storey car park still requires a reasonable level of spare capacity. Latest analysis indicates that the car park barriers should just satisfy typical demand, with a small level of queuing on-site. The Variable Message System proposed around the gyratory (and which is being funded by the applicant) should assist in informing drivers of car park space availability prior to decisions being made.

With regard to the number of new residential parking spaces, there is a fine balance to be struck in terms of car parking provision. If the applicant were to provide the maximum number of spaces permitted for the level of development proposed, then this would be unlikely to contribute to changing the travel habits of new residents. Providing too few spaces could result in overspilling into neighbouring residential areas.

The NWRA guidelines suggest a maximum of between 0.5 and 1 residential parking space for each single bedroomed dwelling, in areas which have good accessibility. This outline application proposes approximately 0.55 spaces per dwelling, which is well within those maximum levels.

The City Council must then assess whether this provision is acceptable. In doing so, it must consider the prospects of travelling to the residential units by other, non-car modes of transport.

Access to the site via non-car modes of transport is considered to be good. Lancaster and Morecambe's joint designation as a Cycling Demonstration Town has brought further investment to the district's cycling infrastructure, and there is now a high-quality network of cycleways linking the district's settlements. One of these is the towpath along the Lancaster Canal, and the current proposals aim to improve and enhance that linkage by providing a new pedestrian link from an extended Phoenix Street, through the new canalside park and up to the Canal. At the southern end of the application site a new cycle and pedestrian link will connect the Canal with Moor Lane, which is an existing part of the Strategic Cycle Network.

Both of these proposed pedestrian and cycling connections are immediately adjacent to the new residential areas proposed by this application, providing excellent opportunities for walking and cycling.

In addition upgraded or new Toucan crossings across Stonewell, Bulk Road, Parliament Street, Caton Road and St Leonard's Gate will improve cycle accessibility to and from the site.

Cycling provision for the commercial aspects of the development is estimated at 147 cycling spaces. This does not tally with NWRA parking standards figures but has been previously agreed with the County Council. This will be provided at a series of key entrances to the development, at the extended Phoenix Street, outside the Grand Theatre in St Leonard's Place, on the widened footway at Moor Lane, in Edward Street, adjacent to the Canal at the top of Moor Lane, and close to the Canalside Park at Canal Walk.

The residential cycling provision depends on the final number of dwellings, but the figure will be between 141 and 187 cycling spaces. This accords with the NWRA parking standards.

The Cycling Demonstration Town team have expressed their desire for additional contributions to the cycling infrastructure, above and beyond that which the applicant has provided. This is discussed further in the 'Planning Obligation's paragraphs of this report.

32 motorcycle parking spaces will be provided, and this also satisfies the relevant standards.

Bus accessibility is considered to be good, given the proximity to the city centre and the city's Bus Station, which is approximately six minutes walk from the development site. There is now a small new length of bus lane proposed at the Kingsway/Caton Road junction and a slightly remodelled bus lane on Parliament Street, and these are discussed later in this report. Otherwise however there are no proposed improvements to existing bus services. Bus diversions along St Leonard's Gate were not considered necessary due to the close proximity



of the Bus Station and bus stops within the existing centre, especially along Common Garden Street close to the Market Hall.

Rail accessibility is less convenient, with the Railway Station being sited on the western side of the city. That said, there would be a direct pedestrian link from upper Market Street through the existing retail core to the new Stonewell pedestrian bridge and into the new development.

In general terms, pedestrian access to the city centre is considered to be good. National census survey data indicates that 21% of employees in Lancaster walk to work. Access through the development site will be permitted 24 hours a day.

The City Council is of the view that the residential car parking figures proposed are appropriate given the central location of the site and the scope for alternative travel, and that an increased number would be more likely to contribute to a greater number of car journeys.

Aside from the residential car parks serving the new properties, and the multi-storey car park, there are just two small parking areas. One of these provides a minimal amount of replacement parking provision at the Grand Theatre and some much-needed mobility parking in this location, and the other is a small five-space car park within the grounds of the Mitchell's Headquarters on Moor Lane, accessed via a reconfigured and partially closed Brewery Lane.

The temporary parking strategy (during site demolition and construction) is a matter that would be imposed as a planning condition, should this application be successful. No details are provided at this outline stage, but this is a matter that has been the subject of discussions between the applicant and the City Council's Property Services. It is also appropriate to report that the Planning Committee would have control over this matter at the Reserved Matters stages.

Levels of mobility parking provision will be set at 6% of the final figure. This is a percentage that has been agreed with the County Highways Department. The final location of this parking and parent and child parking provision must be in a prominent position with easy access to the proposed facilities and services. Again this is a standard planning condition and will be imposed on any grant of permission.

### **Vehicular Access to the Car Park and Servicing Access Arrangements**

In relation to site access, the multi-storey car park has two access points; the one furthest north contains access and egress points for shoppers and visitors, whilst the southernmost access (underneath Block B05) is a basement service yard for the retail units.

Car park usage within the TA excludes car park interceptor demand. County Highways advise that this additional demand on the local network should not be significant as vehicles would divert from the adjacent links. However the overall impact on the car park would be slightly greater than that estimated by the applicant. As referred to previously, County's latest analysis indicates that the car park barriers should just satisfy typical demand, with a small level of queuing occurring within the site. The Car Park Management Strategy must therefore include a mechanism to ensure that on site measures can be provided and implemented when required to satisfy demand so that no queuing occurs on the highway network from the car park access.

With regards to the service yard, this will serve the majority of the retail development. Vehicles wishing to exit the site will find that left-turning down St Leonard's Gate is prohibited, thus redirecting large vehicles away from the main gyratory and out of the city towards the M6. Access will be controlled via a traffic light system, and a waiting area will be provided at

either end of the internal access ramp, aimed at reducing the risk of vehicles queuing back onto the carriageway.

MVA have provided advice regarding future manoeuvrability, and concluded that it would be impossible for vehicles to manoeuvre into some of the service bays and that the waiting space identified will be limited. Whilst this is a detail that is inside the site and would be subject to consideration at the Reserved Matters stage, (as opposed to the external means of access applied for as part of this outline submission), further clarification has been sought regarding the servicing arrangements and any further information will be presented verbally to Members.

Similarly County Highways have also raised concern about the internal servicing operations. The yard fails to exclude a footway for the safe movement of employees (which could also assist in protecting the building structure from vehicles). It also identifies areas of potential vehicular conflict within the yard, which can be addressed via further detailed plans at the Reserved Matters stage.

To protect the amenities of the locality further, and to avoid highway congestion, a Service, Delivery, Waste Collection and Routing Strategy must be produced and agreed with both the County and the City Councils, which should aim to ensure that all deliveries, servicing and waste collection will be made from the service area only, and that these movements are made outside peak periods. The strategy can also potentially include details on routes that avoid the inner parts of the city centre (i.e. access from Caton Road and subsequent exit via Parliament Street) and details of the expected vehicle types (ideally using low emission vehicles).

There are four secondary servicing routes along St Leonard's Gate; one to the new service yard at Lodge Street which would serve the Grand Theatre, and one to the Tramway group of buildings. St Anne's Place will be another small service yard, which is capable of serving the Dukes Theatre, but it is envisaged that the service yard to the rear of the Golden Lion pub will perform that function and will also provide off-road servicing for dray wagons and the new Mitchell's office.

Site access to the two new residential areas is discussed separately as part of their independent outline applications, but it is considered acceptable in principle in relation to the development as a whole. There are issues regarding internal manoeuvrability at the Alfred Street residential car park, which are discussed in that individual report (Ref: 08/00864/OUT) but again this is an internal issue that can be conditioned for future consideration at the detailed plan production stages.

## **Proposed Highway Improvements**

In order to provide a development of this scale, the existing highway network has been tested to assess whether there is sufficient capacity for new traffic generated. Details of this analysis are discussed in due course. However to improve highway flows around the city, and highway flows to and from the development in particular, a series of network improvements have been proposed. These are as follows:

- A new link road arrangement at the junction of St Leonard's Gate and Bulk Road providing a more direct link between the main gyratory and the Northern Interceptor car park;
- A widening of Caton Road at its southern junction with Bulk Road to accommodate southbound traffic to St Leonard's Gate;

- A new southbound lane to be introduced on Parliament Street to accommodate city centre and southbound through traffic, which currently use Caton Road. This requires a new right-turn provision from Skerton Bridge into Parliament Street;
- A new traffic signalled junction to be provided at Bulk Road and Caton Road (at the northern end of each road) to control the flow of traffic from Kingsway to Bulk Road and Ridge Lane;
- A new bus lane at the junction of Bulk Road and Caton Road to provide buses with a more direct route to the city centre;
- Modifications to the Greyhound Bridge/Parliament Street/Bulk Road junction to accommodate southbound traffic along Parliament Street;
- The narrowing of the Moor Lane carriageway for approximately 40m between Stonewell and Friar Street;
- The introduction of traffic-calming facilities on St Leonard's Gate;
- The prohibition of right-turning on Phoenix Street;
- The closure of the Alfred Street and Edward Street link and the stopping up of Alfred Street (partially), Brewery Lane (partially), Edward Street, Lodge Street and Seymour Street.

In reaching these amendments, the applicant has worked with both the County and City Councils to provide not just a direct route to the Interceptor car park, but a more direct route to the city centre as a whole. The applicant was also asked to consider opportunities to reduce rat-running in and around the development site, and in the nearby Freehold area.

The impact of rat-running was analysed through vehicle registration surveys. This identified significant volumes of rat-running through the site and through the Freehold area at all periods. MVA considered this to be an appropriate methodology in terms of identifying rat-running traffic.

In considering how best to alleviate this problem, the proposals have to strike an appropriate balance between the prevention of rat-running and allowing access for residents of the areas affected.

Two of the highway improvements proposed outside the site provide the greatest benefits in terms of discouraging rat-running. Firstly, the provision of a new right-turn from Skerton Bridge provides car access direct to Parliament Street. This feeds into two lanes and continues to the Parliament Street/Bulk Road/Greyhound Bridge junction, where the two lanes continue along their existing route along North Road into the city.

This new route to the city centre will provide a more direct connection from Morecambe and western parts of Lancaster to the city centre than the current 'Kingsway/Back Caton Road loop'. As a consequence, this should alleviate the west-east rat-run, where drivers often divert on Bulk Road, Ridge Lane and through Freehold.

As an aside this new route will also be of benefit to existing shops and services within the existing city centre. This is because the new route along Parliament Street does not provide any connection to the Proposed Interceptor Car Park at the development site. It feeds into the existing gyratory. Cars may still take a circuitous route through town and along St

Leonard's Gate, but traffic calming measures here and also the provision of a new 'no-right turn' on Phoenix Street means that smaller rat-runs to access the new car park are either no longer accessible or not favourable.

As part of this amended route the bus lane along Parliament Street is retained. A small area of land take on Parliament Street (Council-owned land) is required to deliver the necessary road space. This is on designated Urban Greenspace land, but as the plans indicate the area in question is minimal and does not affect facilities such as the skate park or cycleway. A small area of trees would still have to be removed however and the applicant would be required to commit to replanting in this locality, at a ratio to be agreed with the Authority's Tree Protection Officer.

The second highway improvement that would contribute to a potential reduction in rat-running follows a similar route, but is aimed at providing direct city centre vehicular access for cars coming from Junction 34 of the M6. The Kingsway junction would be amended to allow one lane of traffic to pass in front of Kingsway, heading towards the Skerton Bridge junction. At Skerton Bridge/Parliament Street the lane then splits into two, as referred to in the preceding paragraphs.

The car driver therefore would have three available choices at Kingsway, instead of the two that exist now. They can either take the route off along Bulk Road towards Freehold, where a new signalised junction is proposed which will slightly delay traffic (and rat-running) to the residential areas. Or they can take the route along (Back) Caton Road, which will feed towards the new junction at Bulk Road/St Leonard's Gate and will also provide lanes for Morecambe-bound traffic using Greyhound Bridge as per the current scenario and provide access to the new Interceptor car park serving the development. But alternatively, the new third option will separate city centre-bound traffic along the direct route in front of Kingsway towards Parliament Street.

A new short stretch of bus lane is provided north of the Kingsway junction, which will ultimately have the potential to feed into any proposed reallocation of road space along Caton Road towards the M6, as part of the County Council's proposed Park and Ride facility.

Of course the major change to the highway network within the site is the partial closure of Alfred Street and Edward Street to facilitate the development, thus preventing rat-running through the site. A slight remodelling of the Alfred Street junction with St Leonard's Gate will be necessary, and will enable a new access to be taken off to the right to the new residential development. Alfred Street will still be a considerable stretch of road as it continues to serve the existing dwellings and the new dwellings on the car park elevation, and it becomes a cul-de-sac/vehicle turning area alongside the new canalside park.

Consideration has to be given to the traffic displaced through the closure of Edward Street and Alfred Street. There is a concern that drivers will instead use Freehold, and predominantly Ullswater Road, as a rat-run instead of the Alfred Street-Edward Street link. The aforementioned changes at Kingsway make this a less attractive option from Junction 34, because of the new traffic signal and the reallocation of road space to provide a direct route along Parliament Street to the city centre. The new right-turn at Skerton Bridge means that traffic is diverted before it reaches Freehold. So it appears that any rat-running would occur from the city out towards Junction 34 and Morecambe, through Freehold.

The new one-way system for part of Bulk Road also prevents traffic using this road for northbound exits from the city. Instead cars will have to join the gyratory at Caton Road/Parliament Street.

Delays do occur through this area currently. Occasionally traffic becomes congested as far back as Ridge Hill from vehicles that have used Freehold as a rat run. There are no proposals to re-designate areas of Freehold as one-way streets to prevent their use. Given the grid network around the Ullswater Road area, such a system could prove even more detrimental to existing residents and may see an increase in vehicle speeds in the area.

Longer term the M6 Link (not included in the TA) will provide an alternative route across the river, and this may alleviate some pressures on the Parliament Street/Greyhound Bridge area, and consequently some parts of Freehold. But it is clear that the Centros proposals won't entirely solve the problem of rat-running, although the allocation of new road space towards Kingsway and Parliament Street and the introduction of better cycling connections (discussed in the following paragraphs) are worthy improvements to the network.

As a result of the changes Edward Street becomes largely pedestrianised, with some vehicular access to serve the new Moor Lane residences. Further details of this arrangement are discussed on the separate outline application (Ref 08/00865/OUT).

The other key junction changes previously referred to occur around the periphery of the site. The junction of Bulk Road and Factory Hill is reduced in width and made one-way (southbound), to prevent traffic from using Bulk Road as an exit towards the M6 and also prevent rat-running towards Freehold, where vehicles may try to use the residential areas to access the southern part of the city. There are also two separate (single) lanes from this junction, one towards the development site and St Leonard's Gate, the other directing traffic back round towards Morecambe or the city centre gyratory, or towards the M6.

The Bulk Road/St Leonard's Gate junction allows the two lanes to curve around towards Greyhound Bridge as per the existing situation. But the reopening and realignment of the left-turn link towards St Leonard's Gate and Alfred Street would provide direct access to the Interceptor Car Park from Back Caton Road. There will be one lane into the multi-storey car park. On exiting the car park, left turns down St Leonard's Gate will be prohibited and so traffic will be directed back onto the main gyratory as soon as possible via either Parliament Street, North road or Greyhound Bridge. The single exit lane splits into two lanes at the top of St Leonard's Gate, so that traffic is ready to feed into the existing two lanes at the Bulk Road/Parliament Street junction.

Finally, Stonewell and Moor Lane is remodelled by extending the footway into Moor Lane, thus slowing down vehicular traffic and extending opportunities for external tables and chairs and improved public realm at this visually important corner.

So to conclude, the proposed changes to sections of Kingsway, Parliament Street, Bulk Road, St. Leonard's Gate, and Alfred Street are considered necessary to provide improved route choices whilst aiming to deter rat-running as far as possible. They are not considered to be detrimental to the network, and indeed the physical separation of City Centre traffic from Morecambe and Canal Corridor traffic should benefit the gyratory system.

The investment in highway-related infrastructure also extends to pedestrian and cycle provision. Aside from the pedestrian bridge link connecting the Canal Corridor to the city centre, there is the aforementioned new Toucan crossing across Stonewell which can accommodate cyclists and pedestrians. New or enhanced pedestrian crossings will be provided at Kingsway, at Parliament Street/Skerton Bridge, at Parliament Street/Greyhound Bridge and at St Leonard's Gate. A new Toucan crossing will be provided at the St Leonard's Gate/Caton Road junction.

Linkage between the development site and the Canal has already been discussed but this creates direct cycling access to the Strategic Cycle Network.

The traffic calming on St Leonard's Gate includes a raised 'table ramp' with a new pedestrian refuge outside St Leonard's Place. A 'build-out' is proposed directly outside the Grand Theatre, and will include a cycle lane facility. This build-out reduces this stretch to one lane, with vehicles from the north-east having to give way to vehicles from the south-west. This again is a rat-running deterrent.

Another raised table-ramp is proposed at the junction of St Leonard's Gate with Stonewell. This will ensure traffic is slowed at this vehicular entrance and will make St Leonard's Gate more pedestrian friendly. This highway will also become a 20mph zone.

As well as these physical alterations to the network, a series of other measures have been discussed between the County Council and the applicant. Agreement has been reached on the updating of the SCOOT (Split Cycle Offset Optimisation Technique - an intelligent traffic signal management tool) system around Lancaster, whilst the provision of three Variable Message Signs have been agreed, at locations yet to be finalised. The signs will provide car park information to drivers as they enter the city.

Prior to the committee deadline for this report, the applicant had agreed to provide funding for the provision of CCTV cameras monitoring traffic movement and detecting any incidents around the gyratory system, at the request of County Highways.

All of the physical alterations and additions to the road network will be controlled by a Section 278 (s278) Highway Agreement and must be delivered prior to the first opening of the development. County Highways advise that there may be slight amendments to the layouts during construction to satisfy design, safety, public transport and capacity.

For ease of reference, the full list of s278 matters to be imposed is provided at the end of this report, after the list of recommended planning conditions.

The County Council have also recommended that contributions be made to sustainable public transport.

They state that planning obligation measures are critical to ensure that the impacts of additional vehicles on the city centre network are minimised. The network surrounding the development including the city centre gyratory with developments (including those that are committed) at a number of locations will exceed its theoretical capacity. As the local network is based on a number of interconnecting one-way systems the effects of congestion will impact on these links first and then expand to other areas within the town centre gyratory systems during peak periods.

The issue of contributions is discussed separately later in this committee report.

### **Highway Capacity and Traffic Generation**

With regards to traffic generation, it is obvious that the retail element of the proposals will generate the highest volume of traffic.

There has been some debate as to whether the TRICS database (Trip Rate Information Computer System) should be used to forecast trips associated with the development. The County Highways Department advises against using TRICS, because there is a lack of appropriate and comparable sites within the database for city centre and mixed-use retail schemes. MVA also provided a Briefing Note on this issue, which acknowledged that the database does have restrictions in terms of data availability, particularly for city centre development.

Instead of using TRICS, the vehicle generation associated with the retail uses is based upon the city centre's existing traffic generation and existing floor area. This information was supplied to the applicant's highway consultants, Mayer Brown, who subsequently omitted those retail units that have their own parking provision, such as Sainsburys or B&Q. MVA advise that this is a suitable approach and "provides further robustness" to the study.

There is a typing error in the Transport Assessment in relation to the existing centre's floor area. Instead of 79,257 sqm the figure should read 83,330 sqm. MVA advise that this is a typographical error only and, using their own calculations, it has no bearing on the final forecast retail trips.

There are some limitations to this method of forecasting, as objectors have stated. It requires the 'factor data' - which is calculated by dividing the proposed retail floor area by the existing retail floor area (providing a 'factor' of 0.53 in this case) - to be applied to the existing short-stay parking spaces in Lancaster. This in turn provides a forecast of generated retail trips, but assumes that all short-stay parking is solely used for city centre retail uses. As MVA correctly advise, in reality some short stay parking spaces will be used for other purposes. In addition, whilst long-stay parking is primarily used by commuters, it is likely that some of these spaces will also be used by those on a shorter basis. However there is no available data to reliably calculate the differential between the two. MVA have advised that it is appropriate to use the short-stay parking data and omit the long-stay parking.

The calculations are also based on the robust assumption that no linked trips will occur and that all generated trips will be completely new. MVA agree that this assumption is a **highly unrealistic worst-case scenario**, and that it therefore allows for a robust assessment.

The figures for vehicular movements for retail trips indicate 102 vehicle movements in the morning weekday peak of 0800-0900 (85 vehicles arriving and 17 departing), 377 movements in the afternoon/evening weekday peak of 1615-1715 (152 arriving and 225 departing), and 650 movements during the Saturday peak of 1145-1245 (337 arriving and 313 departing).

To afford the calculations a further test, the forecast retail trip generation figures have been compared to existing trip levels at a comparable site, namely 'The Lanes' development in Carlisle City Centre. This has a broadly similar retail floorspace and both sites share the same anchor department store, Debenhams. It is not a like-for-like comparison due to the fact that data from Carlisle was taken in May 2006 whilst Lancaster's data was compiled in February. There is also a disparity in the applicant's car parking space data; the report states that The Lanes has a 650-space capacity but the appendices say this is 600. Further investigation shows that 600 is the correct figure. MVA advise that this is "likely to make no significant difference" (to the issue of capacity "as data from The Lanes is used for comparative purposes only").

The comparison also considers the charging regime adopted at The Lanes, which ranges from 80p for a single hour upto £7 for a whole day. Car park charges have not been finalised for the Canal Corridor scheme, but it is clear that cheaper parking would increase parking demand in comparison. However, a price of £7 per day at The Lanes is relatively cheap and is an acknowledgement that all-day parking is not discouraged. This is likely to mean that peak hour trips (i.e. associated with commuters) at The Lanes would be greater than at Lancaster, and would provide further confidence in the Transport Assessment figures.

Using the data during the morning weekday peak, evening weekday peak and Saturday peak, the forecast trip generation at Lancaster is higher than The Lanes, as can be demonstrated via the data in the following table:

Site	Total AM Peak Trips	Total PM Peak Trips	Saturday Lunchtime Peak Trips
The Lanes, Carlisle	42	288	544
Canal Corridor North, Lancaster	108	342	684
% Difference	157%	19%	26%

MVA consider this to be a useful sensitivity test and one that “provides added confidence that the forecast trips to Lancaster, generated using a somewhat untested methodology, are very likely to overestimate future demand and thus represent a worst-case scenario”.

Forecasts also have to be provided and assessed in relation to the non-retail uses. Whilst these uses are comparatively quite low, full consideration of the volume of likely trip generation is imperative.

The TRICS database has been used for the residential, restaurant and office element. MVA confirm that this is the usual method of forecasts to such uses.

Out of these, the residential units will be the highest traffic generator. It estimated total vehicle trips of 47 in the weekday morning peak, 35 in the evening weekday peak and 52 in the Saturday peak.

MVA reported that a 50% reduction had been applied for linked trips to the restaurant uses. However for reasons of consistency there is no support for this assumption in the TA, and in line with the remainder of the assessment MVA have calculated the figures without the application of the 50% reduction. Therefore figures in the morning peak, evening peak and Saturday peaks were none, 36 (72 without the 50% reduction), and 36 (72) respectively.

In respect of office uses, TRICS calculates 7 trips in the morning peak, 7 in the evening peak and none on Saturdays. This is a satisfactory forecast.

In total therefore, trip generation from the Assessment is forecast at the following levels:

Type of Traffic	AM Peak	AM Peak	PM Peak	PM Peak	Sat Peak	Sat Peak
	Arr	Dep	Arr	Dep	Arr	Dep
Retail Traffic	90	18	95	247	355	329
Residential Traffic	12	35	23	12	26	26
Restaurant Traffic	0	0	21 (42)*	15 (30)*	25 (50)*	11 (22)*
Office Traffic	5	2	2	5	0	0
<b>DEVELOPMENT TOTAL</b>	<b>106</b>	<b>54</b>	<b>140 (161)*</b>	<b>279 (294)*</b>	<b>407 (457)*</b>	<b>366 (377)*</b>

*\*The figures in brackets indicate the figure without the 50% linked trips reduction for restaurant uses.*



Although the removal of existing site traffic has not been included in the Transport Assessment (allowing for a more robust assessment), it is appropriate to consider the level of traffic generated by the existing uses within the site. This was calculated by examining the level of traffic entering and exiting the Site and removing traffic associated with the long-stay car parks, rat-running and the residential development on Alfred Street and DeVitre Street. The following table shows how the existing Site traffic attraction has been calculated.

Period	Vehicles		Rat-Runs		Car Parks		Residential		Net Site	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
<b>AM Peak</b>	561	496	- 436	- 436	- 141	- 8	- 21	- 19	- 37	- 33
<b>PM Peak</b>	333	486	- 289	-289	- 7	- 77	- 20	- 19	17	101
<b>Saturday Peak</b>	419	384	-299	-299	- 68	- 47	- 22	- 17	30	21

Taking the applicant's data into account, the current site generates upto 118 vehicle movements during afternoon peak periods. However there are anomalies with their recording data, as there cannot possibly be a negative, existing traffic attraction figure for AM Peak vehicle movements for the (net) site. As previously stated these figures do not form any part of the formal TA, and are only provided as an indicator of levels of traffic generated by on-site uses, whilst the levels of traffic in the two left-hand columns illustrate peak time traffic through the site (irrespective of destination).

MVA's conclusions in response to this traffic data are that the methodology is, for the most part, robust and appropriate for the purposes of a Transport Assessment. It could be more robust by removing the existing trips associated with existing land uses at the site, and also allowing for linked trips (the likelihood being that not all vehicle trips to the new retail development will be entirely new).

In respect of trip distribution, further explanation on the methodology used to distribute retail trips is required. The applicants have been advised of this and a verbal update will be provided for Members.

Taking MVA's generally positive review of the Transport Assessment into account, the observations of the County Highways Department are of course relevant in their role as providers of a safe and reliable highway network. Their comments regarding trip generation and congestion are especially revealing.

County Highways state that there will be additional vehicle movements and congestion as a result of "the Canal Corridor development and committed developments (i.e. those proposals already approved but potentially not yet implemented, such as Luneside West, Luneside East, Lancaster Moor Hospital, Nightingale Hall Farm and the Lune Industrial Estate). This congestion will occur at a number of locations in the city centre and the surrounding area and will significantly increase queuing back onto other junctions. Overall network queuing and journey times will increase and journey reliability will decrease during peak hours.

However County Highways categorically state that "the primary source of the additional congestion is from the committed development and not the (proposed) Canal Corridor".

County also advise that the network modelling undertaken indicates that the proposed highway improvements do provide a reasonable level of additional capacity in the area

around the development and offers a level of journey reliability for all transport modes (including public transport, cyclists and pedestrians).

They continue by saying that if all of their proposed measures are implemented then the overall congestion growth should be minimised and should not be at a level which compromises network safety. It is, in their view, critical that sufficient planning obligation measures are provided to minimise impact on the gyratory and prevent local network gridlock.

There are a number of measures proposed by the applicants that will improve network capacity, most particularly the highway improvements already listed in this report. These will provide “additional local capacity around the development”, provide “network efficiencies” and will influence route choice in the northern sector of the city centre. Of particular value would be the updating of the traffic signal management system and the provision of Variable Message Signs to provide real time car parking information to drivers.

County Highways comment that at some locations within and external to the city centre, the expected queuing will be higher than modelled because of local network constraints that cannot be accurately modelled and slight weaknesses within the system. Should the application be approved, then during the detailed design that will be undertaken by the County Council, the junction operation, design and modelling may be slightly amended to provide improved benefits to network users.

### **Travel Planning**

The previous sections of this report have briefly referred to the issue of Travel Plans, not least in reference to the need for staff travel planning. The applicant has reaffirmed their commitment to producing a Travel Plan for the site. The County Planning Obligations Officer has confirmed that the Travel Plan should be secured through a Section 106 Agreement.

MVA advised that specific detail needs to be provided as to the content of the Travel Plan. To assist the applicant further, County Highways have provided a summary of details that must be included in the Plan, including Network Background, Baseline Data, Plan Objectives, Travel Audit of Existing Infrastructure, Targets, Actions, Monitoring, Promotion of the Travel Plan, and the Naming of Managerial Support including a Named Travel Plan Co-Ordinator. County also advise that the plan should include all of the Travel Plan measures to be implemented for staff, customers and residents (and not be separated out). Finally, they advise that the plan should be adhered to and kept up-to-date for an agreed period after first opening.

In turn the applicant reiterates their commitment to a Travel Plan within the TA. They have identified more specific measures which will be included:

Negotiation with public transport operators to provide discounted travel for employees and visitors;

- Season ticket and cycle purchase loans for employees;
- Secure cycle parking and staff showering/changing facilities;
- No on-site staff car parking (with the exception of that proposed as replacement facilities for The Grand Theatre);
- The development’s website to carry public transport information and links to public transport operator’s websites;

- Displays of public transport website information within the development boundaries;
- Provision of a car sharing scheme;
- Flexible car parking charges to encourage trips outside peak periods.

This is an encouraging start but this is by no means an exhaustive list. Full discussion with the County's Travel Plans Officer and representatives of the Cycling Demonstration Town Team will be necessary to secure the most effective Travel plan for the site.

### **Highway Construction and Alteration Programme**

The demolition of the existing buildings, the construction of new structures and the associated highway works will inevitably cause temporary local problems. A programme and methodology for construction, including issues relating to the temporary closure of local streets and the delivery of materials to the site would be imposed as a planning condition.

Construction impacts are discussed further under the forthcoming environmental paragraphs of this report.

### **Environmental Statement - Assessment**

At the developer's request, Lancaster City Council provided a Scoping Report to inform the content of their Environmental Statement, which accompanies the outline application.

In terms of sustainability, the applicant is of course aware of the need to accord with the principles of sustainable development. As this is an outline application with the means of access being the only matter applied for, there are no precise details of matters such as renewable technologies, although there is cross-reference to such measures within the suite of documents. The local planning authority, for its part, would expect the developer to contribute towards on-site energy generation and in the absence of a target figure within the Regional Spatial Strategy (at the time of compiling this report) it intends to impose a condition requiring 10% of all future energy requirements to be generated by on-site resources. It is noted that CAGE refer to heat recovery as one method that could be adopted. As part of any planning condition, these details should be agreed via the submission of a Sustainability Statement at the Reserved Matters stage.

To enable the local planning authority to assess the environmental impacts associated with the development, the outline application must contain an appropriate level of detail. The parameters-based approach adopted by the applicant offers this level of detail. In addition a series of Environmental Impact Assessment (EIA) parameter plans have been produced which consider the parameters for the entire suite of planning applications, not just the main outline application. Therefore when impacts arising from the development have been identified, those impacts relate to the development in its entirety.

In making their assessment of the potential impacts, the applicant's environmental consultant considers matters such as the magnitude and duration of the impact, the number of receptor locations affected by the impact, and the nature of the impact (i.e. whether the impact is direct, indirect, reversible or non-reversible). The Environmental Statement (ES) then expresses these impacts as either 'adverse', 'negligible' or 'beneficial'. In the event of adverse or beneficial impacts being identified, these are then assessed further in terms of whether the impacts are minor (short term or highly localised impact of no significant consequence), moderate (limited impact which may be considered significant) or substantial

(considerable impact of more than local significance or in breach of the recognised legislation/policies).

In each case the applicant then proceeds to describe the mitigation measures that would be adopted to further limit the impact identified.

In terms of the receptor locations, 'sensitive receptors' were identified by the applicant following site visits and consultation with statutory bodies. They include residential properties, retailers and other organisations in and around the site. Other sensitive areas, such as designated Listed Buildings and Conservation Areas and ecological areas of importance are also assessed.

Under the EIA Regulations, the ES has to provide an outline of the main alternatives for development of the site, as studied by the applicant, and an indication of the reasons for pursuing the selected choice, taking into account all environmental effects.

The ES contains five alternative options. The first is the "No Development" option, whereby the site remains in its present state. The applicant concludes that this would be a missed opportunity for a mixed-use regeneration of this under-utilised site, which would fail to achieve regional and local planning objectives such as enhancing the city's retail, cultural and leisure offer and fail to deliver "rationalisation of car parks" and prevention of rat-running through the site. Additionally linkage to the Lancaster Canal and the improvements proposed for the Listed Buildings such as those on St Leonard's Gate would not be provided. The premise of the applicant's case remains that the benefits of redeveloping the site outweigh any adverse impacts that may arise.

Option 2 considered an at-grade link between the city centre and Stonewell, without the inclusion of a pedestrian bridge. This was discounted primarily because of the absence of a "seamless link" between the two sites in the form of the pedestrian bridge. Its absence would, according to White Young Green, have a detrimental impact upon the vitality and viability of the existing city centre. Impacts concerning mobility access, increased pedestrian usage (and the consequences for traffic flow) and the presence of a link within local planning policy are also reasons for dismissing this option. Finally, the at-grade crossing would still require some demolition of properties in Stonewell to facilitate direct access to the development site.

Option 3 analysed the possibility of retaining the Brewery and Malting buildings in the centre of the site. The applicant comments that "the topography of the site and proposed changes in level to restore the link to the city centre are not conducive to the inclusion of the Brewery buildings within the development". The buildings, whilst interesting, are not Listed Buildings nor are they designated Key Townscape Features.

Option 4 assessed the possibility of taller buildings and smaller open spaces around the site. Taller structures were discounted due to the presence of the many heritage assets within or close to the site.

Option 5 explored alternative land uses, including a hotel and retention of some of the industrial units. The incompatibility of industrial uses with retail and residential uses and the possible development of other hotels within the city ensured that this option was not pursued.

Therefore, the proposal now before Members was the developer's preferred option.

The issue of air quality is linked to the transportation issues considered in the previous section, and it is appropriate to consider this issue at the start of these environmental considerations. Given the scale of this application, Lancaster City Council appointed independent consultants to review the Air Quality. Air Quality Consultants Ltd were

subsequently appointed, and their assessment has informed the Environmental Health Services' response to the planning application.

The national, regional and local plan policies in relation to environmental matters are listed in the 'Planning Policy' paragraphs of this report. They are not repeated in full in the following paragraphs.

### **Environment - Air Quality**

The applicant has made an assessment of the likely air quality using baseline data obtained from the City Council, and has assessed air quality during construction of the development and post-completion. In particular it considers the traffic emission changes (nitrogen dioxide and particulate matter) that would occur as a result of the remodelled highway network.

The Environment Act 1995 provides a legislative framework for Local Air Quality Management, within which local authorities have the power to declare an Air Quality Management Area (AQMA). In doing so authorities then prepare an Air Quality Action Plan in an attempt to improve the quality of air within the designated locality.

Local air quality is considered to be a material consideration with regard to the application. PPS 23 – 'Planning and Pollution Control' – is relevant and Annex 1 of that document provides the following advice:

1G.1 *"...The impact on ambient air quality is likely to be particularly important:*

- *Where the development is proposed inside, or adjacent to, an Air Quality Management Area (AQMA) designated under Part IV of the Environment Act 1995;*
- *Where the development could in itself result in the designation of an AQMA; and,*
- *Where to grant planning permission would conflict with, or render unworkable, elements of a Local Authority's Air Quality Action Plan.*

1G.2 *It is not the case that all planning applications for developments inside or adjacent to AQMAs should be refused if the developments would result in a deterioration of local air quality. Such an approach could sterilise development, particularly where authorities have designated their entire areas as AQMAs. Local Planning Authorities, transport authorities and pollution control authorities should work together to ensure development has a beneficial impact on the environment, for example by exploring the possibility of securing mitigation measures that would allow the proposal to proceed. Road transport is recognised as a significant contributor to poor local air quality, particularly in urban areas. Local Planning Authorities can play a key role by ensuring that developments reduce the need to travel and encouraging more sustainable travel choices".*

The City Council currently monitors nitrogen dioxide at a number of locations around the gyratory using diffusion tubes and, in one location on Water Street (Sainsburys' service road), using a continuous analyser. In March 2004, the City Council declared an AQMA for Lancaster, which included the city centre gyratory network. This was largely due to the nitrogen dioxide levels exceeding their annual mean objective figure. These exceedences increased when a further assessment of air quality was undertaken in late-2006, and figures at most monitoring stations remained above the annual mean objective in 2007.

In respect of the outline planning application, the western edge of the development site falls within the AQMA.

The model used to assess air quality has been accepted and verified by Air Quality Consultants Ltd on behalf of the City Council. The applicant's environmental consultant describes the method of assessment as "an advanced atmospheric dispersion model", known as ADMS-Roads. It is consistent with the modelling used by the City Council in 2006 and is well-used in relation to air pollution on highway networks.

The traffic data used to inform the assessment is the same data included in the Transport Assessment. Therefore, this includes the other committed development traffic such as Luneside West and Lancaster Moor Hospital. ADMS-Roads then predicts how emissions from the remodelled network will combine with background pollution levels, and adds meteorological conditions to produce data for assessment.

The approach adopted considers areas where members of the public (at locations close to ground level) may be exposed to pollutants over an average time. These "potentially sensitive locations" therefore mainly relate to residential properties or other public locations.

As part of this assessment, the Environmental Statement lists 39 'Receptor Locations' which were selected in relation to their proximity to the road network and the AQMA. These locations include existing properties (such as Alfred Street and Bulk Road) and potential properties (such as the residential units under construction at Kingsway and within the development site). The assessment considers the annual mean of both nitrogen dioxide and particulate matter using the baseline in 2006, the scenario in 2012 without the development, and the scenario in 2012 with the development.

In all cases, the figures for 2012 (both with and without the development) are lower than the baseline figures for 2006.

All of the existing locations subject to assessment indicated that the annual mean and daily averages for particulate matter would be within the established objectives in 2012, with or without the development.

The same is not said for nitrogen dioxide, where nine of the receptors showed annual mean exceedences in 2006. This does however fall to just four locations in 2012, and these four remain above the objective figure irrespective of whether the development is constructed or not. The locations in question are:

- 1-3 Cable Street;
- 28 Thurnham Street;
- 16 Owen Road;
- 11 Cable Street.

However there are also receptor locations where pollutant concentrations are reduced as a result of the development. These are:

- 13 Alfred Street;
- The proposed residential units on Caton Road;
- Mill Hall, Moor Lane;

- 95 Bulk Road;
- The new residential flats at Kingsway;

Of those properties that do not currently exist (such as the proposed housing within the site), all concentrations of both pollutants was predicted at levels below the mean objectives.

At 20 of the locations, the effects of annual mean nitrogen dioxide concentrations is predicted to be “minor adverse”, with “minor beneficial” impacts at one location, “moderate beneficial” impacts at two locations and “negligible” impacts at the remaining receptors.

The Environmental Health Service accepts the findings. They recognise that the introduction of the new businesses and residences within this part of Central Lancaster will generate additional traffic, and that whilst the pollution concentrations will be less in 2012 than they were in 2006, the concentrations will generally be greater in 2012 when compared to the ‘no development’ option. But they acknowledge that land-use policies contained in the Lancaster District Local Plan encourage redevelopment of the site for such purposes, and take account of national advice to avoid sterilisation of developable sites. Where adverse impacts have been identified, the degree of impact as reported above is either negligible or minor, and this accords with national planning guidance.

The Assessment concludes by stating that none of the receptor locations are predicted to result in new exceedences of the air quality objectives, or an extension of the existing AQMA for annual mean nitrogen dioxide (despite concerns from objectors that the AQMA designation would have to be extended to include St Leonard’s Gate). The Environmental Health Service accepts this and therefore do not oppose the development, and request that appropriate highway and public transport improvements are adopted as part of any grant of planning permission.

During the demolition and construction phases, there is obviously a significant potential for dust, emissions from construction plant, and emissions from construction traffic. Particulate matter is largely derived from vehicle engines and ground disturbance.

The applicant states that dust from construction activities within urban locations “does not arise at distances beyond approximately 200m from the works (in the absence of mitigation)” and that the “...majority of any deposition that could rise to significant soiling tends to occur within 50m-100m”.

The most sensitive locations within and surrounding the site are the residential properties on Alfred Street, the student residences at Mill Hall, and the properties further to the east at Bath Mill, especially given the prevailing wind direction across the city from the west. The applicant concludes that without mitigation measures, the works would have a “moderate adverse impact” on these properties.

As well as the impacts of dust during construction, the applicant envisages that average construction traffic movements would be 60 per day, but during peak construction period (assessed presently to be Autumn 2009 to Autumn 2010) this figure would double due to substantial earthmoving and construction. This of course is measured against a backdrop of reduced traffic movements through the site following the closure of the car parks and the Edward Street-Alfred Street linkage. Therefore in terms of construction traffic alone, the applicant assesses that this would “at worst” be likely to have a “minor adverse” impact during a temporary period.

A range of mitigation measures have been proposed by the applicant, including dust sheeting enclosures, damping down of surfaces in dry weather, use of wheel washing facilities and use

of gas-powered generators rather than diesel. These are standard measures which would alleviate the situation during construction and demolition. However this list is not exhaustive, and to afford the City Council further assurances, a planning condition would require the prior agreement of all measures before development commenced.

The post-completion impacts would relate to traffic movements within and adjacent to the remodelled site, and any plant/ventilation systems contained within the buildings. The latter is assumed by the applicant to have a “negligible” effect on air quality, and they quite rightly indicate that the Building Regulations regime will prevent inappropriate design of these systems. To offer a further safeguard, a planning condition would be imposed on any grant of consent requiring these details to be agreed.

It is also acknowledged that where retail leakage to other centres occurs now, this could be reduced by the offer of greater retailing provision within the district, and so vehicle emissions in the wider locality could be reduced, although new traffic arising from the development would negate this figure. Of greater importance will be the improvements to the cycle network, which would open a direct route from the canal down Moor Lane and also down Alfred Street, as well as linkage through the centre of the development site.

The applicant concludes that the proposal is “consistent with the measures set out in the Draft Air Quality Action Plan”. The local authority and its air quality consultant are satisfied that the Air Quality Assessment submitted is robust and based upon accurate projections, and therefore the conclusions are accepted.

### **Environment – Noise and Vibration**

A similar methodology has been applied to noise and vibration. It is recognised that the demolition programme will give most cause for noise and vibration impacts, particularly in respect to activities such as site piling.

The British Standard (BS 5228:1997) is used to provide guidance in relation to construction noise. Construction vibration guidance is provided in BS 6472:1992 and assesses the impacts upon buildings and the people/equipment within the buildings.

Other sources of noise and vibration will come from traffic. Traffic noise is assessed using the Department of Transport’s 1988 document, ‘Calculation of Road Traffic Noise’, whilst the ‘Noise Insulation Regulations’ 1975 provide certain powers in relation to noise impacts on dwellings. The Department of Transport’s ‘Design Manual for Roads and Bridges’ provides guidance on traffic vibration.

Noise has been monitored at six sensitive receptor locations, which were as follows:

- St Leonard’s Gate;
- St Leonard’s Court;
- Alfred Street;
- Bath Mill Lane;
- Moor Lane;
- St Nicholas Arcade.



These locations were agreed with the Environmental Health Service.

Existing noise levels around the site averaged between 64 and 68 decibels (dB) during the day and 52-66 dB at night. The predominant sources of noises were traffic and pedestrian noise.

Precise development designs would be required to inform the exact locations of excavating equipment. Using the BS guidance, worst case construction noise levels were assessed at different intervals from the site boundary, from a distance of 10m up to a range of 100m.

The results indicate that at a distance in excess of 30m from the boundary, the earthmoving, piling and construction phases are, with one slight exception, within the typical construction daytime noise limit of 75 dB. However the demolition phases will exceed this measurement, and therefore mitigation measures will be required and these are discussed later in the report.

There are few existing buildings adjacent to residential areas such as Sidney Terrace and Alfred Street, but the proximity of the Heron Works to Bath Mill (for example) means that some mitigation will be required in this area.

There was “no perceptible level of vibration” at any of the sensitive receptors.

In assessing the impacts of construction/demolition vibration, the method of piledriving will be a key consideration. This is the reason why a planning condition requiring these details to be agreed has been imposed as part of the recommendation. Trial piling will help establish the methodology to be used, although the applicant has stated that auger piling, which is a technique used to limit noise and vibration, is the preferred method. Vibration still occurs of course with this activity, but it is envisaged that the impacts will be “low”. The report continues by indicating that the “majority of properties...are 15m or more from the areas where the construction of new buildings is likely to require piling”.

But there are of course other ‘sensitive’ buildings within the site, most notably listed structures, which could be as little as 5-10m away from pile-driving activity. But auger pile activity is shown to be considerably less in terms of maximum continuous and maximum intermittent vibration than the thresholds in relation to Listed Buildings.

Traffic noise assessment has also been produced, using the existing situation added to the other committed developments as a baseline, and then adding the impacts from the development.

Traffic reductions are obviously going to occur along Alfred Street and Edward Street where major beneficial impacts will ensue, but traffic increases will occur in locations such as St Leonard's Gate, Moor Lane and, outside the building site, Parliament Street, and these locations are subject to moderate adverse impacts as a consequence of rising traffic noise.

There is an obligation under the Noise Insulation Regulations for the Highway Authority to assess any nearby residential dwellings for noise insulation.

The Assessment also considers noise from the relocated Musician's Co-Operative premises, but this will be subject to specific standard planning conditions. Similarly, details of ventilation from the new units will also be controlled.

Mitigation measures are included in the final paragraph of this section, but will include adherence to the British Standards, restrictions on hours of construction and the selection of quiet plant and machinery.

With regards to the completed development, the scenarios listed above are broadly similar, namely that Alfred Street and Edward Street benefit from the proposal in terms of traffic noise, but St Leonard's Gate and Parliament Street witness more traffic and consequently more noise. The safeguards of the Noise Insulation Regulation Assessment are noted and would resolve any inappropriate, adverse impact to residential property.

### **Environment – Contaminated Land**

The contaminated land elements of the ES provide the legislative framework and details of the methodology selected, which complies with the industry's standard approach.

The objectives for dealing with contaminated land are:

- To identify and remove unacceptable risks to human health and the environment;
- To seek to bring back damaged land into beneficial use;
- To seek to ensure that the cost burdens faced by individuals, companies and society are proportionate, manageable and economically sustainable.

Baseline conditions were assessed using data from the British Geological Survey boreholes. Geotechnical and geo-environmental preliminary investigations have also taken place. A report relating to the Heron Works has also informed the submission.

The Authority's Environmental Health Service is satisfied that the applicant's report is comprehensive. The Preliminary Conceptual Site Model has been developed which will assist in defining and refining further phases of site investigation and any remediation.

Historical contaminants such as arsenic, phenol, lead and mercury have been found, in addition to chemicals currently stored in the Heron Works. Potential receptors across the site (apart from humans) include areas of landscaping, groundwater and surface run-off to the Lancaster Canal.

Post demolition site investigation and risk assessment will be required across the site but particularly in the area of the Heron Works. This is a satisfactory approach and will be reinforced by the imposition of the Authority's standard land contamination assessment conditions.

The ground investigation revealed methane and carbon dioxide that could have a moderate adverse impact on end users. Reinforced concrete floors provide a basic level of protection, but additional, design mitigation measures are capable of resolving the issue of impact.

A Construction Environmental Management Plan will be implemented during the works and subject to a planning condition.

### **Environment – Flooding and Drainage**

The Flood Risk Assessment (FRA) within the ES has been considered by the Environment Agency. They confirm that part of the site lies within Flood Zones 2 (land east of Parliament Street and Kingsway, and North Road) and 3 (Parliament Street and Kingsway), although they acknowledge that only highway works are proposed in those areas. Given this, there is no objection to the proposal. However there is a note to indicate that should the site layout change, and buildings be located within the Flood Zone areas of the development, then it will

be the applicant's responsibility to demonstrate how this will be addressed. Failure to do so would result in a strategic objection at the Reserved Matters stage.

The report does refer to every eventuality; including risk from flooding of the Canal should there be a structural fault. The precautionary approach being adopted by the applicant and the buffer zone of development away from the canal structure indicates that this is highly unlikely, and neither the Environment Agency or United Utilities see this as an issue. British Waterways' Code of Practice would also have to be adhered to.

With regards to drainage, the report states that the existing United Utilities sewerage system is under capacity. United Utilities have no objection to the connection of foul drainage to the sewer. All works to the drainage system would be undertaken in consultation with United Utilities and their Code of Practice.

The applicant suggests that major drainage diversions from the site are unlikely, although localised diversions and new infrastructure will be required. Separate systems for foul and surface waters will be installed on-site and will be of a higher capacity than the existing system, to Environment Agency standards. Oil separators will also be provided to the service yard and the car parking areas on site.

No surface run-off will be permitted to discharge into the Lancaster Canal during or after construction.

Groundwater flooding would be alleviated by the provision of waterproof basements.

### **Environment – Ecology**

The Ecological Assessment has assessed the potential for impacts to ecological features within the Canal Corridor North site and within adjacent habitats upto 2km from the site boundary. The reason for the wide extent of assessment is because the majority of the site is already developed and is not a significant resource for wildlife.

Aside from the national, regional and local policy framework, the applicant has used both the Lancashire Biodiversity Action Plan (BAP) and the UK National BAP as sources of further guidance, particularly with regards to bats - pipistrelle bats especially - and song thrushes. The County Council and the North Lancashire Bat Group were also consulted in terms of establishing the baseline data for the site.

A series of Bat Roost, Emergence & Activity Surveys occurred in August 2006, and were repeated in May 2008. This included roost surveys of the Mitchell's Brewery and the St Anne's Place Joinery Workshops. Dusk emergence and dawn re-entry surveys were conducted on five different dates in May.

An Extended Phase I Habitat Survey was undertaken on 8 August 2006 and again during May 2008. This comprised an assessment of protected species, including any potential bat roosting sites, badger activity, watercourses suitable for water voles and otters, great crested newt habitats and habitats for breeding birds.

The methodology identifies the ecological features, considers their importance, and then considers the extent of the impacts by examining magnitude, duration, reversibility, timing/frequency and cumulative effects.

Additionally the probability of each impact was considered using a set scale:

- Certain or Near Certain – A probability of at least 95% of the impact occurring;

- Probable – Between 50% and 95%;
- Unlikely – Between 5% and 50%;
- Extremely Unlikely – Probability of less than 5%

The nearest statutorily designated site is the River Lune, which is a Site of Special Scientific Interest (SSSI). A non-statutory site, such as the Biological Heritage Site (BHS) designation which applies to the Lancaster Canal, lies immediately adjacent to the east. The canal is species-rich and the applicant states that there are “records of 250 aquatic and semi-aquatic plants in this stretch of water, as well as dragonflies, damselflies, bats and birds”. They also state that the canal vegetation is species-poor however, being disturbed by ducks and swans.

The County Ecologist is more positive about plant and vegetation, and reports that the Canal is the largest and most species-rich water body in the county and supports a rich assemblage of plants characteristic of slow-flowing conditions, including several species in the *Provisional Lancashire Red Data List of Vascular Plants*.

The canal is shallow at this point, being no deeper than 50cm and its earthbanks are faced in timber, which restricts the availability of wildlife when compared to other stretches of the Canal. Trees such as ash, holly, willow and sycamore are present.

Most buildings in the site offer opportunities for bats and birds, but no evidence of nesting was evident during the survey work. Trees within the site (and at Green Ayre Park, within the 2km assessment zone) include sycamore, alder whitebeam, hornbeam and rowan. The trees are considered to be of local value, as is the scrubland alongside the Canal. Small areas of grassland in the site have been assessed to have little value. Additionally surrounding residential gardens will offer local habitat value. The invasive Japanese knotweed is present alongside the public highway to the north west of the site.

In terms of the species outside the site, the assemblage of birds, fish and aquatic invertebrates is not considered to be any greater than local value. The potential for bats is also of local value – bats will use the canal as a bat commuting route and common pipistrelles and daubentons were recorded. Low levels of bat activity were witnessed close to the Duke's and the Brewery and there are two known roosts approximately 0.5km from the site. One bat was seen emerging from the Brewery, whilst bat droppings were found at St Anne's Place, and were likely to be those of brown long-eared bats. However there were no signs of occupation during the survey period. The applicant concludes that this was likely to be a temporary feeding site or roost and is not now active.

There is no record of Great Crested Newts for the site, and using a Habitat Suitability Index the habitat at the site was scored as 'poor'. Similarly, the site does not support a badger population and there is no evidence of water vole or otter activity.

Natural England do state that further information would be required regarding protected species, but then acknowledge that the mitigation measures for bats and birds are sufficient to be controlled via planning condition.

During construction, the Assessment concludes that disturbance at the River Lune due to the highway works is very unlikely. But at the Canal, the closer proximity of the BHS means that there could be temporary disturbance of bat habitats due to construction lighting and disturbance. Some bankside habitat will be likely to be disturbed during construction, but the

baseline assessment already indicates that the towpath here is quite poor and limited for wildlife.

As with any development, there is a low possibility that disturbance to bats could occur, if bats have begun to reoccupy derelict buildings on the site.

Tree and scrubland within the development site (but away from the Canal), will be removed during site clearance, but extensive new landscaping will be prevalent throughout the site, not least by the Canalside Park. Bird nesting will clearly be reduced by site clearance, but again this will be a temporary impact whilst new planting matures.

Following completion of the development, there will be some overshadowing of the Canal caused by new buildings and this would affect vegetation growth, although the applicant contends that the vegetation is degraded and therefore this is of little significance.

However the County Ecologist again takes a different view, commenting that opportunities for biodiversity gains have not been fully explored in this locality, with a view to ensuring that there is no net loss of biodiversity. They comment that permanent shading of the canal by this development will effectively condemn this section of the canal to be species-poor, and will further sever connectivity along the length of the canal.

The applicant has responded to this matter by saying that the existing situation, and indeed the situation post-development, involves a physically constrained area and a narrow grass verge. They comment that “some small patches of marginal vegetation (greater reed mace) have established on the towpath side, but these are sparse and do not and not offer any significant cover for wildlife. Furthermore, due to the high levels of pedestrian use along the section of towpath adjacent to the proposed development, any newly created habitats in this area are not likely to be attractive to wildlife, in particular birds”.

The views of the County Ecologist are at odds with those of Natural England, who are satisfied as to the methodologies and they “broadly concur” with the mitigation proposals. In particular they welcome the habitat creation and native landscaping elements.

That said, the letter from the environmental consultant states that they would not be averse to creating further landscaped areas consisting of native trees, and suggests that these could be planted not just in the Canalside Park (as originally envisaged) but between St Leonard's Gate and Bulk Road (where the highway improvements occur) and at the junction between Skerton Bridge and Parliament Street. The local planning authority is of the opinion that the replacement planting along Parliament Street – to compensate for the trees removed to accommodate the highway alterations – could include these native species.

The scale of the buildings remains a Reserved Matter and the Planning Committee would therefore retain control of the size of any canalside structure, in the event that they were concerned about shadowing.

The applicant has undertaken further work and has provided a separate Mitigation Method Statement for bats. A licence would be required (from Natural England) for the work being proposed.

The only other post-development impacts would be from increased human activity along the Canal, and the impacts of increased lighting through the site. The latter represents a potential permanent adverse impact of local significance. Mitigation measures are discussed in the next section in greater detail, but the applicant has proposed the use of less light-polluting lighting and the use of light screens or shields to direct light more appropriately.

Mitigation during construction includes adherence to the Environment Agency's 'Pollution Prevention Guidelines', to ensure construction does not pollute the Canal. Specific habitat creation will occur in the Canalside Park, using native species and grassland fringe to incorporate wildflowers.

Clearance of bird habitat will be timed to occur outside the nesting season, whilst pre-demolition searches for bats would also be an appropriate precaution.

The current area for wildlife is, given the considerable footprint of the site, comparatively small. Providing that the mitigation impacts are assessed as appropriate and have been adhered to, the impacts upon wildlife interests will be minimal. The impact of lighting upon bat species is perhaps the greatest and the lighting details will require careful consideration at the Reserved Matters stage. The loss of scrubland will be offset in time as the Canalside Park matures, and it is considered that this park will be a beneficial ecological resource with the planting of willow, and alder, as well as hawthorn, blackthorn and holly.

With regards to landscaping, this will be subject to an Arboriculture Implications Assessment (BS 5837) which must be undertaken before demolition or site clearance. It will include a full details of tree constraints, a tree protection during demolition (where applicable), and full details of new planting and aftercare,

### **Environment – Microclimate and Daylight Impacts**

It is noted that due to the outline nature of this application, the full microclimate impacts cannot yet be assessed until the detailed design stages. This will be an important matter at the Reserved Matters stage, should outline permission be granted.

As part of the current microclimate assessment, the applicant has provided an analysis of the impacts of wind flows using a desk-based assessment.

The assessment considers wind speeds at all locations, and uses a measurement known as the 'Lawson Comfort Criteria'. The aim is to ensure that all pedestrian areas, with or without mitigation, comply with this criteria.

The open nature of a considerable part of the existing site means that the site is more exposed to wind than most areas of urban Lancaster. During demolition the site will of course become more open, but will be closed to the public and appropriately hoarded.

The findings indicate that wind speeds would be lower than those tolerable for "leisure walking", with the exception of two areas in Stonewell which are "expected to experience stronger winds, locally tolerable for 'business walking'". In addition areas considered suitable for sitting include the Central Square and the Canal Link. The applicant envisages that mitigation measures such as recessed shopfronts, planting and other landscape enhancements, especially on building corners and within the Canalside Park, will increase shelter in the windier locations.

In addition to this study the applicant has used the parameter plans as a baseline for calculating the daylight, sunlight and overshadowing effects arising from the proposals. In doing so it has had regard to Building Research Establishment (BRE) Report 209 – 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice'. There is caution in using this report as it primarily used for low-density suburban developments. It uses the following methodology:

- The 25-Degree Method – which demonstrates that daylight to existing buildings can be adversely affected if development subtends an angle in excess of 25 degrees to the horizontal, when measured from the centre point of the lowest window;
- The Vertical Sky Component (VSC Method) – which measures the amount of sky visible on the outside plane of the centre of the window and expresses this as a percentage of the amount of total, unobstructed sky viewable following development. 27% VSC is the recommended level at which good levels of daylighting can be achieved;
- The Average Daylight Factor (ADF Method) – which is more commonly used for detailed proposals and has not been used here (although it could be expected to be used during the Reserved Matters phase).

24 different locations, including Alfred Street, Sidney Terrace, Edward Street, Moor Lane and St Leonard's Gate were assessed during the daylight assessment. This amounts to some 557 windows. The properties across the Canal in Bath Mill have not been tested because they automatically pass the 25-Degree test and as a result they will not be adversely affected in terms of daylight or sunlight.

In addition the same properties were also subject to a sunlighting and overshadowing assessment, using a software package to prepare a 3D model of existing buildings and the proposed development, and then add in the sunlight levels (and the extent of shadow) throughout the year. Proposed locations, such as the new residential properties, were also considered.

The survey of existing conditions concluded that 85% of all the locations tested currently receive adequate levels of daylight in accordance with the BRE guidelines of 27% VSC. Some areas of Mill Hall, the Dukes and Grand Theatres and some properties on Moor Lane are those that do not receive adequate daylight. In addition to these areas, Edward Street, Equitable House, and properties on Friar Street do not receive adequate levels of sunlight. This is mainly because the frontages face east-west.

Following development 74% of the points tested achieve VSC values. Out of the total number of windows, 4% of the residential windows would have adverse minor impacts, 0.3% would have moderate adverse impacts and 1% would have substantial adverse impacts. The substantial impacts on residential property are recorded at 3-5 Edward Street and 1 window at Mill Hall.

With regard to sunlight, 72% of properties continue to achieve winter and total sunlight levels that meet BRE criteria. The substantial impacts are recorded predominantly at commercial premises that are effectively landlocked. The west-facing windows at Alfred Street are incapable of receiving approximately half of the available sunlight due to the orientation of the dwellings. This partly explains the figure of 13% compliance with the BRE guidelines.

In terms of the proposed properties, daylight and sunlight will be affected at the Moor Lane residential complex due to the height of surrounding buildings and the topography of the site. Good levels of daylight would be experienced at the new Alfred Street residential site.

In addition to these findings no more than 25% of any amenity area within the development site will be prevented from receiving any sun at all, thereby achieving the highest BRE targets.

In conclusion there are some adverse impacts found on Alfred Street, St Leonard's Gate and Moor Lane, but the general reduction in maximum parameter levels have reduced some of these impacts. The orientation of some of these properties means that daylight and sunlight levels are low in any case. Additionally it must be remembered that the analysis considers the maximum parameters of the development, and there is scope for limiting impact still further.

Mitigation measures for sunlighting and daylighting are discussed in full at the end of the environmental paragraphs of this report.

### **Environment – The List of Mitigation Measures**

In attempting to resolve the issues that have been assessed as causing impacts, the following mitigation measures are proposed by the applicant.

#### ***Development Construction***

- Hoarding of the site and protective gantries over pavements;
- Prior surveying for asbestos;
- Removal of Japanese knotweed;
- Development of a Construction Environmental Management Plan (CEMP) to minimise noise, air quality and pollution;
- Sign up to the 'Considerate Constructors Scheme', including nomination of a Principal Contractor to resolve complaints and advance work notifications;
- Hours of demolition, site Clearance and construction to be conditioned by the local planning authority;
- Provision of a regular development newsletter for the City Council and residents;
- Provision of temporary car parking following agreement of a Temporary Car Parking Strategy;
- Installation of wheel washes at site entrances and exit points;
- A Site Waste Management Plan (SWMP) to be compiled and agreed.

#### ***Socio-Economics***

- The applicant will work with local training providers to maximise the prospects for local employment.

#### ***Townscape, Built Heritage and Archaeology***

- Implementation of the CEMP including protection of Listed Buildings and other retained structures during construction;
- A programme of building recording where necessary in agreement with the LPA;



- An archaeological evaluation prior to construction of the development (following Clearance of the non-retained buildings) with the extent of the investigation to be agreed with the County Archaeologist.
- Arising from the results, archaeological excavation, recording or a watching brief (as considered necessary by the County Archaeologist) will be agreed;

### ***Transport & Access***

- As part of the CEMP a Traffic Management Plan will be produced to manage construction traffic. The Plan shall include designated construction traffic routes, vehicle access points, advance notice of road closures, provision of a permanent gate-man at the entrances and exits, maintenance of all machinery and vehicles and use of low-emission vehicles;
- The highway improvement measures stated shall be implemented;
- A web-based Travel Plan will be implemented, with an on-site information centre and a designated travel plan co-ordinator.

### ***Air Quality***

- Erection of hoardings to reduce dust dispersion and the sheeting of buildings, chutes, skips and vehicles removing wastes;
- Damping down of surfaces in dry weather;
- Appropriate storage of materials;
- Restriction of drop-heights onto lorries;
- Use of deconstruction demolition techniques, where appropriate;
- Use of a wheel wash;
- A 5 mph speed limit on site and routing of site traffic away from residential and commercial uses where possible;
- All equipment to be fitted with dust control measures;
- Use of gas-powered generators rather than diesel where possible;
- No burning allowed on site;
- Road-sweepers to clear debris from highway during construction;
- Travel Plan to contribute to non-vehicular modes of transport.

### ***Noise & Vibration***

- The CEMP will include noise control measures during construction to best practicable means;

- Liaison with Environmental Health Services (EHS) to minimise impacts, including on-site monitoring of noise and vibration, with the scope of monitoring to be agreed with the EHS;
- A full Noise Insulation Regulations Assessment to be undertaken in due course to identify any properties that require noise insulation measures following highway works;
- New residential properties to contain normal thermal double glazing;
- Plant noise levels to comply with British Standard 4142:1997;

### ***Ground Conditions & Contaminated Land***

- Supplementary ground investigations work to be undertaken following demolition;
- If a remediation strategy is required, the strategy will be agreed with the City Council's Contaminated Land Officer;
- As part of the CEMP, works will include protective equipment for construction staff, careful siting of hazardous materials and management of surface water run-off;
- Approval from the Environment Agency (and the EHS) if piling for foundations is required;
- Ground gas will be mitigated during the detailed design of buildings at Reserved Matters;
- Careful selection of pipework materials for buried services in discussion with utility providers;

### ***Drainage and Flood Risk***

- The CEMP will contain details of temporary drainage design during construction works. All water collected will require settlement prior to discharge, and a consent to discharge from all relevant authorities;
- Management of all drainage flow routes in accordance with Environment Agency and United Utilities;
- A Condition Assessment of the existing canal structure prior to construction;
- A Construction Method Statement as part of the CEMP for all works in the vicinity of the Canal. Piling and excavation to be at least 6m from the bank. The Method Statement to be agreed with British Waterways;
- Drainage design and finished floor levels to take account of the guidance of the Environment Agency to provide flood protection;
- Incorporation of Sustainable Urban Drainage Systems where possible;

### ***Ecology***

- The CEMP will seek to minimise risk of pollution;

- Works by the Canal to be undertaken in accordance with the Environment Agency Pollution Prevention Guidelines;
- Compensatory nesting and roosting boxes to provide facilities for bats and birds;
- Pre-demolition searches of buildings for bat -roosting by a qualified bat worker;
- Lighting after dusk to be minimised along the Canal Corridor and the lighting design shall contain measures such as close offset accent lighting where possible, use of sodium lamps, light spillage avoidance, minimal height to lighting columns where possible;
- The landscape design at the Reserved Matters stage will enhance the biodiversity of the canalside and the canalside park, through the planting of native trees;

### ***Wind***

- Design proposals post-construction include new planting to increase site shelter.

### ***Daylighting, Sunlighting and Overlooking***

- Further reduction in the scale of building blocks from maximum parameters;
- Creating larger openings between buildings through greater horizontal deviation;
- Introducing additional cut-backs at the Moor Lane Residential and Mitchell's HQ.

### **Socio-Economic Analysis**

The applicant has provided an assessment of the likely impacts of the development upon the local and regional economy and the impacts upon the societal composition of the area and the wider district. They have used baseline information using Census data, NHS data, Local Education Authority data, floorspace ratios and Labour Force Surveys to inform this part of the application.

The construction phases will witness significant employment opportunities. To estimate the number of construction jobs created, the applicant has used figures for the gross output per employee for the construction sector and has estimated the cost implications associated with the development. This results in 98 (full-time equivalent) jobs being created from construction. Half of these jobs would normally be created on-site, with the remainder being created elsewhere in the construction supply chain.

Post-development employment opportunities have been assessed on standard floorspace per job ratios and include the retail, office, workshop and rehearsal space jobs. These are estimated at between 1,812 and 1,921 jobs in the completed development.

The applicant has discounted the existing floorspace to be replaced and consequently the existing jobs within that area. This amounts to 490 jobs. When deducted from the job creation figures above, this gives a net increase in between 1,322 and 1,431 jobs.

It is a point raised by a number of objectors that job gains could be partially offset by job losses elsewhere within the existing city centre, as employment displacement occurs as a result of the attraction of the development and potential retail relocations occur. This may be

true and the figures provided by the applicant are therefore treated with a little caution. There is no reliable method of assessing how likely this is to occur, or on what scale.

With regards to population, the Census figures for private tenure accommodation and social rented accommodation have been assessed, resulting in an estimated figure of 280 people who would reside within the development's new residential accommodation. That increase in population has also been translated into other socio-economic impacts, using the baseline data as a means of assessment. For example, expenditure as a result of this increase in population could be expected to account for £2.7M per year in terms of household spending. New employee spending (those working within the new development) is estimated at between £1.75M and £1.91M per year. 15 children (7 secondary school and 8 primary school) would, on average, be accommodated within the development, having a negligible impact on school capacity. Current patient list size for local doctor's surgeries is below the national average, and the increase in population would not greatly exacerbate that figure.

Aside from these calculations, a much broader analysis of the impacts of the development is required. It is no coincidence that the local Chamber of Commerce supports the development in principle, despite the concerns listed at the start of this report. They recognise that the viability and vitality of the existing centre can be enhanced by the proposal and that the two centres would not, if linked appropriately, operate as individual centres.

But it is not just the retail offer of the city that could be enhanced. There is the potential for a three-strand approach to reinventing the city and attempting to build on its many assets. The first strand is of private sector investment within this under-used development site to provide additional retailing facilities and enhanced cultural and recreational facilities within a new canalside quarter (a term used by the North West Development Agency in respect of the canalside potential in Lancaster).

The second strand is an improved town centre management function and better marketing of the existing centre, using a planning contribution provided by the applicant as a starting point. This could seek to improve the public realm in this area, particularly the Market Square area for example, and build upon the attraction of the character and appearance of many of its historic buildings. The success of the local markets, perhaps reinvented to improve the aesthetics of some of the market stalls, would help contribute to vitality in this location.

The third strand is the key to unlocking the tourism potential of the city, and involves the longer-term aspiration to positively use Lancaster Castle for tourism-based activities, should the existing uses at the site be relocated. There is also the potential to improve connectivity between the Castle and the Quayside area which could be explored further, and the exciting development of the Storey Institute as the Centre for Creative Industries. The creation of a heritage and tourism zone in this part of Lancaster is an attractive and exciting aspiration. Despite the number of visitors to the Castle Hill area, it is an under-used area with massive potential. The economic and cultural value of the Storey Institute development should not be under-estimated and, if harnessed appropriately, should be the catalyst for a heritage-related strategy for the area. The City Council then envisages this approach filtering down Market Street and Church Street towards the older, established part of Lancaster's retailing and leisure area (for want of a better phrase, the 'Georgian Quarter') before crossing the A6 to the more modern retail and cultural activities within the development site. This enhanced west-east axis across the city must not neglect the other existing retail, employment and leisure areas in the centre, but by using Market Street and Church Street as a spine, it has the potential to exploit its unique position as identified by the North West Development Agency and English Heritage's 'Historic Towns and Cities in England's North West'.

The loss of the city's Georgian character is considered by many to be a threat to its economic potential, and in terms of this application it is the treatment of its roofscape that would be critical, because of the views of the site from the Castle and Williamson Park.

However the Regional Economic Strategy (2006) reinforces the development potential of the city and encourages Lancaster to fully develop its growth opportunities. Action 55 of the Strategy seeks to develop plans to capitalise on private sector investment. What must not occur is the development of the Canal Corridor site in isolation without further exploration and pursuit of the emerging spatial vision for the city.

## **Development Programme and Construction - Practicalities**

It is estimated that the development programme, including demolition, clearance, construction and fit-out of the new units would take approximately 32 months. The precise timetable of course is dependent on the planning process, so the operational date of Autumn 2012 cannot be finalised.

Site demolition would take approximately five months to complete. Standard health and safety regulations will of course be adhered to, including the undertaking of asbestos surveys, the provision of dust and safety shields, and the erection of hoardings. Existing material, including that arising from the break-up of the surface car parks and soils will be reused on site if it is geotechnically and chemically suitable. The applicant has provided a written commitment that "construction materials will be responsibly and locally-sourced as far as practicable", including the procurement of timber from certified, sustainably-managed sources.

It is anticipated that three tower cranes will be required during construction.

With a development of this scale, a series of advance works are required to enable the construction phases. These include the provision of the proposed highway improvements and temporary car parks.

The construction works would see the department store and car park constructed first, followed by (in order) the completion of the larger retail units, the smaller retail and food & drink units, the Alfred Street residential units, the Moor Lane residential units, landscaping and then construction of the footbridge link. Construction is estimated to be completed by March 2012, with the fit out of buildings taking place until July 2012, and the development would open immediately after this date.

The ES states that a Community Liaison Officer would be employed by the Principal Contractor for the works to deal with all enquiries. It will be the Principal Contractor's role to produce a Traffic Management Plan for construction traffic and also their role to develop a Site Waste Management Plan, which will stipulate the procedure for the separation of wastes for re-use, recycling or disposal.

## **Heritage and Townscape Assessment – Background**

Clearly there is considerable intervention in the Canal Corridor North site in terms of townscape impacts.

The Heritage Assessment analyses the value of the city's historic assets and considers the level of intervention that is required in each case to deliver the proposals now before Members. The level of intervention has also been assessed separately by the Authority's Senior Conservation Officer as part of the production of this report.

The national, regional and local plan policies in relation to heritage and townscape assets are listed in the Planning Policy chapter of this report and are of course relevant. They are not repeated in full in the following paragraphs.

As previously stated the main outline submission is accompanied by a series of Listed Building Consent and Conservation Area Consent applications. The precise works in each case are more explicitly referred to in those associated submissions. In respect of the Listed Building applications, they are predominantly for the demolition of adjoining structures and the repair of flank walls. The Conservation Area Consent applications refer to demolition within the Conservation Areas, including the Key Townscape Buildings at the Stonewell 'nose' of the site.

This section considers the physical 'interventions' to heritage assets, and reports the applicant's justification for the works proposed. The objections from heritage bodies and members of the public are discussed in the next paragraphs, before concluding by analysing the merit of the most significant interventions.

### **Heritage & Townscape – The Proposed Interventions in the Historic Fabric**

The applicant's agent has undertaken a substantial amount of pre-application investigation into the historical development of Lancaster. They have provided a series of reports, including the PPG 15 – Planning and the Historic Environment – report, and a separate document entitled 'Existing Building Analysis', which is a photographic assessment of the existing structures on the site. The impacts upon townscape and built heritage, and an assessment of the baseline value of the historic assets also form a significant part of the Environmental Statement.

As the Planning History paragraphs indicate, the roads surrounding the site and the buildings which comprise their frontage have been the subject of considerable redevelopment since the latter part of the 19<sup>th</sup> Century. This work includes the likely rebuilding of some of the structures around St Leonard's Gate and Stonewell.

Wider land clearances have scarred the site as a whole, resulting in an open area which is alien to the historic townscape of the city. As a consequence the setting of a number of Listed Buildings is less than ideal.

The applicant has indicated "ten areas of effect" within the site where development will directly affect either the character and appearance of the Conservation Area, the setting of adjacent Conservation Areas, the special interest/setting of Listed Buildings, or an unlisted building of an acknowledged or designated interest. The assessment includes a statement whereby the impacts are categorised as either adverse or beneficial. Where the proposals are recorded as adverse, the applicant then attempts justification and opportunities for further enhancement.

The PPG 15 Report correctly confirms that the proposals do not directly affect any "nationally significant (heritage) asset", and that the proposed form of development has been driven by the characteristic of the new retail spaces, the considerable level changes across the site and the need to establish a direct connection with the existing city centre via the pedestrian bridge.

A full list of the heritage assets within the site has been provided at the 'Land Use Allocation' paragraphs at the start of this report.

The applicant's 'ten areas of effect' are accepted as an accurate and appropriate identification of the affected areas, and as follows:

- Area 1: The Grand Theatre, St Leonard's Gate
- Area 2: The Tramway Hotel Group, St Leonard's Gate;
- Area 3: 133-139 St Leonard's Gate and Swan Court;
- Area 4: The Stonewell/Moor Lane Corner;
- Area 5: 9-19 Moor Lane and St Anne's Place;
- Area 6: Duke's Theatre and Golden Lion Public House;
- Area 7: Mitchell's Brewery Building and the Heron Chemical Works Building;
- Area 8: Moor Lane Mills North;
- Area 9: 18 St Leonard's Gate;
- Area 10: The setting of the Bath Mill Conservation Area.

## ***Area 1: The Grand Theatre, St Leonard's Gate***

As this report indicates, planning permission and Listed Building Consent has already been secured for the new extension to the theatre. Conservation Area Consent is now being sought for the removal of attached/nearby buildings including the Musician's Co-Operative and the Dance School.

Removal of the attached buildings will benefit the appearance of the Theatre and will allow opportunities for the provision of St Leonard's Place, a new public square.

The applicant assesses the existing buildings of being of little historic interest, although the City Council considers that the Dance School building has greater value than other structures on the site.

Blocks B02, B03, B04 and B05 result in the closing-off of Lodge Street and the enclosure of St Leonard's Place. A link between B04 and B05 provides connectivity between the new space and the retailing areas. None of these buildings exceed three storeys in height, and the Design and Access Statement (DAS) indicates that the existing buildings will inform the final height of the new structures.

The local planning authority concludes that the proposal has some merit in improving the setting of the Listed Buildings and creating a new sense of place along St Leonard's Gate. The loss of the Dance School structure may be regretted but without its demolition the creation of a Square of necessary scale cannot be achieved. In historic impact and townscape terms, the retention of this building is outweighed by the substantial benefits accruing from the proposed works.

## ***Area 2: The Tramway Hotel Group, St Leonard's Gate;***

This area sees the removal of the 19<sup>th</sup> Century additions or 'outriggers' to 127 (The Tramway), 129 and 131 St Leonard's Gate.

Full discussion regarding this group of buildings occurred at an early stage. The local planning authority has expressed concern about their condition and the lack of investment in them. The outriggers have little or no architectural or historic significance and are in a dangerous condition, and their removal is more likely to facilitate a positive re-use of the buildings.

The proposals involve the repair of the flank walls following outrigger demolition. The opportunity to bring these important buildings back into beneficial use is beneficial. However the Senior Conservation Officer has previously expressed concerns relating to the relationship shown between the new unit B01 and the Tramway Group. This is not an issue regarding heights, which are considered to be acceptable here, but an issue regarding proximity of the new development to the group. The horizontal parameters proposed here may not be sufficient to safeguard the setting of the rear elevation. As the forthcoming paragraphs indicate this is not anticipated to be a major problem and a planning condition would be imposed requiring further investigation of this area, particularly after the rear of the site is made safe.

### ***Area 3: 133-139 St Leonard's Gate and Swan Court;***

These properties towards the Stonewell nose of the site have had considerable alteration since their initial construction. However the Lancaster District Local Plan (LDLP) designates them as Key Townscape Features. Because of this designation and the character of the structures, the buildings are recognised as making a positive contribution to the City Conservation Area and its surroundings.

The applicant has submitted justification for their removal based upon the “wider masterplanning objectives and retail viability requirements of the scheme”. Their argument remains that these benefits outweigh the loss of buildings that make a positive contribution. Full details of this justification are contained in the commentary to Area 4 (Stonewell), following this paragraph. The justification extends to Area 3 by virtue of the fact that the buildings here are attached, and the rationale for removal provided by the applicant is the same.

### ***Area 4: The Stonewell/Moor Lane Corner;***

This is the most controversial element of the intervention in the historic fabric. It involves the demolition of the Stonewell/Moor Lane corner, including 1-5 Stonewell, and 3-7 Moor Lane. The buildings at the Stonewell ‘nose’ are Key Townscape Features and as such Policy E37 of the LDLP, referred to in the following paragraphs, is especially relevant.

The oldest building in this block is 2 Stonewell, which is likely to be 18<sup>th</sup> Century. The applicant rightly points out that some modern shopfronts have had a detrimental impact on this corner, although it is recognised that most of these impacts are reversible. The applicant describes 3-7 Moor Lane as having a “cohesive feel through their form, materials and characteristic vernacular style”.

The proposed Blocks B01 and B14 will replace the existing buildings and will frame the pedestrian bridge link. B01 will be 2-storeys and constructed from natural stone, reconstituted stone, glass and steel rainscreen cladding. B14 wraps around the rear of the retained buildings on Moor Lane and will curve around the nose of the site to provide a continuous, and contemporary frontage to both Moor Lane and Central Street.

The pedestrian bridge will link the rear of St Nicholas Arcades to the level of Central Street and will be no greater than 3m in span. It goes without saying that the design of the bridge



must be high quality, and the City Council will retain control regarding this element through the consideration of the Reserved Matters.

Policy E37 of the LDLP is the most relevant and has been quoted by numerous objectors. It states that *"The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally, within any Conservation Area the total or substantial demolition of an unlisted building which makes a positive contribution to the Conservation Area will be permitted where the applicant can demonstrate that (1) rehabilitation is impractical and reasonable attempts have been made to sustain existing uses or find viable new uses for the building, and these have failed; or, redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition"*.

National guidance requires local planning authorities to "pay special attention to the desirability or preserving or enhancing the character or appearance of a Conservation Area" when considering proposed demolition of unlisted buildings.

Additionally where unlisted buildings make a positive contribution to the character or appearance of the Conservation Area, planning applications should be determined broadly following the same criterion that is used to determine applications for the demolition of Listed Buildings. This includes the condition of the building, the cost of repair and maintenance, the adequacy of efforts to retain it and the merits of the alternative proposals for site development, including substantial community benefits.

Demolition should not be agreed without an acceptable scheme of replacement being agreed (and a planning condition would be imposed to ensure this is the case),

The applicant's justification for the level of intervention in Areas 3 and 4 is based upon the viability of the scheme, the need for direct access to the city centre, the provision of community benefits, urban design principles and the subsequent townscape character that would be created.

With regard to retail viability, the applicant believes that there will be a "net benefit to the historic assets of the town arising from the greater commercial activity that will...encourage investment in the historic fabric". They comment that modern units will also remove development pressures experienced within historic buildings in the existing centre.

The proposal incorporates an anchor store in the form of Debenhams. An equivalent floorplate for a store of this scale does not exist within the centre. The strengthening of Lancaster's retail offer, including new modern stores leading to Debenhams, is described as "fitting with the vision and objectives set out (by) the North West Regional Development Agency and English Heritage", which aim to realise Lancaster's tourist potential by developing a "stylish and distinctive retail and leisure activity".

The demolitions are also required because of the need to connect the existing centre to the development site. The applicant points to the figure provided by White Young Green – that without the bridge link connection only 20-30% of visitors would cross into the existing centre, and with the bridge this is likely to rise to between 60-70%.

Stonewell is the only logical location for an elevated connection – it is the most direct route and provides an opportunity for access from St Nicholas Arcade. The bridge is also seen as a modern day equivalent of the historical connection between Stonewell and the rest of the city, a link that was destroyed with the construction of the old St Nicholas retail development.

Alternatives such as an at-grade (A6 level) link would still require some direct connection into the new development by property demolition, and given pedestrian volumes the applicant believes that this could be disruptive to traffic flows. A level access from St Nicholas Arcades is seen as an effective solution in regard to mobility access too.

The PPG 15 Report identifies wider community benefits that would arise as a consequence of development. These include the preservation and enhancement of Listed Buildings within the site, the provision of improved cultural facilities for the Theatres and the Musician's Co-Operative, and extensive highway improvement works across the city centre network including an Interceptor Car Park capable of serving the whole city centre with the pedestrian bridge in place. Further benefits include the provision of public realm and open space enhancements at the canalside and in newly created public squares within the site, integration of the Canal into the city centre, and the provision of new centrally-located housing. The distinctive route connecting the two centres is key to the improved permeability of all these features.

There is also an argument presented by the applicant that the new townscape character, post-bridge construction, would be appropriate. The applicant comments that "the issue of whether or not it is an intrusive feature will depend ultimately on its detailed design in association with the proposed new steps up from Moor Lane". The applicants conclude that given the townscape context, "there is no reason why a well-designed bridge and scheme gateway cannot actually enhance the appearance of an area where the townscape character is already mixed".

Consequently, after reducing and revising the proposals to improve the setting of St Leonard's Gate and Stonewell, the applicant is of the view that the works are necessary to achieve integration taking into account "functionality, commerciality and urban design issues".

One matter not addressed by the applicant is the future of two of the important site features within this location. The Moor Lane corner contains a historic plaque (in recognition of the inventor of railway tickets). There is also a date stone of 1701 to the rear of these properties. This date stone is likely to have been salvaged from previous demolitions in the Swan Yard locality – the original building from 1701 no longer exists. If permission is granted then a condition would be imposed requiring the safe storage and retention (within the scheme) of these features.

#### ***Area 5: 9-19 Moor Lane and St Anne's Place;***

9-19 Moor Lane are to be retained in their present form, with the exception of the removal of the outriggers to the listed 11 Moor Lane. The removal of these later additions will not adversely impact upon the setting of the Listed Building.

1-2 St Anne's Place are the buildings recessed behind the Duke's Theatre. They are not protected by designation but have some local interest in terms of character and appearance, and are known to date back to before 1891, but no later than 1844. The justification for the demolition of these two buildings is as discussed in the previous paragraphs.

#### ***Area 6: Duke's Theatre and Golden Lion Public House;***

The Duke's Theatre has been involved in pre-application discussions with the applicant. The applicant has guaranteed a financial contribution to the Duke's in respect of facilitating improvements to the theatre, details of which are included in the Planning Obligations section of this report.

The building itself remains unaltered but the creation of a new space at St Anne's Place will improve connectivity to the north of the site. The removal of dilapidated structures in and around the rear of this area (beyond St Anne's Place) will improve the setting of the Listed Building, providing that the scale of development and the roofscapes are treated sensitively at the Reserved Matters stage.

The adjacent Golden Lion Pub is a designated Key Townscape Feature and, like the buildings at Stonewell and St Leonard's Gate, it makes a positive contribution to the character of the Conservation Area. The pub will remain and the adjacent narrow highway will be closed up to create a service yard for the pub and Mitchell's offices. The development of the adjacent car park should improve the setting of the pub and, again on the proviso relating to the scale and roof treatment of the new buildings at the rear, the proposals here would be beneficial.

***Area 7: Mitchell's Brewery Building and the Heron Chemical Works Building;***

Neither of these buildings are listed and consequently they are of 'local importance' only. Attempts to list the Mitchell's Brewery and Maltings have failed in the past. The Mitchell's Building is located outside the Conservation Area and as such does not require Conservation Area Consent for demolition. Given their current condition (especially at parts of the Heron Works site), it is considered that their retention cannot be adequately and robustly justified under the planning regime. The re-use of the buildings within the development proposed is not viably feasible nor are physically possible given the level changes that occur as a result of the submission.

The scale of buildings at the east end of the site is an important consideration in terms of its impact upon the listed Mill buildings and the setting of the Conservation Areas. These are discussed further in the next paragraphs.

***Area 8: Moor Lane Mills North;***

Demolition work in this locality involves removal of structures attached to Listed Buildings. These structures are not part of the Mill and providing the works of reinstatement of the flank walls accords with the separate Listed Building conditions imposed, the level of work is appropriate and would not adversely affect the heritage assets at the site.

Conservation Area Consent is sought for the removal of the Heron Works buildings. Whilst there has been some local public interest in retaining these buildings, they are in a poor state of repair and do not benefit from any protective designations. Their replacement will improve the setting of Mill Hall, providing that the lower parameters of the proposed development are not exceeded. The local planning authority does not agree that a developable height midway between the parameters respects Mill Hall, and it concludes that development along those lines would be adverse in this locality. However, at the lower parameter level indicated on the plans, the authority is satisfied that Mill Hall is not adversely affected, and the separate planning application for this area of the site is considered on this basis.

***Area 9: 18 St Leonard's Gate;***

18 St Leonard's Gate is the Crown Inn, outside the main developable area. There is a Listed Building Consent application to remove the attached Spiritualist Church building to facilitate the highway improvements identified under LDLP policy.

The Church is a 20<sup>th</sup> Century structure of no townscape or historic merit. Whilst its demolition and replacement with highway would isolate the Crown Inn, this could be to its benefit as it

would occupy a more prominent location and all elevations would be visible. It would provide an interesting, and rather unusual building for an end-user.

#### ***Area 10: The Setting of the Bath Mill Conservation Area.***

Bath Mill Conservation Area is separated from the development site by the Lancaster Canal. The new development will of course be visible from the Conservation Area, and the wireframe photo images provided by the applicant indicate that views from the Conservation Area will change. The level of change depends upon the final design, and again it must be stressed that the City Council retains control of the final heights of development within the parameters.

The applicant contends that the separation caused by the Canal means that the development will not appear dominant. This will be the case provided that the development is not constructed at its uppermost levels. The gradual reduction in site levels down to Stonewell does reduce the impact upon the Conservation Area.

Blocks B08 and B09 are relatively small in width and will be residential (B08) and residential/leisure/smaller retail (B09). B08 will rise from single storey to 3-storeys, whilst B09 will be single storey with a mezzanine floor.

B06 is the car park and it is largely screened behind the new residential element incorporated within B06 on its eastern elevation. The residential elements will be 3-storey in height, and this is considerably set back from Bath Mill, beyond the new canalside park. Wider views of the city across here, and across the Department Store (B09) will still be available. In fact, the department store will appear as two-storey from the canalside given the change in levels and the disguise offered by B09.

If designed appropriately, with sensitive materials and at a suitable scale within the parameters, with appropriate frontage articulation and roofscape, the canalside could be a very attractive boundary to the Bath Mill Conservation Area. The outlook from the Conservation Area over the site now may be unrestricted in parts, but some of the dereliction and the expanses of open space are at odds with the Conservation Area designation. The impacts upon townscape here have to be carefully managed, but have the potential for benefits.

#### **Heritage & Townscape – Objections**

The proposals have been the subject of debate and productive discussion between the Development Team and English Heritage. In addition groups such as The Victorian Society and Save Britain's Heritage have also made comment. Many public objectors have referred to similar townscape and heritage concerns, and have made comment that demolition of the Key Townscape Features described in the above sections of this report renders the proposal as non-compliant with planning policies.

There are two different levels of opposition.

The strongest objections arise from 'Save Britain's Heritage', whose objection letter considers the proposal to be “clumsy, over-scaled, insensitive and destructive”, and detrimental to views from Conservation Areas and the setting of Listed Buildings. They state that the loss of the Key Townscape Features results in the Listed Buildings losing their context. The bridge is also deemed to “degrade the streetscape” and the new spaces do not respond to the existing spaces in Lancaster.

The Victorian Society have similar comments and object on strong terms, stating that the development would be “incredibly damaging” to a number of historic buildings and

Conservation Areas, and the street pattern of the city. The scale and roofscape of the new structures is also described as potentially damaging.

The Society is “keen for the Brewery complex, former warehouses and Heron Works buildings to be retained” in the interests of individuality. The principle of development across the site is accepted, but the Society would prefer to see more intensive development taking place to the north (i.e. further away from the centre).

Both letters refer to previous retail developments in the 1950's and 1960's which blighted town and city centres.

It is envisaged that the Georgian Group will also make comment on the proposals but that due to agenda production timescales this will be verbally reported.

The Government's advisor on architecture, urban design and public spaces – the Commission for the Built Environment (CABE) also made comment just prior to the committee deadline.

CABE are supportive of the ambition of the scheme and the reconnectedness it would provide, but they believe that further work is required to integrate the development within the city and to resolve the permeability problems caused by St Nicholas Arcades. They remain to be convinced by the pedestrian bridge, and state that a new public space here could be a new focal point.

Other proposals are considered to be sound, such as the principle of placing new blocks behind existing buildings. New spaces such as that proposed at St Anne's Square are welcomed, but CABE believe integration across from here to St Leonard's Gate could be considered. Other suggestions, such as a Shopfront Widths strategy, are proposed whilst renewable energy technologies are encouraged. But the final point is that CABE believe that the Stonewell area should be rethought.

The comments from CABE are, as expected, more conciliatory than those of the preservation societies. However CABE's comments are not dissimilar to those expressed by the Government's historic environment advisor, English Heritage.

There are also significant differences between English Heritage's objections in July 2007 and September 2008. Most of these have been resolved with the introduction of the amendments to the scheme. For clarity, the matters that English Heritage state as now being satisfactorily addressed are as follows:

- The replacement of the fine urban grain with monolithic blocks;
- The rigid grid pattern;
- The heights of buildings;
- Building typologies and roofscapes;
- Lack of after-hours vitality;
- The alignment of Central Street.

English Heritage “acknowledges the effort and commitment of the design team in addressing these (above) matters and they believe that the scheme has benefited considerably as a

result of this". They continue by supporting "the aspirations of the scheme to extend the city as far as the canal with retail-led redevelopment; to reanimate the canalside; to remove the surface level parking which has occupied gap sites in a haphazard manner; and the retention of statutorily protected buildings".

But there is still objection to elements within the scheme. They "regret the loss of historic buildings both within and without the Conservation Area" and are "disappointed that a scheme based upon the adaptive reuse of these buildings rather than demolition has not been forthcoming".

The next sentence is quite critical. It says that "On the basis of the information provided however, we reluctantly accept that it would not be possible to deliver the type of scheme proposed while retaining all of these structures...For the most part we find the justification for demolition put forward in the PPG 15 Assessment and other documentation convincing, and albeit with regret, we concede the loss of many of these buildings". These include the Mitchell's brewery and malthouse and the buildings adjacent to the Canal.

The exceptions to this concession are the Key Townscape Features around the Stonewell 'nose'. Adjoining buildings here are listed and collectively English Heritage they "contribute to the sense of place at the heart of the Conservation Area". English Heritage continue by saying that the proposals will "clearly not preserve the character of the Conservation Area" and that it is the applicant's responsibility to demonstrate that the scheme will enhance it. This is elaborated further in the next section.

They acknowledge the reasons for connectivity between the two sites, but are "strongly opposed" to the bridge link. They describe St Nicholas Arcades as "one of the weakest elements of Lancaster" and the proposals would exacerbate this, rather than improve the inactive frontages at the external elevations of St Nicholas Arcades.

The bridge is also cited for cutting across the front elevation of the listed Centenary Church and across views down Moor Lane, "damaging an important asset of the Conservation Area".

They asked the applicant to consider at-grade crossings, similar to those in Kensington High Street or at Sheffield Railway Station. English Heritage also commissioned an investigation into pedestrian numbers and traffic flow, with the outcome being that increased pedestrian numbers (as a consequence of site redevelopment for the purposes proposed) could be accommodated by the inclusion of modern crossing technology, with "no significant delay to traffic". But this would have to provide sufficient capacity for the increased pedestrians.

To resolve the issue of capacity English Heritage "suggested that the demolition of the unlisted (Key Townscape) buildings at Stonewell could be offset by the creation of a new public space that provides an entrance to the new development and a waiting area for pedestrians crossing at grade, and changes the relation between vehicles and pedestrians".

In the absence of this satisfactory alternative, English Heritage object on the grounds that the "bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings that is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area".

It is fair to say that English Heritage's original position in 2007 was more in accordance with the comments of Save Britain's Heritage and The Victorian Society, and perhaps justifiably so. But the amendments to the scheme have narrowed their objections down to the principle of the bridge link and the design solution at proposed at Stonewell.

### **Heritage & Townscape – Analysis**

The Senior Conservation Officer has contributed to the local planning authority's analysis of the proposals. The following comments are made in respect of the areas *excluding* Stonewell and the bridge link:

A number of Grade II Listed Buildings and non listed buildings will be retained in the proposals, and they will be refurbished and brought into economic use. However there are losses of non listed buildings as a result of the development, although not all of them are within the two Conservation Areas that have boundaries within the development site. Aside from the demolition at the Stonewell nose, the losses are:

- The Heron Chemical works buildings of the C19th and C20th. These are in a poor condition and their retention and re-use would represent a significant challenge;
- The Musicians Co-op in Lodge Street, a C19th warehouse/workshop building. Demolition would enhance the Grand Theatre and help create a new public square in the locality;
- The building currently used as a Dance School that dates from the C19th. This is a more attractive building but is somewhat isolated in terms of position and retention would compromise the delivery of the new public square and the improved setting for the Grand;
- The brewery in Brewery Lane. The brewery includes buildings that date from c1960, c1901, c1880 and a malthouse that dates from before 1778; The Brewery building is in poor condition due to the lack of maintenance since its closure. It would be possible to retain the building and refurbish it and bring it into a new use as some of the consultees and interest groups have stated. But finding a use would require significant remodelling and retail use of these premises may not be financially viable or offer the type of floorspace required. The level changes across the proposed development would also make conversion of the Brewery building in particular quite difficult given the current scheme. An application to have this group of buildings listed was rejected by the Department for Culture, Media and Sport on the basis of advice received from English Heritage, and the loss of the building has been conceded by English Heritage;
- Some isolated C19th terraced houses that are not occupied and are not protected and do not enjoy an appropriate position in relation to existing or proposed uses on the site;
- C19th Workshops and other similar warehouse buildings, which are also in a poor condition. The loss of buildings such as this has been accepted by English Heritage;

The Senior Conservation Officer made specific comment about the demolitions and alterations in 2007, and those comments are recorded in the separate Listed Building and Conservation Area Consent applications that are due to be considered as part of this agenda. Those comments remain valid, although it should be noted that further comment has been made in respect of 07/0602/OUT (The Mitchell's HQ) and 07/00865/OUT (Moor Lane Residential) due to the production of amended plans.

- The increased area of the Central Square area is welcomed. This will act as a key focal point and meeting place from all sides of the sites, and a larger area will be capable of accommodating events and festivals. The reorientation to a north-south

axis also means that the Square will receive more sunlight than the previous Central Square. The local planning authority does not agree with the criticism of the scale of open spaces from Save Britain's Heritage. The supporting documents, in particular the Design and Access Statement clearly indicate that the review of existing public spaces and pedestrianised street widths informed the final design;

- There is general support for the reintroduction of the (pedestrianised) Edward Street along its historic alignment, and this alteration is to the benefit of the scheme;
- The stepped street approach along Central Street is an improvement on the previous submission that should provide more variety in the form of the buildings and shop frontages. This can be further developed at a Reserved Matters stage so that the new development can be better integrated into the historic grain of the city. It will enhance the development and will be different to other new retail development that has occurred in towns and cities. On plan this looks a small change, but its impact in terms of delivering an interesting streetscene will be considerable in reality;
- The enlargement of the public space adjacent to the Grand Theatre is an improvement on the previous application. Not only will it provide a focal point for the Theatre and the Musician's Co-Operative, but it will enhance the setting of the Listed Buildings within that locality. This is one of the most positive aspects of the development, and its linkage along Seymour Street ensures that direct connectivity between the cultural and retail uses will ensue;
- The relationship shown between the new unit B01 and the Listed Buildings on the indicative site layout drawing 127, 129 and 131 St. Leonard's Gate is not acceptable. It is noted that this is covered by the parameters plan which shows a deviation of -3m. This may not be sufficient to avoid an unacceptable relationship between the new development and the rear of the listed buildings. If Members are satisfied with the scope of the parameters plans, then it is recommended that permission is notwithstanding the horizontal parameters at Block B01, which would require further investigation, probably on-site investigation once the dangerous structures have been made safe.
- The treatment to the street frontage at St Leonard's Gate is important given the position of the Listed Buildings, and whilst it may have been preferable to have a full restoration of the street frontage between 113 and 127 St Leonard's Gate, it is acknowledged that the Tramway Service Yard prevents this;
- The parameter levels have been altered as part of the 2008 revised submission, and are now generally set at a lower level that is more appropriate for the scale of the new buildings. The new development must be integrated into the grain of the historic townscape of Lancaster. The outline plan shows a series of large blocks and at the Reserved Matters application stage careful consideration will have to be given to scale and, most importantly, roofscapes. The views across the city, especially from elevated positions to the west are critical and inappropriate roofscape forms could have a detrimental effect on key views. This is one of the reasons why the City Council insisted on the provision of quite so many wireframe photographs/montages, illustrating the lower and upper height of the blocks;
- The open rooftop for the multi-storey car park poses a particular challenge. Open rooftop parking is not without precedence in Lancaster, as seen on the top of the Marketgate complex. The rooftop elements here are rather well screened from immediate and longer-range views, and this has to be the objective when detailed



design is commenced. Wider views of a sea of cars, especially from elevated positions to the east and west will not be tolerated;

- The City Council is united in its belief that a series of monolithic buildings, with historic buildings dotted around the perimeter will not suffice. The design of the new buildings, the breaking up of the frontages and the sensitive use of materials (especially at roof level) will require top-quality design approaches and careful detailing. Its integration with the historic perimeter poses a challenge, but other cities such as Chester and York have successfully enhanced their city centres via new retail-led development. From the many discussions with the project architects, the local planning authority is confident that this can be achieved.
- The palette of materials that have been suggested includes glass, steel, natural stone, reconstituted stone, render and rainscreen cladding. There are some concerns about the extensive use of reconstituted stone and there is little reference made to the reuse of salvaged stonework from the demolitions. However the City Council will retain control over the appearance and form of new buildings via the Reserved Matters application, and inappropriate proposals would be resisted. This extends to the proposed roof treatments, which should include reused and new slate. In addition there is no mention of roofing materials and this should be queried. The prior approval of all materials and the submission of material samples will be conditioned.
- The imposition of a planning condition requiring a phased programme of archaeological evaluation is considered appropriate at this outline stage. The removal of unlisted structures require some level of building recording prior to demolition and conditions will be imposed on the relevant Listed Building applications.. They advise that a Level 2/3 recording would be required.
- The City Council raised the issue of planning contributions, and suggested to the applicant that it may wish to contribute to the restoration of the existing frontages on Moor Lane. Details of the applicant's proposed planning contributions are included later in this report, but they do not include provision for this. This is regrettable but given the investment in terms of restoration of Listed Buildings at risk on St Leonard's Gate (for example), there is no justifiable objection.

By taking all of these matters into account, and making appropriate provision for planning conditions where necessary, the debate regarding heritage intervention therefore rests upon the treatment of Stonewell and the bridge link.

The historic development of the site resulted in a mixture of 18<sup>th</sup> Century and 19<sup>th</sup> Century buildings and these are concentrated in the Stonewell area. Large areas of the site were cleared of mostly 19<sup>th</sup> Century houses in the 1960's/70's.

In the development of the St Nicholas Arcades shopping centre in the 1960's the construction of a car park to the Stonewell/Great John Street frontage created a barrier that isolated the Stonewell area from the main shopping centre, which when combined with the one way gyratory traffic system has resulted in a general economic decline within the site, with vacant shop units, a vacant public house, empty joinery workshops, warehouses and abandoned dwellings. There has been a lack of investment in the maintenance of the buildings and some are in a very poor condition. However the non-listed buildings in Stonewell do have good townscape characteristics and views of them can be seen from various areas in the City Conservation Area.

A significant challenge for the development is how to integrate it to the historic part of the city, and re-establish former connectivity. The option chosen is a new pedestrian bridge link and, due to highway requirements, this has to be at a relatively high level above Stonewell. The bridge, in the opinion of the local planning authority, is a functional necessity providing physical linkage between the existing city centre and the new development. That linkage, again in the view of the local planning authority, cannot be achieved by crossings at grade across a busy highway which is unlikely to see reduced traffic volumes in the future.

Of separate consideration is the impact that the bridge will have on the Conservation Area and the surrounding buildings.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local authorities in exercising planning functions in Conservation Areas. It requires that in exercising functions such as determining planning applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

There have been various cases which have interpreted this requirement over the years. In the seminal case of *South Lakeland v Secretary of State for the Environment* the House of Lords ruled that preserving the character or appearance of a Conservation Area could be achieved not only by a positive contribution to preservation (such as restoring existing buildings), but also by development which left the character or appearance of the conservation area unharmed. This means that new development of an appropriate design and raising no other planning objections could still be found to pass the preserve test.

Following the publication of PPS 1 there has been considerable debate as to how to interpret the Conservation Area test in the light of paragraph 32 of PPS 1, which discusses the spatial planning framework. That has been resolved in a publication entitled 'Design Guidance for Inspectors' published by the Planning Inspectorate in late 2007. In that guidance it is indicated that if the quality of an area is already high, then the policy test of PPS 1 is met if the test under Section 72 is also met. There has however been a regrettable misapprehension that the approach in all cases should be to 'enhance' rather than to merely 'preserve' the character or appearance of the Conservation Area.

English Heritage, in their letter of objection, agree that for the most part the justification for demolition of buildings on the site is convincing and as previously stated, concede the loss of many of the existing buildings with the exception of the buildings grouped around the Stonewell nose. English Heritage's view is that these adjoin buildings which are listed and collectively they contribute to the sense of place at the heart of the conservation area. Accordingly they take the view that the proposals for their removal will clearly not preserve the character of the conservation area, and state that the onus is therefore placed upon the applicant to demonstrate that the scheme will enhance it.

In addressing the enhancement test English Heritage make it clear that it is the bridge link between the development and St Nicholas Arcades which restrains them from agreeing that the scheme enhances the Conservation Area. Without the bridge English Heritage has suggested that the demolition of the unlisted buildings at Stonewell could be off-set by the creation of a new public space. It appears therefore that their stance is that the development would not preserve the character or appearance of the Conservation Area, but if the bridge link were removed it might enhance them.

Given the debate, the local planning authority sought the view of its counsel, and they concluded that their approach is flawed. The question is whether the development overall would preserve the character or appearance of the area and not whether the special character or appearance would change. 'Preserve' is not to be given the meaning of 'leaving

unchanged' – that was precisely the argument that was rejected in the South Lakeland case. The approach of English Heritage appears to be that where there is proposed to be a change in character there cannot be 'preservation' and therefore the obligation is for 'enhancement'. The advice of counsel is that were the Council to adopt this approach, it would be acting beyond its powers under Section 72.

In addressing the enhancement test English Heritage make it clear that it is the bridge link between the development and St Nicholas Arcade which restrains them from agreeing that the scheme enhances the Conservation Area. Without the bridge English Heritage has suggested that the demolition of the unlisted buildings at Stonewell could be off-set by the creation of a new public space. It appears therefore that their stance is that the development would not preserve the character or appearance of the Conservation Area, but if the bridge link were removed it might enhance it.

Taking English Heritage's advice in the context of the South Lakeland decision they concede that the demolition of the Stonewell Buildings and their replacement by the scheme as designed would be acceptable if the design did not include the link bridge. Although English Heritage suggest that the scheme does not preserve the character of the Conservation Area, the concession made about the creation of a new public space means that without the bridge they agree that the scheme would meet the statutory test. Applying the correct approach of the South Lakeland case this can only be an acceptance that the proposed development does preserve the Conservation Area.

It seems clear therefore that it is the bridge which is the only contentious issue, not the principle of the demolition of the buildings on Stonewell.

In deciding whether or not the development in its full form, with the link bridge included, enhances the Conservation Area, the Council has to consider whether the bridge link is just an essential functional feature which links the development with the existing city centre, or whether it is also a valuable and acceptable architectural feature to be added to the Conservation Area.

The Planning Service has asked the developers to provide clear concept design details for the bridge, and have also examined a recent bridge structure constructed in the New Town Conservation Area off Princess Street in Edinburgh. It is clear from the Edinburgh case that the construction of new bridge structures in historic Georgian cities can be accommodated without causing harm to the character and appearance of a Conservation Area.

The concept designs for the bridge link show a simple sleek structure across the carriageway which in your officers view would sit well with the contemporary design of the "nose" of the development. In addition it would act as an exciting feature above, and framing the new public space. It is also noted that the bridge does not dominate the enlarged Moor Lane area created by the proposals. Instead, the bridge position is shown closer to St Leonard's Gate, and the structure is relatively narrow in span, with ample space for enhanced public realm, landscaping and high-quality features within the redeveloped pedestrian areas and the gateway to the site.

The bridge connects to Block B01. Its connection with Block B14 is so far recessed into the site that this building will be viewed as a feature building which stands independent of the bridge. The design options for Block B14 are shown indicatively in perspective drawings, and although the final design option is a Reserved Matter, the approach is encouraging and reflective of a similar modern design in the retail heart of York City Centre which has been lauded by the national heritage groups.

In this regard the local planning authority does not agree with English Heritage. It is our view that the bridge would form an exciting addition and a lively element to the street scene in this location. In this regard the bridge is considered to be an enhancing feature.

Taken as a whole the development brings a street layout and design concept to the city which is capable of blending elements of traditional and contemporary architecture together in an urban design which is equally capable of respecting the architecture and character of the City of Lancaster. The conclusion is that the scheme will both preserve and in some respects enhance the character and appearance of the Conservation Area and that the test required by Section 72 is satisfied. Consequently, the proposal is also deemed to comply with the relevant District Planning Policies.

### **Residential Analysis**

The outline application proposes between 25 and 37 new homes, the precise number, type and tenure of homes to be determined during the reserved matters phase should approval be forthcoming. The location of the housing is in part of Block B06 and B08, close to Alfred Street and fronting the canalside park (15-21 houses). This is identified as a 'Home Zone' environment due to the removal of through-traffic. In locational terms this is considered acceptable subject to housing design and the prior agreement of the palette of floorscape materials along the remodelled Alfred Street. Block B08 provides for between 10-16 units fronting the Canal.

The other residential units - in Blocks B15 and B16 (as indicated on the separate EIA Parameter Plans) are included in separate outline applications and are not included in the figures above. However, for the purposes of completeness of this report, the site as a whole is expected to accommodate upto 179 units of accommodation, ranging from one-bedroom units to family-sized housing, should approval of all the residential applications be granted.

The applicant proposes to allocate a minimum of 25% of these houses for affordable housing, and that a greater proportion of these units will be in the social rented sector.

The Authority's Strategic Housing Services indicates that there is no housing justification for departing from the Council's 40% figure. Ultimately the level of contribution is determined taking into account the existing housing position and the type and level of financial contributions that the applicant is making for other matters. This is discussed further in the Planning Obligations section.

### **Cultural Analysis**

The planning permission to extend the Grand Theatre has already been secured and the funding for this extension would be secured through a planning obligation. A similar obligation is also proposed for the Duke's Theatre; whereby if the current application is approved then a sum of £700,000 would be provided (on commencement of the development) for the repair and alteration of The Duke's. These monies would be ring-fenced and would be available to the Theatre for a period of 5 years.

The Authority's Cultural Services have welcomed the investments for the Grand and the Dukes, and also the new facilities for the Musician's Co-Operative. During 2005 and 2006, there was much speculation about the future of the Musician's Co-Op in Lodge Street. Following separate meetings between Centros and the Co-Op, a new music rehearsal space will be provided in the newly-created St Leonard's Place. It is envisaged that this use, bordering that of the Grand Theatre and fronting a new square, will provide much-needed animation and activity to this area of the city.

The Dance School is an important facility in the city, and attempts to find alternative premises for this facility continue. Centros have advised that further investigation regarding this will occur should outline permission be granted.

Cultural Services would be involved in future discussions at the Reserved Matters stages in relation to public art and public realm, not just for the proposals but as a result of potential investment in the existing city centre as a result of this application (see the following Planning Obligations Section). The documents submitted by the applicant do not contain any explicit references to public art, but this is not surprising given that design and layout are matters for future consideration.

As Cultural Services indicate there are elements referred to throughout the documents which could involve the engagement of an artist to create bespoke street furniture, paving, a water feature, innovative lighting and feature steps. It is important that this is fully investigated. A standard, uniform approach to these matters will not deliver the exciting and individual layout that this area deserves.

### **Planning Obligation Matters**

As part of this application a draft Heads of Terms Agreement has been submitted by the applicant in an attempt to establish the key areas where it is envisaged that planning obligations will be required. These come under seven headings, namely:

- The Grand and Duke's Theatres;
- The Musicians Co-op;
- Highway Works (both on site and off site);
- Town Centre Management;
- New Public Spaces;
- The Bridge Link;
- Affordable Housing;

The Heads of Terms provides explicit details of financial contribution. Where other elements of the development form part of a Section 106 or Section 278 Agreement, these measures have also been estimated (to provide an approximate figure of planning gain arising from the development). The obligations will be triggered by the commencement of development (construction activity) on site.

### ***The Grand and the Dukes Theatres***

The Grand Theatre has already benefited from the grant of planning permission towards its new extension. No part of the wider proposed development can be occupied until the extension is under construction or a sum of money (£500,000) has been paid by the applicant to enable the works to be carried out.

The Dukes Theatre have not dissimilar aspirations and the applicant has agreed to pay a contribution to the City council for the purposes of either repairs, alterations, or improvements to the Theatre, no later than 20 days after commencement of the development. This equates to a sum of £700,000.

The total figure offered by the applicant for works of improvement/alteration to these facilities is £1.2M.

### ***The Musician's Co-Op***

At the pre-application stages there was much discussion about the future of the Musician's Co-Operative on Lodge Street. The applicants have, through discussion, secured the future of the Co-Op close to their existing site and in a building which will have a more formal outlook onto St Leonard's Place and thus a higher profile.

The terms offered include a lease to the Musicians' trustees for their new facility within Blocks B03 and B04 at rental terms of £7,800 for the first 5 years and then £8,820 for the following 5 years. The floor area of the new premises will be between 575 sq.m and 635 sq.m (gross internal). The replacement venue will provide rehearsal facilities, an office and a recording studio and the cost to the applicant will be £350,000.

### ***Highway Works***

Centros have stated that the highway improvement works identified will be at no cost to the Council(s) and that public highway land will be dedicated freely to enable the works to occur. The figure estimated for all the highway works is £3.25M.

Other requests for highway-related infrastructure are discussed at the end of this section.

### ***Town Centre Management***

The Planning Service has always held the view that the transition between the existing and proposed retail areas is a critical area, and that the bridge link will help deliver this. Notwithstanding this important piece of infrastructure, the Service wished to explore potential funding for existing town centre management/improvements.

The applicant has acknowledged that the health and viability of the existing centre is a key material consideration in the determination of this application. A Town Centre Management Company shall be formed and an office shall be offered (via lease, rent –free for 5 years) to the City Council for a term of 15 years.

The owner of the centre will then make a financial contribution of £10,000 per year (subject to the retail price index), for a term of 5 years, providing a sum of £50,000 towards existing town centre management. The owner of the centre does acquire 40% of the voting rights of the Town centre Management Company.

The sum of money is considered vital to delivering enhancements, such as improved public realm or events within the existing centre.

### ***New Public Spaces - Alfred Street Park, Canal Walk and the Public Squares***

The applicant is required to provide funding for all of the above public spaces.

The Alfred Street Park must be completed before any of the residential units within the development are occupied. This is estimated to cost £350,000.

The Canal Walk works (including surfacing, new landscaping, ecological enhancement and moorings etc) will require the approval of British Waterways and a sum of money amounting to £285,000 is reserved to meet these expenses.

The public squares will require high-quality surfacing, landscaping, public realm and public art. Works are costed at £415,000.

In total the works to new formal and recreational public space amount to £1.05M, but this does not include the acquisition of development rights with British Waterways.

### ***The Bridge Link***

A final estimate cannot be placed on the provision of the bridge link, because the applicant has to secure the rights to deliver the bridge. The Heads of Terms requires the applicant to complete the bridge link and a provisional cost of £1.735M has been reached in order for this work to be undertaken.

### ***Affordable Housing***

The applicant offers affordable housing on the basis of 25% of all residential units proposed. If the maximum figure of 179 dwellings is constructed (and given the preferred parameters at Moor Lane, this may be unlikely), this would provide approximately 44 affordable units of accommodation, in a variety of house types and tenures. These are to be provided within the residential area proposed by the main application and at Alfred Street. No approximate figure has been provided because the precise details of the affordable units would be considered at Reserved Matters stage.

The Strategic Housing Service has commented that there is no housing justification for a reduction below 40%. This is accepted but there are other planning-related justifications for accepting a lesser figure, as discussed below.

### ***Other Requests***

As ever it is the responsibility of the local planning authority, and subsequently the Planning Committee in its decision-making, to consider whether the contributions being offered are reasonable. In reaching this decision, the local planning authority has had regard to the level of contribution being offered by the applicant for other purposes/functions.

Of greatest importance, in our view, are the works to the highway network and the connectivity offered by the bridge link. Even allowing for the fact that the costs identified by the applicant can only be broad estimates, the financial commitment to delivering such substantial changes to infrastructure is on a scale not previously witnessed in the district. It is also the case that the figures currently put forward by the applicant do not include design fees (e.g. for the bridge) and modelling costs (e.g. for the revised road network), and that the figures may exceed those indicated.

Although other requests were made by statutory consultees for matters such as 40% affordable housing, contributions to waste management (at a figure of £85,920), more cycling infrastructure (lighting the canal towpath between Ridge Lane and Aldcliffe Road, and the funding for two-way cycling works to Friar Street and Dalton Square were requested at a combined cost of approximately £240,000), and funds towards British Waterways for towpath maintenance, the fact of the matter is that the contributions continue to accumulate and may affect the provision of some of the most significant infrastructure.

It has also been suggested that other contributions on the highway network, perhaps a contribution towards a southern interceptor car park, could be made by Centros. However there is a real danger here of using the proposals as a solution to all of the city's problems. This is not reasonable, nor would it be defensible at appeal. It is more appropriate to consider, should Members be minded to grant approval of this outline application, that the estimated commitment of £7.6M proposed for all of the measures sets a new benchmark. Other (albeit lesser) major proposals within the city centre - and of course in Morecambe and

Carnforth - must deliver appropriate sums of money via planning obligations to delivering improvements where they are considered necessary. Whilst it would be inappropriate to single out any other developments in this committee report, developments in key locations on the gyratory network should, and will, be expected to contribute to highway improvements in particular.

Therefore, it is the local planning authority's view that the planning obligation measures put forward by the applicant are reasonable and are related to the development, and comprise appropriate sums. They therefore accord with the requirements of Circular 05/05 relating to planning obligations, and the measures would be expected to be delivered in accordance with the trigger points identified.

### **Statement of Community Involvement and Public Consultation**

A number of objectors make the point that the City Council has failed in its duty to consult on the proposed development of the site.

The City Council of course has a statutory role in terms of public consultation and there are strategies and toolkits relating to this matter. However public consultation occurred in the production of the Lancaster District Local Plan and its supplementary documents, including SPG 8. It is at that point that strategic and spatial ambitions for the site are discussed, consulted upon and subsequently adopted.

At the pre-application stages the City Council advised the applicant, as it would any other applicant, to discuss the proposals with affected landowners, neighbouring residents and other organisations.

Formal public consultation on the current planning application itself has been widespread and represents the largest (city council) public consultation on a planning application that this district has witnessed. In addition to ten site notices being displayed in positions around the site and on its periphery, there was coverage in the local press and a radio interview with The Bay explaining the consultation process. Additionally, consultation letters were sent out to 968 identified properties.

In 2007 there were problems regarding the display of application correspondence (copies of neighbour letters, statutory consultee comments, etc) on the City Council's website. This was largely due to the introduction of the new technology and affected all planning applications, not just the Canal Corridor. Additionally, a number of objectors voiced concern that their personal information (telephone numbers and signatures) were available online. In response to this, the local planning authority took the decision to remove all neighbouring letters from all of its online display of planning applications, including the Canal Corridor application. Investment in new technology has since allowed the Council to 'redact' private information in a time-efficient manner, and since mid-2008 all neighbour letters received can now appear on the website with the personal data encrypted.

It is also a criticism of many objectors that the applicant's public consultation exercise has been inadequate and have not engaged the local community, and that the plans presented by the applicant have represented the only available choice.

The design of the scheme has evolved since the first pre-application meetings in late-2005. However the applicant's development proposals were always going to include a Department Store to anchor the retail provision, and therefore whilst there was a 'blank piece of paper in terms of design', there were established components of the scheme which were fundamental to the planning application.



The applicant's Statement of Community Involvement (SCI) document details the level of public consultation that has occurred throughout the process. This included a public exhibition in Market Square between 2<sup>nd</sup> June and 9<sup>th</sup> June 2007 which was attended by over 3,500 people. The feedback cards available for comment recorded 53% of support for the proposals and 11% opposition, with the remaining cards containing comments or questions about specific aspects. Of those that objected, the key themes included traffic concerns, impact upon the existing retail centre, impacts upon the character of the city and requests for additional open space.

The cards received were included within the applicant's SCI document and they remain available for public viewing.

A number of meetings were held by the applicant with local interest groups (who were met separately and then cumulatively), occupants and statutory consultees. Monthly meetings with the City Council continued throughout the masterplanning and design process.

A final public meeting was called by the applicant for 17 April 2008, where the amended proposals were presented to 19 different interest groups. Details of this event and comments made during it are included within the SCI.

The applicant also provided a Briefing Document to local councillors, and paid for a news 'wrap' around a copy of the Lancaster and Morecambe Citizen Newspaper on 14 May 2008.

It is the view of the City Council that no-one has been prevented from giving an opinion on this development and consultation occurred at both the SPG production stage and in response to the submission of both of the outline planning applications. The applicant has also participated in a period of pre-application discussion.

It is also recalled that the City Council took part in the ATLAS (Advisory Team for Large Applications) pilot project, using this proposal as a case example. ATLAS, part of the Planning Advisory Service, found no grounds for criticism in the way that the City Council had carried out its public consultation exercise.

Full details of the consultations on the 2007 and 2008 outline submission have been provided at the start of this report. The Planning Committee now has an opportunity to consider these views, in addition to those of the statutory consultees and the comments contained within this committee report.

### **Conclusion**

This development has been considered in full by the Planning Service and its consultants. The proposals represent the largest and perhaps most complex development that has occurred within our district. What Members now have before them is a decision which will determine the future direction that the City of Lancaster, and the wider district as a whole, pursues.

In determining the matters that affect the recommendation, this summary considers the conclusions received in respect of the preceding paragraphs.

In relation to retail matters, the application as revised is a considerable improvement on the 2007 application. White Young Green (WYG) still have some concern regarding some of the assumptions adopted by the applicant's agent, and they have updated the Lancaster Retail Study and assumed a realistic increase in the market share of Lancaster City Centre. There is agreement between the applicant and WYG that the retail offer for a city of Lancaster's size and potential can be improved, and WYG have identified that there is a quantitative and

qualitative need for additions to the range of convenience and comparison goods in the centre. This will reduce the level of expenditure leakage that occurs at present to other centres, such as Preston and Manchester to the south and Kendal to the north. WYG's conclusion is that it is "important that the retail and wider city centre offer of Lancaster is enhanced so that Lancaster performs a true sub-regional shopping role and reduces the need for local residents to travel elsewhere, resulting in more sustainable shopping patterns".

The site is the only opportunity to provide modern retailing facilities on a scale that is equitable to the city's role in the retail hierarchy. No other suitable or available sites in sequentially preferable locations within Lancaster exist, and the situation for expansion within the existing core is rightly constrained by the historic street layout and regrettably constrained by the gyratory system.

Both SPG 6 (The City Centre Strategy) and SPG 8 (The Canal Corridor North Development Brief) discuss new retail development in this locality. SPG 6 provides a map with an objective to create a mixed-use development with linkage to the existing centre (subject to need and impact assessment), with the possibility of road closures and improved pedestrian and cycling links. Major retailing is also discussed in SPG 6. As the committee report indicates, it is the area towards the Canal that was identified as being remote from the existing centre and therefore not appropriate for retail development. But this does not take into account the possibility of a new and direct pedestrian link connecting this site to the existing centre. Locationally, the Canal is an effective barrier between the existing residential uses and the retailing proposed in this development. New residential development to Alfred Street and Moor Lane and the Canalside Park offers further transitional influences.

Although a need exists, the development could still be found to be inappropriate if the retail impacts arising from it are negative on the city centre or other defined centres. Trade diversion from other centres is expected to be greatest from Preston, which is widely expected to add to its shopping offer still further by the addition of the Tithebarn (John Lewis) development, which at the time of writing this report had been submitted formally to Preston City Council as a planning application.

The impacts for Morecambe are discussed in this report. A potential impact ranging from 4.6% to 5.7% is identified, but WYG make the case that this is likely to be overestimated for a couple of reasons. Firstly, Morecambe's role as a tourist destination in its own right is very much in the ascendancy and it will continue to play a critical role in terms of visitor expenditure. Secondly, Morecambe has a very different retail composition, and the Secretary of State has previously acknowledged that Morecambe's comparison goods offer is aimed at local, 'everyday' goods. This does not compete directly with the range of goods likely to be present in the Canal Corridor North development. In fact where trade diversion may occur, it is more likely to come from out-of-centre floorspace such as the out-of-centre retail parks. Morecambe also benefits from having a more localised catchment area than any other settlement in the district.

The impact upon Carnforth is described as negligible by our consultants, and trade retention in its largest catchment area would remain unchanged.

As well as considering the impact on other centres, Members have to consider the consequences of the 'no change' scenario, in the event that the site is not developed as proposed, particularly if Preston does increase its retail offer as envisaged. Using the applicant's own figures, the trade impacts for Lancaster could, in terms of comparison goods turnover, be in excess of £26M. It is noted that these figures are disputed by another planning consultant, who considers that this diversion would be more in the region of approximately £12M, but this remains a possibility. This concern is shared by WYG, who

comment that “it is important that Lancaster improves its retail offer in light of increasing competition from elsewhere, most notably Preston”.

Of course there are concerns about the impact on the existing centre. There is the likelihood of displacement of some existing retailers to the new site. Evidence in other towns and cities confirms this occurs. Without appropriate linkage between the two, the development site would operate independently from the existing city centre, but with the pedestrian link proposed, WYG are convinced that the majority of shoppers within the development site would cross into the existing centre and that this would form a natural extension because of the inclusion of a link.

Movement of retailers is not however anticipated on a detrimental scale, because the very reason for the retail element is to provide facilities (unit size) which Lancaster currently does not offer.

All parties are aware of the importance of Lancaster’s shopping attraction. WYG state that the application site is “well positioned to enhance the vitality of the city centre and create spin-off benefits for other businesses within the city centre”. A medium to longer term view reached by WYG is that the proposal would have a positive impact on the future vitality and quality of the city centre.

With this in mind it is also worth considering the geography of the existing centre. Its position on the main route from the railway station in particular, and its close proximity to the bus station means that descriptions of a ghost town environment within the centre are, in our view, grossly exaggerated. Added to this is the fact that there are significant areas of population to the west, such as in Fairfield and Marsh, and from the south where pedestrianised links along Penny Street will still provide the most convenient walking route into town, and therefore footfall will continue through the existing centre. There is also the issue about the existing financial institutions along New Street, Market Street and Penny Street. Their presence is a further anchor in terms of the existing centre’s viability. The proposed scheme makes no provision for banks, building societies and other financial services. Planning permission would have to be sought for any change of use to such A2 uses.

Much has been made of the clone town argument. Planning permission cannot be reasonably withheld upon the grounds that the units that are created may be occupied by multiples as opposed to independent retailers. Of course national guidance does promote a diversity of uses, and the application documents includes potential provision for smaller retailers close to the Stonewell nose of the site, as well as food and drink uses along the canal, enhanced cultural uses at the north and south peripheries of the site, residential uses to the north, south and east, and a new recreational, landscaped park along the canal. But in addition WYG state that there is an identified need for the retail elements of the development, the scale and location is considered acceptable in town centre terms and the proposal does not have any unacceptable trade diversion impacts. It is upto the local planning authority and the Elected Members to ensure that the appearance and character of this development is not uniform, is imaginatively treated and contains interesting public realm and art. The Reserved Matters will provide that opportunity, and refusal of those matters would be perfectly reasonable if it was considered that the detailed design did not positively contribute to the city.

The city centre currently hosts a variety of independent shops. It is anticipated that it will continue to do so as the size of the units in the existing centre is usually of a smaller scale than those sought by multiples. If the proposed scheme is approved, trade draw for the city should assist independent retailers in continuing to flourish, and the restricted size of many units should act as a balancing deterrent for all vacant units to be taken by multiples.

It is only right that much of the debate should centre upon highway impact. Lancaster is a city which is difficult to negotiate, especially during peak times when traffic congestion is an everyday occurrence. There are bottlenecks around the gyratory and across the River Lune bridges that contribute to the congestion. The provision of Phase 2 of the M6 link will at last provide an alternative route from the motorway network into Morecambe, Heysham and the surrounding peninsula. The future provision of a Park and Ride facility at Caton Road is another potential step change in transport modal shift, and subject to the reallocation of road space along Caton Road this would be economically and environmentally beneficial. Discussion of other potential measures has been provided to the City Council via Faber Maunsell's Access and Transport Study, including the potential for sustainable and fast transport linkage between Morecambe and Lancaster.

However, the Transport Assessment submitted by the application takes no account of any of these benefits and does not rely on any linked trips occurring.

One of the key objectives of national transport policy is accessibility. The development site is a site which is centrally located, which is close to the Bus Station and the Primary Bus Corridor routes, which provides the opportunity to reconnect the canalside stretch of the Strategic Cycle Network towards the existing centre, and which provides a new pedestrian access from the current retail core. It is therefore accessible by a range of transport modes and national guidance stipulates that local authorities should seek to make the maximum use of the most accessible sites, such as those in town centres. PPG 13 advises that these may be scarce and that authorities "should be proactive in promoting intensive development in these areas and on such sites".

National guidance is clear that major generators of travel demand should be located within urban centres and close to (any) public transport interchanges. It also states that development should not be designed on the assumption that the car will represent the only realistic means of access.

The proposals provide a new Interceptor Car Park. This replaces the existing parking provision on the site, which amounts to 306 parking spaces, the majority of which are long-stay. New parking would be at a maximum figure of 810 spaces, all of which would be short-stay. There is a net (maximum) gain within the site itself of 504 parking spaces. Across the city as a whole, with the reallocation of spaces, the net change is an increase of 489 spaces.

Policy T13 of the Lancaster District Local Plan (LDLP) requires proposals for additional shopper/visitor (short-stay) parking to be accompanied by an equivalent reduction in all-day commuter parking. This proposal cannot achieve that, and this is why it departs from LDLP policy. However it can achieve a reduction of 260 long-stay parking spaces if the City Council has the will and desire to remove the displaced long stay provision from the city altogether. This is not a decision for the developer, whose proposals are provided merely to demonstrate that long term parking could be accommodated elsewhere in the city if replacement long stay parking is provided elsewhere. It is a decision for the City Council as landowner to explore further as part of a wider strategy on its parking provision, and its review of long-term parking is imminent. Alternative car parks will of course be in demand during the construction phases of the development and the temporary car parking strategy will need to address this issue before Reserved Matters can be considered. The Transport Assessment notes that there is some spare capacity at other short-stay car parks in the city.

Residential parking provision is considered to be appropriate given the central location.

The site benefits from a LDLP designation which reserves land to the north of the development site for highway improvements. This is a long-standing designation aimed at

the redevelopment of the Canal Corridor site and its potential as a gateway to the city centre. These proposals ensure that this occurs.

Of greater consequence for the city is the wider impact of the changes to the gyratory network. It is no secret that this has been the most challenging aspect of the proposal for the applicant. The intricacies of Lancaster's network are such that many alternative proposals for redirecting traffic, or realigning roads, were dismissed either by the local planning authority (and its highway consultants, MVA) during the early stages of pre-application, or by the applicant's own transport consultant and the County Highway Authority during discussion in 2007 and 2008.

The proposals now before Members have been rigorously tested by the relevant parties. There will still be work to do during the detailed design stages, and there are certain queries raised predominantly by MVA regarding matters such as the precise alignment of some of the junctions and the internal layout to the service yard, but it is generally considered that the improvements will deliver efficiencies to the gyratory system. Any further responses to MVA's queries will be provided verbally for Members at the meeting.

The greatest (car-related) transport benefits are also those which will help deter rat running from Junction 34 through Bulk Road and Freehold. The redirection of road space in front of Kingsway and the provision of a right-turn from Skerton Bridge will provide more direct routes to the city centre. The right turn at Skerton Bridge in particular will result in traffic not entering the convoluted Kingsway junction. At present the right hand lane on the bridge is shared by all vehicles, and this situation will continue at the right-hand turn, but from this point the existing bus lane is retained along Parliament Street.

The provision of three separate lanes (one for the new development, one effectively for Morecambe and one for the existing city centre), as opposed to the two that currently exist is a key benefit to the proposal and in the words of County Highways it is a measure that provides "additional local capacity around the development".

Congestion will increase in the city due to additional vehicle movements. Peak time retail traffic attraction is forecast as being 108 vehicle movements during the AM peak, 342 movements in the PM peak, and 684 movements in the Saturday peak. By adding the other proposed uses, including residential, the forecast trip generation figures before Members are: 160 vehicle movements in the AM peak, between 419 and 455 vehicle movements in the PM peak (the upper figure does not allow for linked trips to restaurant uses), and 773-834 vehicle movements in the Saturday peak. This, as MVA have stated, is likely to be an over-estimation and a worst-case scenario.

There will be hotspots of congestion around the gyratory, and these may be different to those experienced currently. But the County Highways Department is quite clear on the primary source of this congestion; namely the committed developments in other locations of Lancaster. Refusing development on the basis of additional congestion would appear to be indefensible at a planning appeal, given these highway comments.

MVA conclude that the applicant's methodology is robust and the "likely prevalence of linked trips" and the "removal of existing trips associated with existing uses within the development site" add weight to the robustness of the trip generation methodology.

Aside from the substantial highway and junction works, contributions towards variable messaging, new intelligent signal systems and the funding of network monitoring cameras are essential pieces of infrastructure which are valuable to effective traffic management.

Cycling is a key mode of transport in the district, and the proposals before Members include new linkages to the Canal, and therefore to the wider cycle network, effectively bringing this route back into the city. New cycle parking is provided for in a number of locations, particularly in the Moor Lane area where a new cyclepath connects this highway with the canal. This is proposed via a separate planning application.

Taking the information within this report into account, the issues for Members in terms of transport are these. Do the highway improvements deliver efficiencies to the Lancaster network? County Highways accept this to be the case. Will congestion occur as a result of the proposals? Vehicle movements will of course increase and queue lengths will increase as a consequence, but the County Highway Department attributes this primarily to the other committed developments. The Transport Assessment (TA) methodology includes committed developments and discounts linked trips, and also discounts the impact of the M6 link, and both MVA and County Highways consider this to be a worst case scenario. Does the proposal deliver sufficient sustainable transport measures? The improvements to the cycle network form a major part of the proposals, although there is no provision of additional bus services due to the proximity of existing bus stops close to the periphery of the site. The financial commitment to altering the wider network and funding of new infrastructure is considerable and other major developments within Lancaster will be expected to follow a similar process of contributing to further efficiencies. Is the car parking provision appropriate? The move from long-stay to short-stay on the site is an appropriate one but the City Council will be ultimately responsible for the removal of long-stay parking within the wider city car parks.

The issue of air quality is inextricably linked to traffic generation and congestion. Additional traffic equals additional pollution concentrations. But the Assessment submitted by the applicant and scrutinised by the Environmental Health Service finds that due to the measures of the Air Quality Action plan already in place, the impact of the development upon the Air Quality Management Area will be either negligible or minor in all cases. There will be a "slight worsening of air quality" in terms of nitrogen dioxide and fine particulate matter.

This is consistent with national guidance which states that a deterioration in air quality does not mean that all planning applications inside Air Quality Management Areas should be refused. Impacts such as encouraging sustainable travel choices and reducing the need to travel can be mitigation measures. This centrally located site will, as this report concludes, reduce car journeys from Lancaster and its district to other retail areas, and is centrally located so that it is as accessible as a development of this scale can possibly be.

No new residential areas will become exceedance areas on completion of the development, and some improvements in air quality (e.g. at Alfred Street) are anticipated, whilst air quality will achieve the stated objectives at the new residential locations.

The development construction aspects of the proposal have been fully considered, and the list of mitigation measures is as comprehensive as ever witnessed in this district. The local planning authority, in conjunction with its Environmental Health colleagues and statutory consultees, has a duty to ensure that the impacts of noise, dust and vibration are minimised, and a robust series of planning conditions will ensure that this is the case.

With regards to ecology, the Lancaster Canal is clearly the main feature. The absence of any protected species within the site, other than low levels of bat activity (but no active bat occupation of buildings) means that the wider site has only a local ecological value.

There remains a difference of opinion regarding the impact on Lancaster Canal. The County Ecologist has stated that more should be done to provide biodiversity gains, whilst Natural England comment that the habitat creation and native landscaping plans are welcomed and

should be conditioned. The applicant believes that the provision of new features such as the Canalside Park are appropriate compensatory measures. A Bat Mitigation Measures Report and further commitment to new native tree planting at the northern end of the site and towards Parliament Street has been secured just prior to completion of this report. Any further observations from the statutory consultees will be verbally reported.

It is recommended that the full mitigation measures be provided, in addition to a Habitat Creation and Management Plan. This will be conditioned.

This brings us onto the parameters of the development. In the main these have reduced since 2007. Detailed information regarding each block is provided at the beginning of this report. The local planning authority is satisfied that the parameters-based approach allows Officers and Members to gauge the visual impacts of the new buildings. The devil will always be in the detail, and as scale and appearance are Reserved Matters, the parameter plans and the helpful perspective drawings illustrate the likely scale of new buildings.

There may be instances where Members consider that the maximum parameter level is too high, or even that the minimum parameters in some cases may be too small and wouldn't deliver buildings with sufficient verticality or strength. The only area where the local planning authority considers that development should definitely occur at the lowest parameter is at the Moor Lane residential site. However care also needs to be taken in regard to Blocks B06, B07 and B08 (the car park, large retail store and department store) and it is unlikely that development at the maximum levels here would be acceptable. The applicant's elevational drawings indicate that development at the maximum levels is unlikely.

Horizontal parameters also need to be investigated further in respect of the Tramway group of buildings. This can only be satisfactorily achieved once the site is made safe by demolition of the structures at the rear.

Across the development individuality will remain the key and this report has stated that the uniform treatment of blocks, either in design, scale, shop width and fenestration will not be acceptable. The architect has explored some interesting and sensitive themes within the commendable Design and Access Statement, and these will be used to inform development proposals at the Reserved Matters stage.

The scale of development and the treatment of the roofscape will have a critical impact upon the views from other parts of the city, most notably other elevated areas such as Williamson Park and, more likely, from the Castle Conservation Area. The wireframe drawings and the views of English Heritage confirm that these are, in principle, acceptable but a great deal more work will need to be undertaken at the Reserved Matters stage.

With regard to the comments of English Heritage, they have conceded the loss of the buildings in the centre and to the east of the site. As a consequence the works of demolition within the Conservation Area (except for Stonewell) and outside the Area(s) are considered appropriate in principle, as are the outrigger removals and repair of flank walls that are the subject of the separate Listed Building applications.

But English Heritage (and other heritage bodies) continue to oppose the proposal in respect of the bridge link and the treatment of Stonewell. The fact that the surrounding buildings are listed and their cumulative contribution to the Conservation Area is such that they believe that the proposal will not preserve the character of the Conservation Area and thus the scheme should enhance it.

Without the bridge English Heritage have suggested that demolition in Stonewell could potentially occur (and be off-set) by the creation of a new public space. By following this

argument to its conclusion, the removal of the bridge link and animation of the area at ground (pavement) level may therefore enhance the Conservation Area.

As a result the concession regarding the public space possibility means that the proposal without the bridge would meet the statutory tests (in the context of the South Lakeland decision), and therefore the correct approach is that the proposed development would preserve the Conservation Area. Consequently, it can only be the bridge which is the contentious issue, not the loss of buildings at Stonewell.

Assessing the inclusion of the bridge within the development, the local planning authority believes that the bridge is not just essential in terms of accessibility and connectivity with the existing centre, but is also potentially an exciting and contemporary structure that would not only frame the enlarged public space, but also the new buildings on either side. Therefore it is the local planning authority's conclusion that the bridge would form a positive contribution to the streetscene in this location.

The resultant layout and design concept is capable of respecting the architecture and character of the city, and it is the local planning authority's conclusion that the development will preserve the Conservation Area and in some respects it will enhance its appearance.

Consideration of this outline application will no doubt represent a difficult decision for Members. There are matters such as traffic congestion and air quality to take into account, which will worsen compared to the 'no-development' scenario. But the local planning authority believes that the comments from the statutory consultees and from the consultants mean that a refusal of permission cannot be justified. There is the issue about the ecological impacts along Lancaster Canal, which has resulted in a disparity of opinion between statutory consultees.

The situation regarding the historic buildings will be an emotive issue for some. But the case against the development hinges on Stonewell and the issue of the bridge. The local planning authority has sought advice regarding the 'preserve or enhance' tests that should be applied in respect of the Conservation Area, and we believe that the proposals satisfy the test, in the context of the South Lakeland decision. The bridge and the enlarged public space will, in the local planning authority's view, be capable of preserving and potentially enhancing the Conservation Area in which it is located.

There is a robust retail case for the proposals and the development will not adversely impact upon the existing city centre or other defined centres. The enhanced retail offer is a key element to unlocking Lancaster's potential as a heritage/tourism city underpinned by high quality services.

It may not be as comprehensively mixed-use as some people would like, but the scheme has many (non-retail) merits, not least the enhancement of the cultural organisations, the creation of new open space, the delivery of affordable housing, and the potential employment benefits that would ensue.

But the greatest benefit in terms of Lancaster would be the comprehensive approach to regenerating the site. For too long this area has suffered from degradation and presents a hostile environment to pedestrians. Aside from the most immediate local residents, or visitors to the few buildings and uses on the site, much of the central and eastern area represents an inefficient use of valuable urban space. It is separated by the gyratory at one end, and steep canal towpath walls at the other. It contains level differences from St Leonard's Gate to Alfred Street that make it largely inaccessible for groups who are not as mobile, and visually impermeable for all visitors to the city. As much as landscaping has tried to soften the edges of the vast car parking in this location, the area appears neglected and harsh.



Redevelopment of this site represents an opportunity to remedy these problems. It is difficult to envisage another applicant coming forward in the short-medium term, following any refusal of permission, and committing to comprehensively developing the site. It is more likely that there would be separate piecemeal developments for parts of the site that would not guarantee a holistic approach to delivering the west-east connectivity that is so vital.

That connectivity is, as this report established earlier, an essential part of the three-strand approach to enhancing and reinventing the city. The heritage tourism offer of the Castle and Quay, connected to the historic retail area, and transitioning into the modern retailing facilities and cultural/recreational improvements offered by the scheme is opportunity not just to develop the growth of the city, but more effectively manage the character and appearance of the distinct 'quarters' that could be

It is this spatial vision for the city that assists the local planning authority in making its recommendation. The Centros proposals are considered appropriate to the development site and in the wider context of the development of the city, and consequently the district. For the reasons contained in this report, Members are advised that outline planning permission can be granted, subject to a Section 106 Planning Agreement and a Section 278 Highway Agreement.

#### HUMAN RIGHTS ACT

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

#### {\b RECOMMENDATIONS}

- That
- (i) SUBJECT TO REFERRAL TO THE SECRETARY OF STATE;**
  - (ii) SUBJECT TO THE SIGNING OF A SECTION 106 PLANNING AGREEMENT BASED UPON THE HEADS OF TERMS SUBMITTED; and,**
  - (iii) SUBJECT TO THE SIGNING OF A SECTION 278 HIGHWAY AGREEMENT RELATING TO THE HIGHWAY AND TRANSPORTATION MEASURES IDENTIFIED,**

Members resolve that **OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard outline consent (commencement of development) condition
2. Submission of Reserved Matters in accordance with the agreed phasing programme
3. Standard Reserved Matters time limit condition (5 years from date of outline consent)
4. Detailed plans to accord with Parameter Plans and Parameters Report
5. Samples of all materials to be submitted and agreed

6. No demolition to occur until the Reserved Matters has been approved and a contract for the construction of replacement consented buildings is in place
7. No demolition or works of site clearance to commence until a scheme for the adequate storage (during demolition) and reuse (within the site) of the historic lintel stone, (including door opening and quoins) and the Moor Lane plaque has been agreed. Development to accord with these details.
8. Details of the lighting (including intensity of lighting), boundary treatments (including boundaries to the rooftop screening to the car park), public realm (including floorscape), public art and landscaping proposals for each phase to be submitted to and approved by the LPA. The works shall then provided in their entirety prior to first use/occupation of the relevant phase
9. Standard Arboricultural Implications Assessment condition (including details of new planting within the site and replacement/new planting in Parliament Street and St Leonard's Gate/Bulk Road)
10. Standard landscaping maintenance condition
11. Standard landscaping protection during construction condition (Canalside)
12. Details of public realm levels and gradients and disabled access to all buildings to be submitted to and approved by the LPA. The development to be constructed in accordance with these details prior to first use/occupation of the relevant phase
13. Provision of bridge link prior to first commencement of use of any retail unit within the site
14. Notwithstanding the detailed plans approved, further evaluation of the horizontal parameters to Block B01 to be agreed prior to construction and following demolition of the outriggers at 127-131 St Leonard's Gate
15. Details of all shopfront widths and roof treatments for all retail buildings to be submitted as part of the Reserved Matters
16. Gross retail comparison floorspace to not exceed 38,000 sq.m, gross retail convenience floorspace to not exceed 5,000 sq.m, and total gross retailing floorspace to not exceed 42,700 sq.m.
17. Details of the phasing programme, including a Site Demolition Programme, a Site Clearance Programme and a Site Construction Programme have been agreed. The Site Preparation Plan to include method and details of clearance, demolition, vehicle routing to the site, vehicle wheel cleaning and the proposed temporary closing of any roads or streets. The Site Construction Plan to include method and details of construction, including vehicle routing to the site, construction traffic parking and the proposed temporary closing of any roads or streets.
18. No commencement of development until a scheme for the construction of all site accesses and the off-site works of highway improvement has been submitted to, and approved by, the LPA in consultation with the Highway Authority.
19. No site preparation (including demolition) or construction to commence until works at the Caton Road junction with Bulk Road, temporary traffic claming measures on St.

Leonard's Gate and the new link road (and associated highway/transport works) as agreed with both the LPA and the Highway Authority.

20. No development to commence until a construction phasing plan including off-site highways works has been submitted for approval by the LPA and the Highway Authority.
21. Existing coach facilities to remain in use until replacement facilities are fully operational.
22. No car parking to be removed until the Temporary Car Parking Strategy to be submitted to and agreed by the LPA and subsequently implemented prior to commencement of work.
23. No part of the development hereby approved shall be occupied or opened for trading until the approved highway scheme has been constructed and completed in its entirety in accordance with the scheme details.
24. Prior to the first use of the development, details of secure, covered cycling parking facilities shall be submitted to and approved by the LPA. These facilities, and the other cycling measures identified (including provision of new routes) shall be provided in full prior to the first use of the retail development.
25. Prior to the first use of the development, a Travel Plan has been submitted to, and approved in writing by, the LPA. Full targets, implantation timescales and monitoring to be agreed and a travel plan co-ordinator to be in post 6 months prior to first occupation. The approved plan will be audited and updated at intervals as approved.
26. No construction development to occur until a Car Park Management Strategy has been submitted to, and approved in writing by, the LPA. The Strategy to include all areas of development related to parking, layout, means of access and egress, maximum duration of stay, car park charging (where appropriate), management details of the car park barrier system and details of onsite parking enforcement. Car park layouts to include the appropriate number of spaces for motorised and non motorised vehicles and user types in accordance with Lancashire's Parking Standards. The plan and approved layouts shall be implemented prior to first opening.
27. Prior to first use of the development a delivery, collections and servicing strategy shall be submitted to, and approved in writing by, the LPA. The Strategy to satisfy the requirements as previously indicated. Deliveries, collections and servicing of any element of the development shall not take place between 7am to 9am and 4pm and 6pm on weekdays, no deliveries to take place at weekends.
28. Prior to first use of the development hereby permitted a prescribed Large Vehicle Delivery Route Plan shall be submitted to, and approved in writing by, the LPA.
29. Any external source of lighting shall be effectively screened from view of a driver on the public highway.
30. The full Mitigation Measures listed in the Environmental Statement to be implemented
31. The Construction Environmental Management Plan to be submitted to and agreed by the LPA and subsequently implemented (and to include a strategy for the recycling and re-use of existing materials where appropriate) prior to commencement of work

32. The Site Waste Management Plan to be submitted to and agreed by the LPA and subsequently implemented prior to commencement of work
33. Condition requiring the prior agreement of site hoarding and enclosure details
34. Standard pile driving condition
35. Site wheel-washing condition
36. Standard contaminated land condition
37. Standard contaminated land (importation of soil, materials and hardcore) condition
38. Standard contaminated land (prevention of new contamination) condition
39. Standard contaminated land (bundling of tanks) condition
40. Standard soundproofing condition – Musician's Co-Operative
41. Standard hours of construction condition
42. 10% of development's energy requirements to be generated by on-site renewable technologies, to be agreed with LPA
43. Details of all ventilation exhausts to be agreed
44. Standard separate drainage system (and use of sustainable urban drainage systems where appropriate) condition.
45. Scheme for surface water run-off regulation system to be agreed
46. No discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways
47. Details of all waste management, including refuse storage and recycling areas to be agreed.
48. No construction of development until a programme of archaeological evaluation, including building recording has taken place with the extent to be agreed by the LPA and the County Archaeologist
49. Arising from the results of the evaluation, an archaeological excavation, recording or a watching brief (as considered necessary by the County Archaeologist) shall be agreed prior to the first construction of development.
50. No development to commence until a Habitat Creation and Management Plan (using information from within the 'Lancashire Biodiversity Plan' as a basis) has been submitted to and approved by the LPA. The agreed details to be implemented prior to first occupation of the retail development.
51. Standard mitigation measures for bats condition
52. Standard breeding birds condition

53. Standard disposal of Japanese Knotweed condition

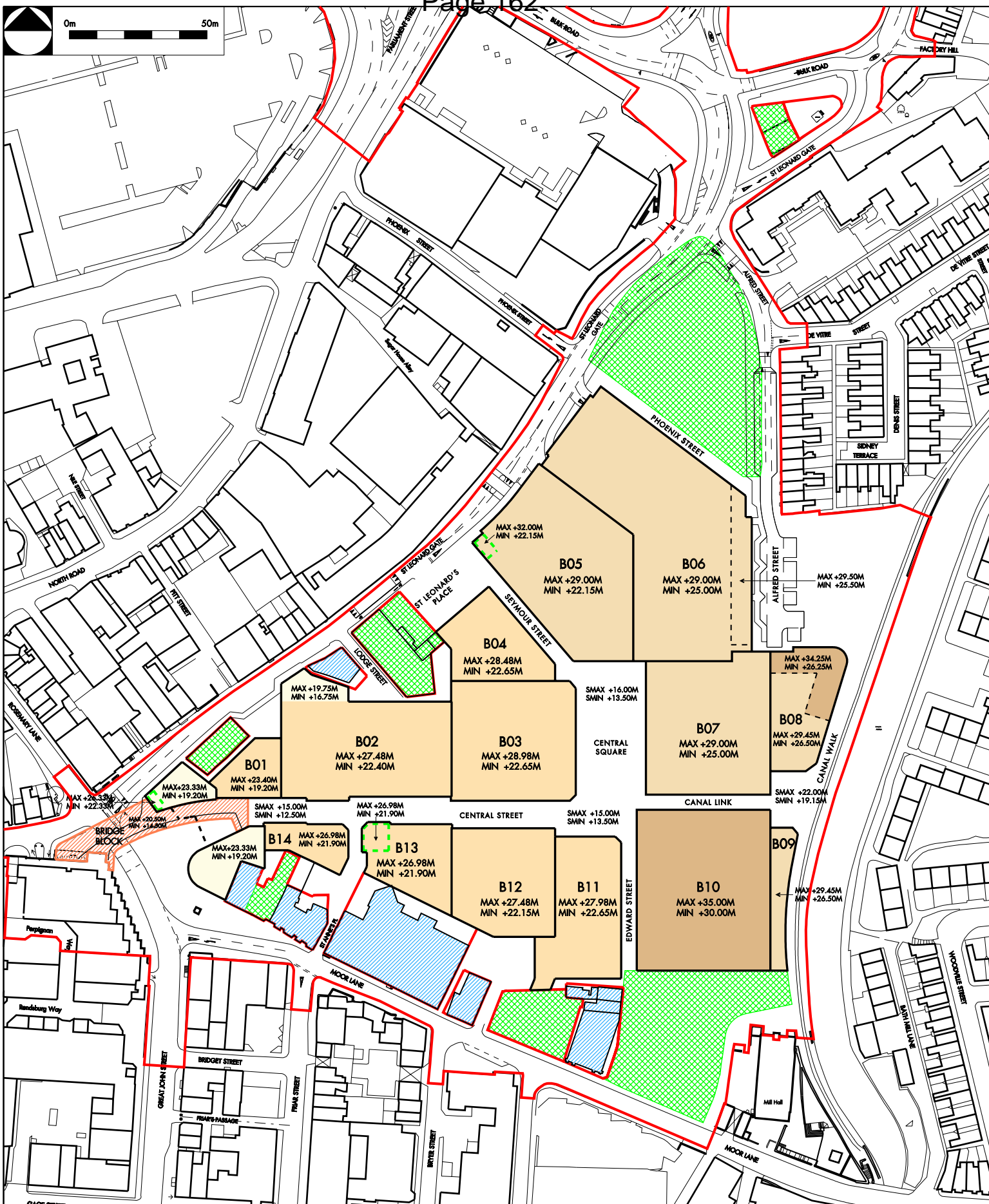
54. Location of precise canalside moorings and all works to the Canal Wall to be agreed with LPA in consultation with British Waterways prior to commencement of development

55. As required by other consultees

- ***The Section 106 Measures are as discussed under the Planning Obligations Paragraphs of this report.***
- ***The Section 278 Highway measures are as follows:***
  1. The submitted changes to Parliament Street/Greyhound Bridge/Bulk Road signalised junction providing additional capacity for all users and upgrading pedestrian facilities to a toucan crossing.
  2. The submitted changes to Parliament Street between Greyhound Bridge and Skerton Bridge proving additional capacity for all highway users.
  3. The submitted changes to Parliament Street/Skerton Bridge/Kingsway signalised junction providing additional capacity for all users, bus priority and facilities for pedestrians.
  4. The submitted changes to Kingsway.
  5. The submitted changes to Kingsway/Caton Road/Bulk Road signalised junction providing additional capacity and facilities for pedestrians.
  6. The submitted changes to Bulk Road/Factory Hill/St.Leonard's Gate priority junction including capacity reduction.
  7. Realignment of Bulk Road between the Factory Hill junction and the junction with the new link road. Provision of pedestrian/cycle facilities.
  8. The provision of the new link road between Bulk Road and St.Leonard's Gate with pedestrian footway and cycle link.
  9. Submitted changes to Bulk Road/Caton Road signalised junction providing dedicated left turn lane and providing access to the new link road.
  10. Slight realignment of Bulk Road between Caton Road and Parliament Street and the provision of a cycle link.
  11. Submitted changes to St. Leonard's Gate including realigning a short length, slight changes to:
    - the priority junction with Phoenix Street,
    - an existing development access,
    - pedestrian facilities (toucan crossing).

Provision of:

- access/egress to the development car park and service yard,
  - traffic calming measures, cycle link and
  - a layby.
12. Submitted changes to Alfred Street/St. Leonard's Gate junction with traffic calming measures and a cycle link.
13. Submitted changes to Alfred Street including traffic calming measures not included in item 12, provision of:
- an access to the residential development car park,
  - parking facilities/small parking lay-bys for existing and proposed residential units,
  - pedestrian facilities,
  - cycle link,
  - vehicle turning area and a combined pedestrian/cycle link to the canal.
14. Submitted (slight) changes to St. Leonard's Gate, Stonewell priority junction including traffic calming measures.
15. Submitted (slight) changes to Stonewell. Pedestrian facilities to be upgraded to a Toucan crossing with a suitable footway width to satisfy demand.
16. Submitted (slight) changes to Stonewell/Moor Lane priority junction.
17. Submitted changes to Moor Lane including slight realignment, provision of
- a layby,
  - a number of accesses to the residential development car park and the office car park (all accesses not indicated on CMLANCASTER.1/28).
18. Provision of traffic calming on Bulk Road and a cycle link.
19. Update of the traffic signal SCOOT Regions within the City and modernise the UTC system in Lancaster to be UTMC compliant.
20. Provision of three Variable Message Signs, infrastructure and associated hardware/software.
21. Provision of two CCTV cameras, infrastructure and associated hardware/software. Cameras to monitor traffic movement and provide better network management (incident detection).
22. Review and update Traffic Regulation Orders and road markings in the area and revise as necessary.



PROJECT

## LANCASTER CITY CENTRE MIXED-USE DEVELOPMENT

DRAWING

### PARAMETER PLAN 8 MAXIMUM / MINIMUM BLOCK HEIGHTS

DRAWING No.

043018 - D - 09 N

REV N 23.05.08 ISSUED TO LANCASTER CITY COUNCIL CK

## OUTLINE PLANNING

REVISIONS

SCALE	DATE	DRAWN	CHECKED
1:1250 @ A3	May 2008	CK	SA

## KEY

- OUTLINE APPLICATION BOUNDARY
- SITES SUBJECT TO SEPARATE APPLICATIONS INSIDE & OUTSIDE THE OUTLINE APPLICATION BOUNDARY
- EXISTING BUILDING TO BE RETAINED
- BRIDGE BLOCK
- ARCHITECTURAL FEATURE
- MAX MAXIMUM BUILDING / BRIDGE HEIGHT
- MIN MINIMUM BUILDING / BRIDGE HEIGHT
- SMAX MAXIMUM STREET HEIGHT
- SWIN MINIMUM STREET HEIGHT
- HIGHEST MAXIMUM LEVEL
- LOWEST MAXIMUM LEVEL

3DRaid  
12 Caroline Street  
Birmingham B3 1TR  
T +44 (0)121 212 2221  
F +44 (0)121 236 2709  
W www.3DRaid.com

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**3D  
REID**

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00663/CON A6	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  CONSERVATION AREA CONSENT TO DEMOLISH PART OF HERON CHEMICAL WORKS BUILDING AND ANCILLARY STRUCTURES		<b>SITE ADDRESS</b>  HERON CHEMICAL WORKS MOOR LANE LANCASTER LANCASHIRE LA1 1QQ
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This application relates to the Heron Chemical Works, at the rear of buildings on Moor Lane. The site lies within the Moor Lane Conservation Area. It also sits within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. It adjoins the Lancaster Canal, which is a County Biological Heritage Site, part of the Strategic Cycle Network and an Informal Recreation Area.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.



The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Conservation Area Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It’s Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Conservation Area Consent application for the demolition of part of the Heron Chemical Works building and its ancillary structures.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Conservation Area Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The site is located at the rear of the listed Mill Hall building, and adjoins its rear wall. The main building on this site has a triple-span pitched roof. It is set below the level of the Lancaster Canal, as the land rise from west to east. Other industrial buildings to the north are not included in this application.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

PPG 15 provides advice regarding Conservation Areas, and this site occupies a position within such an area. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;

- **E37 - Demolition (in Conservation Areas)** - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38 - New Building in Conservation Areas** - Development must reflect the scale and style of the buildings and locality;
- **E39 - Alterations and Extensions (in Conservation Areas)** - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that such buildings should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- Improvements to the appearance of, and access arrangements for, the Heron Chemical Works in connection with proposed road improvements;
- The creation of new pedestrian and cycle links between the Canal and the city centre;
- The phasing of (new) residential development.

In addition SPG 6 - The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas. SPG 6 advises that there is a “need to consider the future of the Heron Chemical Works and its servicing needs”.

### **The Principle of Development**

In this particular application, the social, physical and environmental arguments associated with making more efficient use of brownfield land, providing better connectivity to the Canal and bringing a direct route from the canal towards the city centre, and the creation of the new canalside park are strong.

As part of the wider justification for the works, application 08/00866/OUT concludes that the loss of unlisted buildings here is justified - in principle - to deliver these benefits associated with the wider development.

### **Impact upon Heritage Assets**

The group of 'warehouse-style' buildings on this part of the site probably date from the late-19th Century and comprise gable walls built from sandstone random rubble with valley gutters above. Previously, access doors to the canal towpath were constructed possibly for the delivery of coal to the industrial complex.

All of the buildings within the site are in a poor condition and many of them have been significantly altered to accommodate the modern manufacturing operations.

That said, the buildings do have a (cumulative) higher townscape value than the applicant suggests, especially when viewed against the backdrop of Mill Hall and Moor Lane Mills South. Whilst this Conservation Area Consent application considers only the demolition, it is appropriate to establish that any replacement building in this location should be of a high standard and at an appropriate scale.

The retention and re-use of these buildings would be feasible, but at a very high cost and with limited options for new, viable uses.

Their loss is acceptable given their condition and considerable alteration, and providing that any replacement structure is acceptable in form, scale and design, then the setting of Mill Hall could be improved as a consequence. A condition requiring the repair of any damaged stonework to the flank walls is imposed as part of a more detailed 'Programme of Demolition' condition.

### **Conclusion**

Subject to the granting of outline permission 08/00866/OUT, and a planning condition preventing demolition until a Reserved Matters application for the wider redevelopment has been granted and a construction contract put in place, then these works are considered acceptable. The loss of the buildings is therefore considered to be outweighed by the economic and social benefits that would accrue to the wider community.

### **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

### **RECOMMENDATIONS**

That **CONSERVATION AREA CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Conservation Area Consent
2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. Programme of demolition and methodology of repair work to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;

- (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.

- 5. Level 2/3 archaeological recording condition
- 6. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00666/CON A7	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  CONSERVATION AREA CONSENT TO DEMOLISH STRUCTURES ADJACENT TO MILL HALL GATEHOUSE AND CURTILAGE WALL		<b>SITE ADDRESS</b>  HERON CHEMICAL WORKS MOOR LANE LANCASTER LANCASHIRE LA1 1QQ
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This particular site relates to the Heron Chemical Works, at the rear of buildings on Moor Lane. The site lies within the Moor Lane Mills Conservation Area. It also lies within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. It adjoins the Lancaster Canal, which is a County Biological Heritage Site, part of the Strategic Cycle Network and an Informal Recreation Area.

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The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.



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The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the overall scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

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They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

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The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## OTHER OBSERVATIONS RECEIVED

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 130 chose to object to this application too. The following grounds of objection are valid in respect of this Conservation Area Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960s and 1970s are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Conservation Area Consent application for the demolition of part of the Heron Chemical Works building adjacent to the Mill Hall Gatehouse curtilage wall.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Conservation Area Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The site is located adjacent to the Mill Hall building, and adjoins its Gatehouse curtilage wall. The buildings are largely obscured from public view due to the presence of the Mill Hall and its Gatehouse to the east, and other industrial buildings to the west.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

PPG 15 provides advice regarding Conservation Areas, and this site occupies a position within such an area. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscape' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage', and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- **Policy E32 - Demolition** - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33 - Alterations and Extensions** - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35 - Conservation Areas and their Surroundings** - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;

- **E37 - Demolition (in Conservation Areas)** - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38 - New Building in Conservation Areas** - Development must reflect the scale and style of the buildings and locality;
- **E39 - Alterations and Extensions (in Conservation Areas)** - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that such buildings should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- Improvements to the appearance of, and access arrangements for, the Heron Chemical Works in connection with proposed road improvements;
- The creation of new pedestrian and cycle links between the Canal and the city centre;
- The phasing of (new) residential development.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas. SPG 6 advises that there is a “need to consider the future of the Heron Chemical Works and its servicing needs”.

### **The Principle of Development**

In this particular application, the social, physical and environmental arguments associated with making more efficient use of brownfield land, providing better connectivity to the Canal and bringing a direct route from the canal towards the city centre, and the creation of the new canalside park are strong.

As part of the wider justification for the works, application 08/00866/OUT concludes that the loss of unlisted buildings here is justified = in principle - to deliver these benefits associated with the wider development.

### **Impact upon Heritage Assets**

The main building within this Conservation Area Consent application is a laboratory building constructed in 1909 to the design of Harrison Hall Ltd of Lancaster. It is constructed from regular coursed and dressed stone and is duo-pitched with a hipped lower roof in slate and a 'lantern-style' rooflight.

The smaller buildings to the rear of this structure have no architectural significance and are not visible from outside the site.

All of the buildings within the site are in a poor condition and many of them have been significantly altered to accommodate the modern manufacturing operations.

The laboratory building does not have any public aspect, except for the lantern roof and part of the slate roof which protrudes above the boundary wall.

The retention and re-use of these buildings would be feasible, but at a very high cost and with limited options for new, viable uses.

Their loss is acceptable given their condition and considerable alteration, and providing that any replacement structure is acceptable in form, scale and design, then the setting of Mill Hall could be improved as a consequence. A condition requiring the repair of any damaged stonework to the flank walls is imposed as part of a more detailed 'Programme of Demolition' condition.

### **Conclusion**

Subject to the granting of outline permission 08/00866/OUT, and a planning condition preventing demolition until a Reserved Matters application for the wider redevelopment has been granted and a construction contract put in place, then these works are considered acceptable. The loss of the buildings is therefore considered to be outweighed by the economic and social benefits that would accrue to the wider community.

### **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

### **RECOMMENDATIONS**

That **CONSERVATION AREA CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Conservation Area Consent
2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. Programme of demolition and methodology of repair work to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;

- (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.

- 5. Level 2/3 archaeological recording condition
- 6. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00670/CON A8	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH 1 LODGE STREET (MUSICIANS CO-OP & DANCE STUDIO) AND ASSOCIATED STRUCTURES		<b>SITE ADDRESS</b>  1 LODGE STREET LANCASTER LANCASHIRE LA1 1QW
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This particular site relates to 1 Lodge Street, which sits within the City Conservation Area. It also lies within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. The land to the east is one of the Shopper and Visitor Car Parks.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.



The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

#### **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Conservation Area Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment
- Loss of community facilities (and their replacement facilities should be in place prior to the demolition);
- No written commitment to replacing the Musicians Co-Op

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Conservation Area Consent application for the demolition of 1 Lodge Street, which accommodates the Musician's Co-Operative and the separate Dance Studio.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Conservation Area Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The application site abuts the Grand Theatre, which is a Listed Building. Otherwise it is surrounded by car parking.

Although it appears as one property, the site is effectively split between the two uses. The Music Co-Op fronts Lodge Street and has a double span warehouse-style roof. A smaller two-storey building adjoins the studio and is domestic in scale.

The Dance Studio is a detached, two-storey four-bay building and although it is visible from the surrounding car parks, it does not enjoy an immediate public frontage and vehicular access is instead taken from Edward Street.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;

- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

PPG 15 provides advice regarding Conservation Areas, and this site occupies a position within such an area. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;

- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37** - Demolition (in Conservation Areas) - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38** - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- **E39** - Alterations and Extensions (in Conservation Areas) - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that such buildings should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- The retention and enhancement of the Grand Theatre as a cultural resource and a historic building.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas.

### **The Principle of Development**

This application is concerned with the demolition issues only. The issue regarding the loss or replacement of existing services/uses is considered under application 08//00866/OUT.

In this particular application, the social, physical and environmental arguments associated with making more efficient use of brownfield land, the provision of modern studio facilities for the Co-Operative, the creation of a new landscaped square around the Grand Theatre and the Co-Op, and the connectivity

improvements to the remainder of the site, including the Canal and the existing city centre, are convincing.

As part of the wider justification for the works, application 08/00866/OUT concludes that the loss of unlisted buildings here is justified - in principle - to deliver these benefits associated with the wider development.

### **Impact upon Heritage Assets**

The existing Musician's Co-Op structure is constructed from coursed stone to the front and the other elevations are from stone rubble, although these have subsequently been covered with a cement-based render finish. The roof structure comprises of two duo-pitched roofs with a mineral felt covering with continuous rooflights and a central valley gutter. The roof would originally have been slate.

There are structural problems which exacerbate the water ingress problem, and the applicant advises that there is evidence of roof failure. In addition a number of windows are broken and the woodwork requires replacement. These problems extend to the attached smaller structure.

In its present condition, and bearing in mind the alteration to the roof and some of the elevations, it is considered that this building does not have a positive contribution on the Conservation Area and that the setting of the Grand Theatre could be enhanced by its removal.

The Dance Studio is constructed from stone rubble with stone dressings to the window and door openings and has a pitched roof with a slate finish. It is in a better condition than the Music Co-Op. The ancillary buildings are of no historic or architectural significance.

This building does contribute more to the Conservation Area than the Music Co-Op, but its isolated position and the surrounding car parks result in a building that has no sense of place. The structure by itself does not appear to be of listable value. Given this, and the benefits that would accrue from enhancing the setting of the Grand Theatre, its demolition is considered acceptable

A condition requiring the repair of any damaged stonework to the flank walls is imposed as part of a more detailed 'Programme of Demolition' condition.

### **Conclusion**

Subject to the granting of outline permission 08/00866/OUT, and a planning condition preventing demolition until a Reserved Matters application for the wider redevelopment has been granted and a construction contract put in place, then these works are considered acceptable. The loss of the buildings is therefore considered to be outweighed by the economic and social benefits that would accrue to the wider community.

### **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

### **RECOMMENDATIONS**

That **CONSERVATION AREA CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Conservation Area Consent

2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. Programme of demolition and methodology of repair work to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;
  - (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.
5. Level 2/3 archaeological recording condition
6. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00671/CON A9	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH 1 - 2 ST ANNES PLACE AND ASSOCIATED STRUCTURES		<b>SITE ADDRESS</b>  1 -2 ST ANNES PLACE LANCASTER LANCASHIRE LA1 1QA
<b>APPLICANT:</b>  Centros Miller C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This particular site relates to 1 and 2 St Anne's Place, which lies within the City Conservation Area. Part of the site is reserved (by the Lancaster District Local Plan) for development associated with the Duke's Theatre. Moor Lane (where access is taken from) is part of the Strategic Cycle Network.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.



The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## OTHER OBSERVATIONS RECEIVED

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Conservation Area Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960s and 1970s are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Conservation Area Consent application for the demolition of 1 and 2 St Anne's Place.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Conservation Area Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

This site, which is also known as Thompson and Jackson Ltd, is accessed from Moor Lane, and the Duke's Theatre enjoys a prominent position in front of the buildings. The structure is also obscured partially by 17-19 Moor Lane. Land further to the north comprises part of the Mitchell's Brewery and Bottling Plant.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

PPG 15 provides advice regarding Conservation Areas, and this site occupies a position within such an area. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that

are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- **Policy E32 - Demolition** - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33 - Alterations and Extensions** ; Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35 - Conservation Areas and their Surroundings** - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37 - Demolition (in Conservation Areas)** - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been

made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;

- E38 - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- E39 - Alterations and Extensions (in Conservation Areas) ; Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that such buildings should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- A comprehensive development of the whole site incorporating the Brewery and Bottling Plant;
- The safeguarding of the Duke’s Theatre and its role as a key element of the city’s cultural quarter.

In addition SPG 6 - The City Centre Strategy - is applicable and the emphasis placed upon enhancing the Duke’s Theatre is also stated in this document.

### **The Principle of Development**

In this particular application, the social, physical and environmental arguments associated with making more efficient use of brownfield land, providing better connectivity from Moor Lane to the development site, the creation of a direct route from the canal towards the city centre, and the creation of new public space around the Duke’s Theatre are strong.

As part of the wider justification for the works, application 08/00866/OUT concludes that the loss of unlisted buildings here is justified - in principle - to deliver these benefits associated with the wider development.

### **Impact upon Heritage Assets**

This is a small terrace of two houses built to accommodate an access to a timber yard at the rear. The houses are not shown on the Ordnance Survey map of 1848, but the timber yard buildings were shown back in 1844. The houses appear on the 1891 map and must date from the late-19th Century.

The property is two-storey, although one of the properties has a dormer window providing a third floor. They are constructed from sandstone, although one of the gables is rendered, presumably because an adjacent building was previously demolished.

The timber lean-to structure is in a poor condition, but the remainder of the property appears structurally sound.

The houses appear to be in a fair condition and St Anne's Place is an attractive space created by the sense of enclosure. The current use of the premises, including the appearance of the roller shutter door and the more modern windows fronting St Anne's Place, means that as a structure it does not contribute to the Conservation Area in a sufficiently positive manner. However the stone sett road surfacing is an attractive feature.

The critical issue here is that St Anne's Place retains its attractiveness as a space which contributes to the Conservation Area. This can be achieved by the sensitive siting and scale of new buildings, and reinforcing the role of the Duke's Theatre - something that the main outline application sets out to achieve. The new application also looks to make St Anne's Place more active by linking it to the new development.

On the proviso that this occurs, the application to demolish these structures can be supported.

### **Conclusion**

Subject to the granting of outline permission 08/00866/OUT, and a planning condition preventing demolition until a Reserved Matters application for the wider redevelopment has been granted and a construction contract put in place, then these works are considered acceptable. The loss of the buildings is therefore considered to be outweighed by the economic and social benefits that would accrue to the wider community.

### **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

### **RECOMMENDATIONS**

That **CONSERVATION AREA CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Conservation Area Consent
2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. Programme of demolition and methodology of repair work to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;

- (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development (including the stone setts)

- 5. Level 2/3 archaeological recording condition
- 6. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00673/CON A10	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  <b>APPLICATION FOR CONSERVATION AREA CONSENT TO DEMOLISH 133 - 139 ST LEONARDS GATE, 1 - 5 STONEWELL, 3 - 7 MOOR LANE AND ALL ANCILLARY STRUCTURES</b>		<b>SITE ADDRESS</b>  <b>133 - 139 ST LEONARDS GATE 1 - 5 STONEWELL 3 - 7 MOOR LANE LANCASTER LANCASHIRE</b>
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

These properties lie within the Stonewell Upper Floors Improvement Area, as designated by the Lancaster District Local Plan. Part of the site lies within the City Conservation Area. It abuts a Housing Opportunity Site. Stonewell forms part of the Strategic Cycle Network, the Primary Bus Corridor and is within the Lancaster Central Parking Area.

The buildings (with the exception of 3-7 Moor Lane) are also Key Townscape Features. Number 9 Moor Lane, outside this Conservation Area site, is a Key Townscape Feature too. The statutory designations for the wider site are listed in the 08/00866/OUT report.

**STATUTORY CONSULTATIONS**

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**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

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Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

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They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

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However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

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With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## OTHER OBSERVATIONS RECEIVED

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 132 chose to object to this application too. The following grounds of objection are valid in respect of this Conservation Area Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Impact of the pedestrian bridge upon the Conservation Area and the setting of Listed Buildings
- Value of the unlisted buildings scheduled for demolition
- Scale of replacement development is too intense in terms of scale, massing, siting

- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Conservation Area Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## REPORT

### Introduction and Procedural Matters

This is the Conservation Area Consent application for the demolition of the existing properties known as 133-139 St Leonardgate, 1-5 Stonewell, 3-7 Moor Lane and all of the ancillary structures.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Conservation Area Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

### The Site and its Surroundings

These properties to the west of the wider Canal Corridor North site are designated Key Townscape Features within the City Conservation Area. None of the buildings scheduled for demolition here are Listed Buildings. However because the works comprise demolition within a Conservation Area, consent is required.

The buildings vary in terms of style, date and use and are best summarised in the following table:

Property	Date	Current (or previous) Use, Features and Condition
133-139 St Leonard's Gate	Early/Mid 19 <sup>th</sup> century, part of façade possibly rebuilt early 20 <sup>th</sup> century	<p><b>A3/A5 mixed use – Restaurant &amp; Takeaway</b>  <b>A3 – Restaurant</b>  <b>A1 Shop (Hairdressers)</b>  <b>A1 Shop (Hearing Centre Shop)</b></p> <p><b>Stone slate roofing to the rear is unusual in Lancaster</b></p> <p><b>Evidence of tile slippage and some roof sagging to 133, 135 and 137. Rear areas of 133 are identified as dangerous structures with entrance prohibited. Chimneys may require demolition at 137 and 139. Structures at 135-139 are generally sound otherwise.</b></p>

Property	Date	Current (or previous) Use, Features and Condition
1-5 Stonewell	<p><i>These are replacement buildings. Much earlier buildings were constructed here – maps of 1610 &amp; 1684 show buildings in this location.</i></p> <p><i>Number 2 is 18<sup>th</sup> century whilst the remainder are later 19<sup>th</sup> Century</i></p>	<p><i>A1 – Shop (Windows Shop)</i>  <i>Sui Generis Use – (Launderette)</i>  <i>A1 – Shop (Post Office)</i>  <i>Sui Generis – Amusement Arcade</i></p> <p><i>Mansard roof to Number 1 is not a local characteristic</i>  <i>There are no cellars to these properties and therefore archaeological remains could be of interest</i></p> <p><i>Number 1 is in good condition.</i>  <i>Number 2 is in poor condition with evidence of structural movement and severe roof sagging</i>  <i>Number 3 has a poor shop frontage and there is some evidence of historical structural movement</i>  <i>Numbers 4 and 5 are structurally sound, although there is evidence of historical structural movement</i></p> <p><i>A series of structurally unsafe buildings adjoin Stonewell/Moor Lane to the rear in the courtyard – Swan Court – and internal access is not possible.</i></p>
3-7 Moor Lane	<p><i>These are replacement buildings. Much earlier buildings were constructed here – maps of 1610 &amp; 1684 show buildings in this location.</i></p> <p><i>The current building s date to the later part of the 19<sup>th</sup> Century</i></p>	<p><i>A1 – Shop (Telecommunications)</i>  <i>A1 – Shop (Newsagents and Funeral Directors)</i></p> <p><i>There are no cellars to these properties and therefore archaeological remains could be of interest</i></p> <p><i>Number 3 is structurally sound although in generally poor condition</i>  <i>5 and 7 are in good condition with re-roofing having occurred.</i></p>
Gee's Court Flat (rear of 7 Moor Lane)	<i>Date not known</i>	<p><i>C3 - Residential</i></p> <p><i>A former warehouse converted to residential accommodation</i></p> <p><i>Good condition although outlook given its backland location is poor</i></p>

It is recognised that some of the upper floors above the commercial uses are also utilised residentially.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

In relation to such applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

PPG 15 provides advice regarding Conservation Areas, and this site occupies a position within such an area. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37** - Demolition (in Conservation Areas) -The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38** - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- **E39** - Alterations and Extensions (in Conservation Areas) - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that such buildings should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- An attractive entrance to the city and a seamless join between the commercial areas and residential areas of Lancaster;
- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;
- The accommodation of any new retail development close to the existing centre with the best possible pedestrian links

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- A comprehensive development of the whole site;

- A high density of development making efficient use of the land;
- The incorporation, where possible, of the under-used frontages on St Leonard's Gate, Stonewell, Moor Lane, Swan Yard and the former Tramway Pub and adjacent buildings;
- A pedestrian and cycle-friendly environment between the site and St Nicholas Arcade and Church Street. The possibility is a level pedestrian bridge across Stonewell linking into the St Nicholas Centre is referred to in Paragraph 6.12 of SPG 8.

In addition SPG 6 - The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas, achieve a varied townscape with distinctive quarters, including a cultural quarter in the general locality, and rationalise the car parks in and around the site. One of the design challenges posed referred to the need to integrate new development into historic street frontages with an intimate and varied character.

### **Impact upon Heritage Assets**

The fact that this group of buildings comprise Key Townscape Features is beyond question. They also contribute to the Conservation Area, despite the fact that a number of them are in poor condition and that most of them have been significantly altered over time.

It would be possible to refurbish the buildings in need of repair and improve their visual appearance, albeit at a considerable cost.

The retail and economic case for demolition is discussed in the 08/00866/OUT report, but it is relevant to briefly refer to these matters because PPG 15 discusses the benefits of regeneration and benefits for the community.

At the crux of the retail is the issue of scheme viability, if the buildings at the Stonewell 'nose' of the site were retained.

The main report answers this unequivocally. The Council's independent retail consultants, White Young Green, estimate that a direct, at-grade link needs to be provided between the existing city centre at St Nicholas Arcade and the development site. Without such a link, they calculate that approximately three-quarters of all visitors to the Canal Corridor 'Castle View' scheme would remain within the site only, and not visit the existing city centre retail areas. This would be economically damaging to the historic core of the city.

There are strong economic arguments for enhancing the retail offer in Lancaster, and these are discussed in detail in the 08/00866/OUT report. There are also convincing physical and social cases to be made - the proposal makes more efficient use of the site for car parking, provides new green space, provides new access to the Lancaster Canal and delivers new residential uses to the east of the site. In addition financial contributions to the cultural assets within the site, most notably The Grand Theatre and The Dukes Theatre, and the provision of new premises for the Musician's Co-Operative, are beneficial to the wider community of the city, and indeed the district.

Furthermore, the content of the North West Regional Development Agency and English Heritage's report - 'Historic Towns and Cities in England's North West' - advises that Lancaster should exploit opportunities to realise its tourist potential as a "Georgian Gem". The heritage of the city should be "a backdrop to a stylish and distinctive retail and leisure activity".

As part of its study the report advises that the built form of the city should be reviewed and new development of the highest modern architectural quality within the city centre "expansion area" should form the anchor point to both the new Canalside Quarter and the city's retail core.

This study therefore indicated that heritage alone would not be sufficient to expand on the city's tourism potential.

Application 08/00866/OUT also discusses that the loss of unlisted buildings within the Conservation Area against the relevant policy criteria, and the 'preserve or enhance' tests. This debate centres upon English Heritage's (and other heritage and conservation group's) objections to the scheme.

One matter not addressed by the applicant is the future of two of the important site features within this location. The Moor Lane corner contains a historic plaque (in recognition of the inventor of railway tickets). There is also a date stone of 1701 to the rear of these properties. This date stone is likely to have been salvaged from previous demolitions in the Swan Yard locality - the original building from 1701 no longer exists. If permission is granted then a condition would be imposed requiring the safe storage and retention (within the scheme) of these features.

### **Heritage & Townscape - Objections**

The proposals have been the subject of debate and productive discussion between the Development Team and English Heritage. In addition groups such as The Victorian Society and Save Britain's Heritage have also made comment. Many public objectors have referred to similar townscape and heritage concerns, and have made comment that demolition of the Key Townscape Features described in the above sections of this report renders the proposal as non-compliant with planning policies.

There are two different levels of opposition.

The strongest objections arise from 'Save Britain's Heritage', whose objection letter considers the proposal to be "clumsy, over-scaled, insensitive and destructive", and detrimental to views from Conservation Areas and the setting of Listed Buildings. They state that the loss of the Key Townscape Features results in the Listed Buildings losing their context. The bridge is also deemed to "degrade the streetscape" and the new spaces do not respond to the existing spaces in Lancaster.

The Victorian Society have similar comments and object on strong terms, stating that the development would be "incredibly damaging" to a number of historic buildings and Conservation Areas, and the street pattern of the city. The scale and roofscape of the new structures is also described as potentially damaging.

The Society is "keen for the Brewery complex, former warehouses and Heron Works buildings to be retained" in the interests of individuality. The principle of development across the site is accepted, but the Society would prefer to see more intensive development taking place to the north (i.e. further away from the centre).

Both letters refer to previous retail developments in the 1950's and 1960's which blighted town and city centres.

It is envisaged that the Georgian Group will also make comment on the proposals but that due to agenda production timescales this will be verbally reported.

The Government's advisor on architecture, urban design and public spaces - the Commission for the Built Environment (CABE) also made comment just prior to the committee deadline.

CABE are supportive of the ambition of the scheme and the reconnectedness it would provide, but they believe that further work is required to integrate the development within the city and to resolve the permeability problems caused by St Nicholas Arcades. They remain to be convinced by the pedestrian bridge, and state that a new public space here could be a new focal point.

Other proposals are considered to be sound, such as the principle of placing new blocks behind existing buildings. New spaces such as that proposed at St Anne's Square are welcomed, but CABE believe



integration across from here to St Leonard's Gate could be considered. Other suggestions, such as a Shopfront Widths strategy, are proposed whilst renewable energy technologies are encouraged. But the final point is that CABI believe that the Stonewell area should be rethought.

The comments from CABI are, as expected, more conciliatory than those of the preservation societies. However CABI's comments are not dissimilar to those expressed by the Government's historic environment advisor, English Heritage.

There are also significant differences between English Heritage's objections in July 2007 and September 2008. These have been resolved with the introduction of the amendments to the scheme. For clarity, the matters that English Heritage state as now being satisfactorily addressed are as follows:

- The replacement of the fine urban grain with monolithic blocks;
- The rigid grid pattern;
- The heights of buildings;
- Building typologies and roofscapes;
- Lack of after-hours vitality;
- The alignment of Central Street.

English Heritage "acknowledges the effort and commitment of the design team in addressing these (above) matters and they believe that the scheme has benefited considerably as a result of this". They continue by supporting "the aspirations of the scheme to extend the city as far as the canal with retail-led redevelopment; to reanimate the canalside; to remove the surface level parking which has occupied gap sites in a haphazard manner; and the retention of statutorily protected buildings".

But there is still objection to elements within the scheme. They "regret the loss of historic buildings both within and without the Conservation Area" and are "disappointed that a scheme based upon the adaptive reuse of these buildings rather than demolition has not been forthcoming".

The next sentence is quite critical. It says that "On the basis of the information provided however, we reluctantly accept that it would not be possible to deliver the type of scheme proposed while retaining all of these structures...For the most part we find the justification for demolition put forward in the PPG 15 Assessment and other documentation convincing, and albeit with regret, we concede the loss of many of these buildings'. These include the Mitchell's brewery and malthouse and the buildings adjacent to the Canal.

The exceptions to this concession are the Key Townscape Features around the Stonewell 'nose'. Adjoining buildings here are listed and collectively English Heritage they "contribute to the sense of place at the heart of the Conservation Area". English Heritage continue by saying that the proposals will "clearly not preserve the character of the Conservation Area" and that it is the applicant's responsibility to demonstrate that the scheme will enhance it. This is elaborated further in the next section.

They acknowledge the reasons for connectivity between the two sites, but are "strongly opposed" to the bridge link. They describe St Nicholas Arcades as "one of the weakest elements of Lancaster" and the proposals would exacerbate this, rather than improve the inactive frontages at the external elevations of St Nicholas Arcades.

The bridge is also cited for cutting across the front elevation of the listed Centenary Church and across views down Moor Lane, "damaging an important asset of the Conservation Area".

They asked the applicant to consider at-grade crossings, similar to those in Kensington High Street or at Sheffield Railway Station. English Heritage also commissioned an investigation into pedestrian numbers and traffic flow, with the outcome being that increased pedestrian numbers (as a consequence of site redevelopment for the purposes proposed) could be accommodated by the inclusion of modern crossing technology, with “no significant delay to traffic”. But this would have to provide sufficient capacity for the increased pedestrians.

To resolve the issue of capacity English Heritage “suggested that the demolition of the unlisted (Key Townscape) buildings at Stonewell could be offset by the creation of a new public space that provides an entrance to the new development and a waiting area for pedestrians crossing at grade, and changes the relation between vehicles and pedestrians”.

In the absence of this satisfactory alternative, English Heritage object on the grounds that the “bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings that is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area”.

It is fair to say that English Heritage's original position in 2007 was more in accordance with the comments of Save Britain's Heritage and The Victorian Society, and perhaps justifiably so. But the amendments to the scheme have narrowed their objections down to the principle of the bridge link and the design solution at proposed at Stonewell.

### **The Preserve or Enhance tests**

A significant challenge for the development is how to integrate it to the historic part of the city, and re-establish former connectivity. The option chosen is a new pedestrian bridge link and, due to highway requirements, this has to be at a relatively high level above Stonewell. The bridge, in the opinion of the local planning authority, is a functional necessity providing physical linkage between the existing city centre and the new development. That linkage, again in the view of the local planning authority, cannot be achieved by crossings at grade across a busy highway which is unlikely to see reduced traffic volumes in the future.

Of separate consideration is the impact that the bridge will have on the Conservation Area and the surrounding buildings.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local authorities in exercising planning functions in Conservation Areas. It requires that in exercising functions such as determining planning applications, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

There have been various cases which have interpreted this requirement over the years. In the seminal case of *South Lakeland v Secretary of State for the Environment* the House of Lords ruled that preserving the character or appearance of a Conservation Area could be achieved not only by a positive contribution to preservation (such as restoring existing buildings), but also by development which left the character or appearance of the conservation area unharmed. This means that new development of an appropriate design and raising no other planning objections could still be found to pass the preserve test.

Following the publication of PPS 1 there has been considerable debate as to how to interpret the Conservation Area test in the light of paragraph 32 of PPS 1, which discusses the spatial planning framework. That has been resolved in a publication entitled ‘Design Guidance for Inspectors’ published by the Planning Inspectorate in late 2007. In that guidance it is indicated that if the quality of an area is already high, then the policy test of PPS 1 is met if the test under Section 72 is also met. There has however been a regrettable misapprehension that the approach in all cases should be to ‘enhance’ rather than to merely ‘preserve’ the character or appearance of the Conservation Area.

English Heritage, in their letter of objection, agree that for the most part the justification for demolition of buildings on the site is convincing and as previously stated, concede the loss of many of the existing buildings with the exception of the buildings grouped around the Stonewell nose. English Heritage's view is that these adjoin buildings which are listed and collectively they contribute to the sense of place at the heart of the conservation area. Accordingly they take the view that the proposals for their removal will clearly not preserve the character of the conservation area, and state that the onus is therefore placed upon the applicant to demonstrate that the scheme will enhance it.

In addressing the enhancement test English Heritage make it clear that it is the bridge link between the development and St Nicholas Arcades which restrains them from agreeing that the scheme enhances the Conservation Area. Without the bridge English Heritage has suggested that the demolition of the unlisted buildings at Stonewell could be off-set by the creation of a new public space. It appears therefore that their stance is that the development would not preserve the character or appearance of the Conservation Area, but if the bridge link were removed it might enhance them.

Given the debate, the local planning authority sought the view of its counsel, and they concluded that their approach is flawed. The question is whether the development overall would preserve the character or appearance of the area and not whether the special character or appearance would change. 'Preserve' is not to be given the meaning of 'leaving unchanged' - that was precisely the argument that was rejected in the South Lakeland case. The approach of English Heritage appears to be that where there is proposed to be a change in character there cannot be 'preservation' and therefore the obligation is for 'enhancement'. The advice of counsel is that were the Council to adopt this approach, it would be acting beyond its powers under Section 72.

In addressing the enhancement test English Heritage make it clear that it is the bridge link between the development and St Nicholas Arcade which restrains them from agreeing that the scheme enhances the Conservation Area. Without the bridge English Heritage has suggested that the demolition of the unlisted buildings at Stonewell could be off-set by the creation of a new public space. It appears therefore that their stance is that the development would not preserve the character or appearance of the Conservation Area, but if the bridge link were removed it might enhance it.

Taking English Heritage's advice in the context of the South Lakeland decision they concede that the demolition of the Stonewell Buildings and their replacement by the scheme as designed would be acceptable if the design did not include the link bridge. Although English Heritage suggest that the scheme does not preserve the character of the Conservation Area, the concession made about the creation of a new public space means that without the bridge they agree that the scheme would meet the statutory test. Applying the correct approach of the South Lakeland case this can only be an acceptance that the proposed development does preserve the Conservation Area.

It seems clear therefore that it is the bridge which is the only contentious issue, not the principle of the demolition of the buildings on Stonewell.

In deciding whether or not the development in its full form, with the link bridge included, enhances the Conservation Area, the Council has to consider whether the bridge link is just an essential functional feature which links the development with the existing city centre, or whether it is also a valuable and acceptable architectural feature to be added to the Conservation Area.

The Planning Service has asked the developers to provide clear concept design details for the bridge, and have also examined a recent bridge structure constructed in the New Town Conservation Area off Princess Street in Edinburgh. It is clear from the Edinburgh case that the construction of new bridge structures in historic Georgian cities can be accommodated without causing harm to the character and appearance of a Conservation Area.

The concept designs for the bridge link show a simple sleek structure across the carriageway which in your officers view would sit well with the contemporary design of the "nose" of the development. In

addition it would act as an exciting feature above, and framing the new public space. It is also noted that the bridge does not dominate the enlarged Moor Lane area created by the proposals. Instead, the bridge position is shown closer to St Leonard's Gate, and the structure is relatively narrow in span, with ample space for enhanced public realm, landscaping and high-quality features within the redeveloped pedestrian areas and the gateway to the site.

The bridge connects to Block B01. Its connection with Block B14 is so far recessed into the site that this building will be viewed as a feature building which stands independent of the bridge. The design options for Block B14 are shown indicatively in perspective drawings, and although the final design option is a Reserved Matter, the approach is encouraging and reflective of a similar modern design in the retail heart of York City Centre which has been lauded by the national heritage groups.

In this regard the local planning authority does not agree with English Heritage. It is our view that the bridge would form an exciting addition and a lively element to the street scene in this location. In this regard the bridge is considered to be an enhancing feature.

Taken as a whole the development brings a street layout and design concept to the city which is capable of blending elements of traditional and contemporary architecture together in an urban design which is equally capable of respecting the architecture and character of the City of Lancaster. The conclusion is that the scheme will both preserve and in some respects enhance the character and appearance of the Conservation Area and that the test required by Section 72 is satisfied. Consequently, the proposal is also deemed to comply with the relevant District Planning Policies.

Other options were considered by the applicant in response to English Heritage's suggestions. This included retaining the buildings and providing a level pedestrian access on Moor Lane. Again the separation of the two sites, caused by the gyratory and the fact that St Nicholas Arcades has no 'active' frontage to entice shoppers from the Castle View site, means that the economic arguments for providing a bridge link are persuasive.

## **Conclusion**

It is noted that Policy E37 of the LDLP relating to demolition in Conservation Areas, is more onerous than the national guidance contained in PPG 15. But as the applicant indicates, the use of outline applications for achieving new development within Conservation Areas involving demolition is a well-established method of delivering town centre regeneration. Here, the parameters-based approach provided by the applicant and the level of detail provided in the supporting studies is deemed sufficient to afford assurance that the detailed scheme can be satisfactorily accommodated within the wider site.

Therefore, given the safeguard of the conditions included in the recommendation, including a condition stipulating that no demolition could occur without the grant of Reserved Matters and without a construction contract for the replacement buildings and features being in place.

Taking into account the conclusions regarding the preserve or enhance tests, the community benefits that would ensue as a result of the improved accessibility to a mix of uses and integration of the development site within the city centre once again, the indicative proposals for high-quality replacement structures, and the reduction of parameter levels at this end of the site for the replacement buildings, the development is considered appropriate subject to the granting of application 08/00866/OUT.

## **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

## RECOMMENDATIONS

That **CONSERVATION AREA CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Conservation Area Consent
2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. No demolition or works of site clearance to commence until a scheme for the adequate storage (during demolition) and reuse (within the site) of the historic lintel stone, (including door opening and quoins) and the Moor Lane plaque has been agreed. Development to accord with these details.
5. Programme of demolition to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;
  - (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.
6. A Level 2-3 archaeological recording of the buildings shall be undertaken
7. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00662/LB A11	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  APPLICATION FOR LISTED BUILDING CONSENT FOR THE ALTERATION OF ST LEONARD'S GATE BY THE REMOVAL OF THE ADJACENT REDUNDANT SPIRITUALIST CHURCH AND MAKING GOOD AND REINSTATEMENT OF THE WESTERN FLANK WALL OF NUMBER 18 ST LEONARDS GATE		<b>SITE ADDRESS</b>  CROWN INN 18 ST LEONARDS GATE LANCASTER LANCASHIRE LA1 1QS
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This particular site relates to the Crown Inn, which is a Grade II listed building. Land immediately to the west is allocated for highway improvements as part of the Lancaster District Local Plan. Tree Preservation Order 382 protects trees to the east of the site.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made specific comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. They recommend that the scheme as a whole be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 130 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It’s Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.



**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the removal of the adjoining Spiritualist Church and the reinstatement and making good of the flank wall.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The Crown Inn is a 3-storey Grade II Listed Building constructed from stone and slate circa 1820. It is vacant and has fallen into some disrepair, both externally and internally.

The adjoining building, known as the Lancaster Spiritualist Church, but also recognised as Britten Hall, is a more modern construction, probably circa 1930, and is not a Listed Building and is rendered, as opposed to being of stone construction.

Neither building is located within a Conservation Area.

The triangular area of land to the east contains trees preserved by Tree Preservation Order No. 382, which contain a group of Birch and Lime trees. They are not affected by this proposal.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;

- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration „,to accommodate continuing or new uses” It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

PPG 15 also provides advice regarding Conservation Areas, and although the Crown Inn site is not within a Conservation Area, it is in relatively close proximity. Local planning authorities have to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and this also applies to proposals that are outside a Conservation Area but would affect its setting, or affect views into or out from such an area. Account should be taken of the architectural/historic interest of the area and the wider effects of demolition on the building's surroundings and on the Conservation Area as a whole. The general presumption should be in favour of retaining buildings that make a positive contribution.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37** - Demolition (in Conservation Areas) - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38** - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- **E39** - Alterations and Extensions (in Conservation Areas) - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance (SPG) for the site excludes the Crown Inn and the other land to the north. SPG 6 discusses the need for better linkage in this area to the city centre and to Kingsway.

### **Impact upon Heritage Assets**

The building analysis undertaken by the applicant indicates that the Spiritualist Church is in good condition.

Some elements of the building (facing Back Caton Road) are interesting, but the elevation to St Leonardgate is not of any specific historic or architectural value. As a consequence, it does not enhance the setting of the Crown Inn and does not, either by virtue of its own quality or cumulatively, make a positive contribution to the locality. Furthermore it is set outside the Conservation Area.

The impact of the proposed works upon heritage assets, in this case the Crown Inn and the nearby Conservation Area, is considered to be beneficial and will contribute to enhancing the setting of this important building. The traffic-related works to the junction here do not, quite correctly, form part of the Listed Building application and are considered in application 08/00866/OUT.

## **Conclusion**

Subject to a planning condition requiring a detailed programme of remedial works being agreed, and subject to a condition preventing demolition until a Reserved Matters application for the wider redevelopment has been granted and a construction contract put in place, then these works are considered acceptable and will benefit the setting of the Listed Building.

## **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

## **RECOMMENDATIONS**

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
4. Programme of demolition and methodology of repair work to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of damaged stonework and recesses in salvaged sandstone masonry;
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;
  - (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.
5. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00665/LB A12	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  LISTED BUILDING APPLICATION FOR ALTERATIONS AND REINSTATEMENT OF NORTHERN ELEVATION (FOLLOWING DEMOLITION OF PART OF THE ADJACENT HERON CHEMICAL WORKS)		<b>SITE ADDRESS</b>  MILL HALL MOOR LANE LANCASTER LANCASHIRE LA1 1QD
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

## REASON FOR DELAY

Joint determination with main outline planning application (Ref: 08/00866/OUT).

## PARISH NOTIFICATION

None.

## LAND USE ALLOCATION/DEPARTURE

This particular site relates to the Mill Hall and land at Heron Chemical Works, both of which are located on Moor Lane. The site lies within the Moor Lane Mills Conservation Area. It also lies within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. It adjoins the Lancaster Canal, which is a County Biological Heritage Site, part of the Strategic Cycle Network and an Informal Recreation Area.

## STATUTORY CONSULTATIONS

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It’s Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the alterations and reinstatement of the northern elevation (following demolition of part of the adjacent Heron Chemical Works), and making good of the flank wall.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The wall that is the subject of this application is the northern elevation of the Mill Hall building, adjacent to the Lancaster Canal. Applications 07/00663/CON and 07/00666/CON relate to the demolition of buildings in this locality.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.



Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration ... to accommodate continuing or new uses". It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;

- **E37 - Demolition (in Conservation Areas)** - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38 - New Building in Conservation Areas** - Development must reflect the scale and style of the buildings and locality;
- **E39 - Alterations and Extensions (in Conservation Areas)** - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the "impact of development proposals on the area's Listed Buildings and Conservation Areas" and the "safeguarding of the area's cultural heritage".

Principles of development in this particular location included:

- Improvements to the appearance of, and access arrangements for, the Heron Chemical Works in connection with proposed road improvements;
- The creation of new pedestrian and cycle links between the Canal and the city centre;
- The phasing of (new) residential development.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas. SPG 6 advises that there is a "need to consider the future of the Heron Chemical Works and its servicing needs".

### **Impact upon Heritage Assets**

The impacts associated with the demolition are discussed in applications 07/00663/CON and 07/00666/CON. The wider development is assessed in the report to 08/00866/OUT.

Therefore, on the proviso that these applications are approved, the works necessary to repair and 'make good' the Mill Hall wall are essential.

The boundary wall to the canal towpath is likely to form part of the retaining wall structure as well as forming the gable walls of the warehouse buildings. Further inspection was not possible due to the presence of dry rot in the upper floors.

All reinstatement works shall be covered by an implementation programme condition.

### **Conclusion**

Subject to the aforementioned planning condition, these works are considered necessary following the demolitions and will benefit the setting of the Listed Building.

### **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

### **RECOMMENDATIONS**

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. Programme of reinstatement works to be agreed and subsequently implemented and shall include the following measures:
  - (i) The removal of abutment flashings and making good of stonework
  - (ii) The cleaning of the exposed masonry walls by a method approved by the local planning authority
  - (iii) The making good of any damaged stonework and infilling the flue opening in salvaged sandstone masonry;
  - (iv) The repointing of the masonry walls, including the method of cutting out of joints, the mortar specification and the finishing.
4. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00667/LB A13	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  LISTED BUILDING APPLICATION FOR ALTERATIONS AND REINSTATEMENT OF NORTH-EASTERN FLANK WALL (FOLLOWING DEMOLITION OF ADJACENT 1 LODGE STREET)		<b>SITE ADDRESS</b>  GRAND THEATRE ST LEONARDS GATE LANCASTER LANCASHIRE LA1 1NL
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This particular site relates to the Grand Theatre and 1 Lodge Street, which both sit within the City Conservation Area. They also lie within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. The land to the east is one of the Shopper and Visitor Car Parks.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

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With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## OTHER OBSERVATIONS RECEIVED

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the alterations and reinstatement of the north-eastern elevation of the Grand Theatre (following demolition of 1 Lodge Street), and the making good of the flank wall.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The wall that is the subject of this application is the north-eastern elevation of the Grand Theatre, which shares its boundary with the Musician's Co-Operative building at 1 Lodge Street. Application 07/00670/CON relates to the demolition of buildings in this locality.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration ...to accommodate continuing or new uses". It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- **Policy E32 Demolition** - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33 Alterations and Extensions** - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35 Conservation Areas and their Surroundings** - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37 - Demolition (in Conservation Areas)** -The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have



been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;

- **E38** - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- **E39** - Alterations and Extensions (in Conservation Areas) - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- The retention and enhancement of the Grand Theatre as a cultural resource and a historic building.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas.

### **Impact upon Heritage Assets**

The impacts associated with the demolition are discussed in applications 07/00670/CON. The wider development is assessed in the report to 08/00866/OUT.

The building to be demolished may be acting as a structural restraint to the walls of the Theatre. A structural assessment should be provided confirming that the exposed walls of the Listed Buildings are stable and, if necessary, confirming the locations of any additional supports that may be required on a temporary basis.

The demolition of 1 Lodge Street will expose the external walls of the Grade II Theatre and the row of cottages that are curtilage buildings and are also included in the Listing.

Therefore, on the proviso that the above applications are approved, the works necessary to repair and ‘make good’ the Grand Theatre wall are essential.

All reinstatement works shall be covered by an implementation programme condition.

## **Conclusion**

Subject to the aforementioned planning condition, these works are considered necessary following the demolitions and will benefit the setting of the Listed Building and its curtilage structures.

## **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

## **RECOMMENDATIONS**

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. No development until a Structural Assessment has been undertaken in respect of the listed walls.
4. Programme of reinstatement works to be agreed and subsequently implemented and shall include the following measures:
  - (i) The removal of any existing wall plaster
  - (ii) In respect of the Theatre building, the repointing of the stone masonry in hydraulic lime mortar (to match the mortar used for the recent repointing of the Theatre c. circa 2002)
  - (iii) The making good of any damaged stonework (from built-in flashings, etc) and the infilling of recesses
  - (iv) The works to the cottages shall include the making good of slate roofing to the exposed eaves following the removal of the lead-lined gutter between the cottages and the warehouse if necessary; the provision of new cast iron rainwater gutters, rainwater pipes and underground drainage if necessary, and the removal of any wall plaster and the making good of masonry including repointing in hydraulic lime mortar.
5. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00668/LB A14	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  LISTED BUILDING APPLICATION FOR ALTERATIONS AND REINSTATEMENT OF CURTILAGE WALL (FOLLOWING DEMOLITION OF ADJACENT BUILDINGS)		<b>SITE ADDRESS</b>  MILL HALL MOOR LANE LANCASTER LANCASHIRE LA1 1QD
<b>APPLICANT:</b>  Centros Miller Lancaster LP		<b>AGENT:</b>  Montagu Evans LLP

## REASON FOR DELAY

Joint determination with main outline planning application (Ref: 08/00866/OUT).

## PARISH NOTIFICATION

None.

## LAND USE ALLOCATION/DEPARTURE

This particular site relates to the Mill Hall and land at Heron Chemical Works, both of which are located on Moor Lane. The site lies within the Moor Lane Mills Conservation Area. It also lies within a wider Housing Opportunity Site, as designated by the Lancaster District Local Plan. It adjoins the Lancaster Canal, which is a County Biological Heritage Site, part of the Strategic Cycle Network and an Informal Recreation Area.

## STATUTORY CONSULTATIONS

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It’s Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the alterations and reinstatement of the western elevation (following demolition of part of the adjacent Heron Chemical Works), and making good of the flank walls.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The wall that is the subject of this application is the western elevation of the Mill Hall and Mill Hall Gatehouse site, at its boundary with the Heron Chemical Works. Lancaster Canal occupies an elevated position to the east. Applications 07/00663/CON and 07/00666/CON relate to the demolition of buildings in this locality.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration... to accommodate continuing or new uses". It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- **Policy E32 - Demolition** - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33 - Alterations and Extensions** - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35 - Conservation Areas and their Surroundings** - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;

- **E37 - Demolition (in Conservation Areas)** - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38 - New Building in Conservation Areas** - Development must reflect the scale and style of the buildings and locality;
- **E39 - Alterations and Extensions (in Conservation Areas)** - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- Improvements to the appearance of, and access arrangements for, the Heron Chemical Works in connection with proposed road improvements;
- The creation of new pedestrian and cycle links between the Canal and the city centre;
- The phasing of (new) residential development.

In addition SPG 6 - The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas. SPG 6 advises that there is a “need to consider the future of the Heron Chemical Works and its servicing needs”.

### **Impact upon Heritage Assets**

The impacts associated with the demolition are discussed in applications 07/00663/CON and 07/00666/CON. The wider development is assessed in the report to 08/00866/OUT.

The curtilage wall between the Mill Hall and the Heron Works is a listed structure and therefore, on the proviso that the applications referred to above are approved, the works necessary to repair and ‘make good’ the flank walls in this locality are essential.

All reinstatement works shall be covered by an implementation programme condition.



## **Conclusion**

Subject to the aforementioned planning condition, these works are considered necessary following the demolitions and will benefit the setting of the Listed Building and its curtilage structures.

## **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

## **RECOMMENDATIONS**

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. Programme of reinstatement works to be agreed and subsequently implemented and shall include the following measures:
  - (i) Refacing in salvaged sandstone and exposed red Accrington brick curtilage boundary walls where necessary
  - (ii) The cleaning of the exposed masonry walls by a method approved by the local planning authority
  - (iii) The making good of any damaged stonework or recesses in salvaged sandstone masonry
  - (iv) The repointing of the masonry walls, including the method of cutting out of joints, the mortar specification and the finishing.
  - (v) The making good of the top of the curtilage boundary wall as necessary and the placement of salvaged/reused sandstone copings on the damp-proof course.
4. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00669/LB A15	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  LISTED BUILDING APPLICATION FOR DEMOLITION OF BUILDINGS TO REAR AND ALTERATIONS AND REINSTATEMENT OF REAR FLANK WALL		<b>SITE ADDRESS</b>  11 MOOR LANE LANCASTER LANCASHIRE LA1 1QB
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

11 Moor Lane is a Key Townscape Feature as designated by the Lancaster District Local Plan. It straddles the City Conservation Area boundary and abuts the wider housing Opportunity Site allocation. Moor Lane is part of the Strategic Cycle Network.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to the all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 131 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the listed building outrigger scheduled for demolition
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960s and 1970s are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the demolition of buildings to the rear of 11 Moor Lane, and the reinstatement of the rear elevation of the principal building.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The area that is the subject of this application involves the land to the rear of 11 Moor Lane, which is the Mitchell's of Lancaster offices.

It should be noted that the impressive 11 Moor Lane frontage and main building is not adversely affected by the proposed works. The area for demolition involves the two-storey rear extension. A newer brick extension also forms part of the site area. Details of these buildings have been revealed via a historic building recording that has been undertaken, and are discussed later in this report.

In addition to these structures this site abuts a warehouse to the rear, which is in danger of collapse.

The site is accessible through the ginnel under 11 Moor Lane.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;

- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;
- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration ...to accommodate continuing or new uses". It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage', and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;

- **E33 - Alterations and Extensions** ∫ Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;
- **E35 - Conservation Areas and their Surroundings** ∫ Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37 - Demolition (in Conservation Areas)** ∫ The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38 - New Building in Conservation Areas** ∫ Development must reflect the scale and style of the buildings and locality;
- **E39 - Alterations and Extensions (in Conservation Areas)** ∫ Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- An attractive entrance to the city and a seamless join between the commercial areas and residential areas of Lancaster;
- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;
- The accommodation of any new retail development close to the existing centre with the best possible pedestrian links

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- A comprehensive development of the whole site;
- A high density of development making efficient use of the land;
- The incorporation, where possible, of the under-used frontages on St Leonard’s Gate, Stonewell, Moor Lane, Swan Yard and the former Tramway Pub and adjacent buildings;

- A pedestrian and cycle-friendly environment between the site and St Nicholas Arcade and Church Street. The possibility is a level pedestrian bridge across Stonewell linking into the St Nicholas Centre is referred to in Paragraph 6.12 of SPG 8.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas, achieve a varied townscape with distinctive quarters, including a cultural quarter in the general locality, and rationalise the car parks in and around the site. One of the design challenges posed referred to the need to integrate new development into historic street frontages with an intimate and varied character.

### **Impact upon Heritage Assets**

At the request of the City Council's Conservation Team a detailed historic building recording (Level 3) has been made of this building, to assist in the appraisal of the significance of this 18th Century townhouse.

The research has indicated that the red brick building to the end of the two-storey 'service wing' of the principal frontage structure is a much later addition, dated c1931. The structure is of no architectural or historic significance. The larger building to the right of the service wing is a late 19th-Century two-storey pitched roof building. It is linked to the service wing but it too is of no historic or architectural significance.

Given this information and the appearance of these structures, there is no objection to their demolition. The setting of 11 Moor Lane is relatively unaffected, given that the structures in question cannot be viewed from public areas currently. However its integration into a wider scheme should enhance the setting of the building.

The poor condition of these additions is evident and structural movement has previously occurred. Due to the unsafe nature of the buildings and the difficult access at the date of the historic building recording, a further recording may be necessary on the advice of the County Archaeologist.

A structural assessment should be provided confirming that the exposed walls of the Listed Buildings are stable and, if necessary, confirming the locations of any additional supports that may be required on a temporary basis.

On the proviso that the main outline application is approved, it will be necessary to reinstate and make good the rear flank wall following the demolitions.

All reinstatement works shall be covered by an implementation programme condition.

### **Conclusion**

Subject to the aforementioned planning condition, these works are considered necessary following the demolitions and will benefit the setting of the Listed Building.

### **HUMAN RIGHTS ACT**

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.



## RECOMMENDATIONS

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. No development until a Structural Assessment has been undertaken in respect of the listed walls.
4. No demolition shall commence until the Reserved Matters has been approved for the wider site development and a contract for the construction of replacement consented buildings is in place
5. Programme of reinstatement works to be agreed and subsequently implemented and shall include the following measures:
  - (i) The making good of exposed walls to include removal of any wall plaster, making good of sandstone walling, making good the roof construction or roof coverings and provision of rainwater goods and drainage where necessary
  - (ii) The cleaning of the exposed masonry walls by an approved method;
  - (iii) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;
  - (iv) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.
6. As required by consultees

<b>DECISION DATE</b> 9 July 2007	<b>APPLICATION NO.</b> 07/00674/LB A16	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  LISTED BUILDING APPLICATION FOR DEMOLITION OF REAR EXTENSIONS AND OUTBUILDINGS AND ALTERATIONS / REINSTATEMENT OF THE REAR ELEVATION		<b>SITE ADDRESS</b>  127, 129 & 131 ST LEONARDS GATE LANCASTER LANCASHIRE LA1 1NN
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (Ref: 08/00866/OUT).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

These buildings are Key Townscape Features as designated by the Lancaster District Local Plan. They also lie within the wider Housing Opportunity Site and the Stonewell Upper Floors Improvement Area. Most of the site lies within the City Conservation Area

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to the historic environment, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. Their comments are applicable to all of the outline applications and their ancillary submissions, and are therefore recorded here.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Have not made separate comment regarding this application, although the loss of buildings away from the Stonewell area has been conceded. Recommends that the wider scheme be refused, on the basis that the inclusion of the bridge link will cause a level of damage to the existing townscape, character of the Conservation Area and the setting of Listed Buildings, which is unacceptable. The scheme will not replace the existing historic environment with a built form of sufficient quality to justify the demolition of buildings within the Conservation Area.

They discussed the possibility of removing the bridge link and developing the site with an ‘at-grade’ pedestrian crossing, leading to a new public open space in place of the demolished buildings at Stonewell. This option was accepted by English Heritage as potentially justifying the loss of buildings at Stonewell.

They are supportive of the aspirations of the scheme however, and if the application is approved contrary to their recommendation above then they would still wish to be involved at the Reserved Matters stage. There would still be scope for further discussion to avoid an “anytown” feel to the scheme and the roofscapes will require particularly careful treatment.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**The Victorian Society** - The Society recommend refusal of the wider scheme and its ancillary applications. They comment that their “very strong objection” is based on the proposals being “incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills Conservation Area”. They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a “lighter touch” at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Council for the Protection of Rural England North West (CPRE)** - Objects to the proposal on the grounds of inadequate consultation, the impact on the historic character and future development of Lancaster, the impact on the existing city centre and nearby centres, and the impact on traffic levels and associated consequences.

## OTHER OBSERVATIONS RECEIVED

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 127 chose to object to this application too. The following grounds of objection are valid in respect of this Listed Building Consent proposal:**

- Contrary to national, regional and district planning policies and development plans (relating to historic environment);
- Value of the unlisted buildings scheduled for demolition
- Development should not proceed without the submission of detailed plans for the redevelopment

**It's Our City Group** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Bulk Ward City Councillors** - They have produced a detailed objection to the proposals. They state that their comments relate to all applications, but the comments that are relevant to this Listed Building Consent submission are those detailed above.

**Save Britain's Heritage** - Objects in strong terms to the development of the site. Particular concerns regarding the level of demolition, the scale and footprint of the blocks, the failure to integrate the development into the historic fabric and street pattern and the impacts upon views across the city and two Conservation Areas. The existing fabric should be preserved and tied to any new development.

It urges that the lessons learned from demolition in Bath in the 1960's and 1970's are considered. Short-term economic gain would compromise long-term sustainability and a conservation-led approach should be adopted.

## **REPORT**

### **Introduction and Procedural Matters**

This is the Listed Building Consent application for the demolition of the rear extensions and outbuildings to 127-131 St Leonard's Gate, and the reinstatement of the rear elevations.

This application is recommended for approval. However, in the event that the main outline application, 08/00866/OUT, is refused consent, then the recommendation for this individual Listed Building Consent application would be reversed and our recommendation would be refusal. This would be on the basis that there would be no permitted proposals for the wider redevelopment of the site, which justify the works of alteration and demolition.

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

The area that is the subject of this application involves the properties known as 127 St Leonard's Gate (formerly the Tramway public house), 129 and 131 St Leonard's Gate.

It should be noted that the principal areas of these buildings, including their impressive frontages, are not adversely affected by the proposed works. There are three areas of demolition proposed, all of which are the outriggers to the main structures. The outrigger to the Tramway is an L-shaped structure, whilst the structure to 129 has a peculiar 'jagged' footprint. The extension to 131 is a much smaller inverted L-shape.

To the rear of the site are other structures which would be demolished to accommodate the Castle View development.

The site is accessible at the side of 127 and 131, although the gable end entrance to 131 has been boarded off.

### **Planning Policy**

Planning Policy Guidance (PPG) Note 15 - 'Planning and the Historic Environment' sets the national context for determining applications affecting heritage assets.

When considering such applications, the local planning authority must have regard to the desirability of preserving the building or its setting or any features of architectural or historic interest that it possesses.

In relation to Listed Building Consent applications, the following issues are relevant:

- The importance of the building, its intrinsic architectural and historic interest and rarity;
- The physical features of the building justifying its inclusion on the list;
- The building's setting and its contribution to the local scene, or where it shares particular architectural forms or details with other buildings nearby;

- The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic and regeneration of the area or the enhancement of its environment.

Although the proposal does not relate to demolition of a Listed Building, the national tests for alterations, extensions and demolition are relevant because the works affect the setting of such a building.

PPG 15 states that many listed buildings can sustain some degree of sensitive alteration ... to accommodate continuing or new uses". It continues by stating that some buildings will be sensitive to even slight alterations. The guidance also stipulates that proposals should have special regard to the desirability of preserving the setting of the building.

Consent for demolition should not be given unless the detailed plans for any redevelopment are acceptable. For this reason, determination of the Listed Building Consent and Conservation Area Consent applications can only be determined following consideration of the main outline application for the Canal Corridor North site (Ref: 08/00866/OUT) .

At the time of drafting this report the Regional Spatial Strategy (RSS) had not been formally adopted, and so this report continues to refer to the Joint Lancashire Structure Plan (JLSP). If the Regional Spatial Strategy is adopted between now and the committee presentation, then a verbal update will be provided for Members.

Policy 20 of the JLSP refers to 'Lancashire's Landscapes' and advises local planning authorities to assess proposals in relation to a number of matters, including:

- The quality and character of the built fabric;
- Historic patterns and attributes of the landscape;
- The layout and scale of buildings and designed spaces.

Policy 21 of the JLSP relates to 'Lancashire's Natural & Man-Made Heritage' and seeks to protect sites of heritage importance, whilst advising that positive opportunities to conserve, manage or enhance heritage resources should be explored. The rationale for the policy is that there should be no net loss of heritage value.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district. The Policy most relevant to this proposal is Policy E1 - 'Environmental Capital' - which seeks to protect and enhance Listed Buildings and Conservation Areas.

Policy SC5 - 'Achieving Quality in Design' - is also relevant in that it encourages a high-quality environment and public realm.

The Lancaster District Local Plan (LDLP) is still relevant and contains specific policies which influence proposals of this nature. They are as follows:

- Policy **E32** - Demolition - Demolition of all or part of a Listed Building will only be permitted where the applicant demonstrates that rehabilitation is impracticable. Exceptionally, demolition may be permitted where redevelopment would produce substantial benefits for the community that would decisively outweigh the loss;
- **E33** - Alterations and Extensions - Alterations or extensions that would have an adverse effect on the special architectural or historic character or the interest of the buildings or their surroundings will not be permitted;

- **E35** - Conservation Areas and their Surroundings - Development which adversely affects important views into or across a Conservation Area, or leads to an erosion of character and setting will not be permitted;
- **E37** - Demolition (in Conservation Areas) - The total or substantial demolition of an unlisted building will only be permitted where it does not make a positive contribution to the architectural or historic interest of a Conservation Area. Exceptionally demolition of a building which does positively contribute will be permitted if reasonable attempts to rehabilitate the building have been made, or redevelopment would produce substantial benefits for the community which would outweigh the loss. Demolition will only be approved where detailed planning permission for a scheme of redevelopment has been given;
- **E38** - New Building in Conservation Areas - Development must reflect the scale and style of the buildings and locality;
- **E39** - Alterations and Extensions (in Conservation Areas) - Alterations will be permitted where important features are not lost and where the proposal is sympathetic to the character of the building and the locality.

The LDLP does not contain a policy on preserving the setting of Listed Buildings, but commentary is provided at paragraph 5.7.14 which advises that building should be protected from harmful development.

Supplementary Planning Guidance Note 8 (SPG 8) is the Development Brief for the site and was adopted in May 2002. Amongst key objectives for the site as a whole were the following:

- An attractive entrance to the city and a seamless join between the commercial areas and residential areas of Lancaster;
- Sensitive integration of new buildings within the existing historic fabric, using high-quality designs, local styles and materials and reusing materials and features from demolished buildings where possible;
- Landmark, high-quality, mixed use development;
- The accommodation of any new retail development close to the existing centre with the best possible pedestrian links

A key concern was the “impact of development proposals on the area’s Listed Buildings and Conservation Areas” and the “safeguarding of the area’s cultural heritage”.

Principles of development in this particular location included:

- A comprehensive development of the whole site;
- A high density of development making efficient use of the land;
- The incorporation, where possible, of the under-used frontages on St Leonard’s Gate, Stonewell, Moor Lane, Swan Yard and the former Tramway Pub and adjacent buildings;
- A pedestrian and cycle-friendly environment between the site and St Nicholas Arcade and Church Street. The possibility is a level pedestrian bridge across Stonewell linking into the St Nicholas Centre is referred to in Paragraph 6.12 of SPG 8.

In addition SPG 6 -The City Centre Strategy - is also applicable and seeks to improve the relationship between the centre and surrounding residential areas, achieve a varied townscape with distinctive quarters, including a cultural quarter in the general locality, and rationalise the car parks in and around the site. One of the design challenges posed referred to the need to integrate new development into historic street frontages with an intimate and varied character.

### **Impact upon Heritage Assets**

At the request of the City Council's Conservation Team a detailed historic building recording (Level 3) has been made of this building, to assist in the appraisal of the significance of this 18th Century and 19th Century buildings.

The recording confirms that the rear extensions are 19th Century additions. They are in a very poor condition and the roof structure of the single storey extension to the Tramway has collapsed. The extensions to 129 and 131 are in such a poor condition that they were deemed unsafe for entering for the survey and recording work to be carried out. The applicant's own assessment indicates that underpinning may be necessary.

Because of the unsafe nature of the structures, the plans associated with this application are more limited than the other Listed Building and Conservation Area Consent applications. They give a nominal indication of a new wall construction which would be provided once the extensions have been removed. No specific window or door openings have been shown

The removal of these later extensions will permit safe access to the buildings. The extensions themselves are not publicly visible and do not contribute to the Conservation Area. The setting of the Listed Building will not be adversely affected.

Their demolition will allow the reuse of all three buildings and therefore in the interests of the Listed Building consent is recommended.

Further recording work to Level 3 standard should be undertaken once the buildings have been made safe, and a condition will be imposed to this effect.

A structural assessment should be provided confirming that the exposed walls of the Listed Buildings are stable and, if necessary, confirming the locations of any additional supports that may be required on a temporary basis.

On the proviso that the main outline application is approved, it will be necessary to reinstate and make good the rear flank wall following the demolitions.

All reinstatement works shall be covered by an implementation programme condition.

### **Conclusion**

Subject to the aforementioned planning condition, the demolitions will help bring the buildings back into beneficial use and the loss of the extensions is considered acceptable. The works will not adversely affect the setting of the buildings or the views into or out from the Conservation Area.

Because of the dangerous condition of the rear extensions, it is considered acceptable to permit their demolition at an early stage, prior to the grant of Reserved Matters approval. The setting of the building and the Conservation Area will not be compromised as a result of this. Even in the event that Reserved Matters approval was not forthcoming, the demolition of these structures could facilitate new uses for all three buildings.



## HUMAN RIGHTS ACT

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear 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.

## RECOMMENDATIONS

That **LISTED BUILDING CONSENT BE GRANTED**, subject to the approval of outline planning application 08/00866/OUT, and subject to the following conditions:

1. Standard Listed Building Consent
2. Development as per approved plans
3. No development until a Structural Assessment has been undertaken in respect of the listed walls.
4. Programme of reinstatement works to be agreed and subsequently implemented and shall include the following measures:
  - (i) Prior precise details of the reconstruction of the new rear walls to the elevations to be agreed and provided (as an interim measure a temporary infill structure may be provided for stability)
  - (ii) Weather protection to be provided to the existing windows
  - (iii) Provision of cast iron rainwater gutters and pipes to the main roofs following the removal of the rear extensions
  - (iv) The cleaning of the exposed masonry walls by an approved method;
  - (v) Repointing of the masonry walls, including agreement of the method of cutting out of joints, the mortar specification and finishing;
  - (vi) An audit of materials on site shall be undertaken and where feasible these materials shall be reused on other parts of the wider development.
5. Level 3 building recording condition
6. As required by consultees

<b>DECISION DATE</b> 3 October 2008	<b>APPLICATION NO.</b> 08/00864/OUT A17	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  <b>OUTLINE PLANNING APPLICATION FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE SELF CONTAINED RESIDENTIAL ACCOMMODATION AND ASSOCIATED CAR PARKING</b>		<b>SITE ADDRESS</b>  <b>SITE AT JUNCTION OF ALFRED STREET AND ST LEONARDS GATE LANCASTER LANCASHIRE LA1 1QS</b>
<b>APPLICANT:</b>  Centros Lancaster LP C/O Agent		<b>AGENT:</b>  Mr Julian Stephenson

**REASON FOR DELAY**

Joint determination with main outline planning application (16-week application).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

This application constitutes a departure from the Lancaster District Local Plan in respect of Policy T13 – Car Parking in connection with the wider development of the site considered under 08/00866/OUT.

The Lancaster District Local Plan contains a number of land designations for this site. Part of the site is reserved for highway improvements. Part of the site is allocated as a Shopper and Visitor Car Park. The site is also enclosed by the Lancaster Central Parking Area designation. The southern boundary of the site forms part of the Strategic Cycle Network. It enjoys Housing Opportunity Site status as part of the wider Canal Corridor designation.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to this particular site, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**County (Strategic) Planning & Landscape** – No separate comments to this outline application. The existing housing supply in the district would satisfy the annual rate of provision beyond 2016. However as the wider proposal is a major mixed-use development, and may provide some affordable housing, it is acceptable because it complies with the criteria adopted in the Joint Lancashire Structure Plan (JLSP).

**County Highways** – County Highways do not object to the wider development, providing that all Highway Agreement measures indicated on the plans for the main outline application are provided along with a suitable level of planning obligation.

Proposed changes to sections of St. Leonard's Gate, Bulk Road and Alfred Street alter route choice availability for existing and committed movements. These changes are not considered to the detriment of the network as a whole.

The new residential parking proposed at Alfred Street should be included within the applicant's Car Park Management Strategy. The proposals will remove rat running through Alfred Street.

The replacement coach parking (off-site) should be appropriate in that it should include a safe access/egress and be of a size that can satisfy demand.

Pedestrian and cycle matters shall also be conditioned. Cycle parking was agreed with County Highways. It is important that the (wider site) Travel Plan provides a strategy to ensure that future employees use sustainable transport modes rather than the private car. The plan should be adhered to and kept up to date for an agreed period after first opening.

During the demolition and construction phases there will inevitably be local traffic problems. A programme and method of construction, including issues relating to the temporary closure of local streets, parking (both on and off site) and the delivery of materials to the site, must be agreed prior to work starting on site.

**County Archaeologist** – The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**County Planning Contributions Officer** – The list of planning contributions considered necessary to support and enable the wider outline development are listed on application 08/00866/OUT. No specific contributions are requested for this stand-alone application.

**Commission for Architecture and the Built Environment (CABE)** – CABE did visit the site and the proposal was being discussed at their Design Panel Review. These comments are provided for the site as a whole and include this submission.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems in the Alfred Street area.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design as a whole needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**CPRE** – Submitted objections to the original scheme as a whole based upon traffic, historic impact, impact upon retail centres and lack of public consultation. However they also referred to this particular application within their response, and therefore their comments are recorded here.

**Environment Agency** – No objections subject to the imposition of a land contamination condition, and a condition requiring a scheme for a Sustainable Urban Drainage System to be agreed. Generic advice is provided regarding sustainable construction methods, energy-efficient buildings and water management.

**United Utilities** – No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer. Other generic advice is also provided.

**Lancaster Civic Society** - No objections to the principle of residential development of this site. If outline permission is to be granted then it should be made clear, by imposition of a condition, that the density and scale of the development are matters reserved for future consideration.

**Police** – No objection to the scheme subject to the applicant achieving ‘Secured by Design’ as a requirement of the planning permission, with a view to reducing the opportunities for crime, disorder and anti-social behaviour.

**Fire Safety** – No comments received within statutory time period, although comments in 2007 stated that the development would have to comply with Part B5 of the Building Regulations.

**(With the exception of the Council for British Archaeology, the comments from the Conservation and Heritage bodies’ consultees are not included in this particular report due to the absence of any statutory protective designation within the red edged site).**

**Council for British Archaeology** – The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12<sup>th</sup> 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth – much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Environmental Health Service** – The Service have provided separate air quality and contaminated land responses. In respect of air quality, their second response supersedes the first, because it contains the response to the applicant's air quality appendices in addition to their Environmental Statement.

Environmental Health Services is satisfied that:

- The scope of the air quality assessment in assessing operational phase impacts is suitable and sufficient
- A suitable methodology has been adopted
- The characteristics of the locality have been considered and taken into account
- Existing knowledge of local air quality is reflected in the assessment
- Other committed developments and cumulative impacts on local air quality have been considered
- Receptors at which air quality impacts should be assessed have been correctly identified, including permitted residential developments not yet completed
- Uncertainties have been minimised and limitations have been identified and considered when reaching conclusions

The scheme would generate additional traffic within and adjacent to the Air Quality Management Area and would have potentially significant implications for it. The submitted Air Quality Assessment predicts a slight worsening of air quality around the Management Area in terms of nitrogen dioxide and fine particulate matter (PM<sub>10</sub>). It could interfere to a degree with the actions required to improve local air quality under the Environment Act 1995. However where this gives rise to adverse impacts the Environmental Statement assesses those as negligible or minor in all cases. No residential areas are predicted to become new exceedance areas as a result of the development. Within the proposed development, air quality at new residential locations is predicted to achieve the air quality objectives.

The Service recommends that if approval is granted, compensatory benefits regarding highway improvements and public transport planning should be conditions.

Any ventilation exhausts from restaurant, café and car parking activities should be the subject of prior detailed agreement before commencement of the development.

With regards to contaminated land, the Service is satisfied that the applicant's report is comprehensive. The Preliminary Conceptual Site Model has been developed which will assist in defining and refining further phases of site investigation and any remediation.

Post demolition site investigation and risk assessment will be required across the site. Therefore the standard Land Contamination Investigation conditions are required.

**Property Services** – As a landowner affected by the scheme the Council has been served with the relevant information. In addition under the development agreement the Council as landlord has considered the planning application and has no objections to the content of the application.

**Housing Policy Officer** – In principle the development of housing is supported and the Service is pleased in relation to the mix of housing. There is no housing justification for a reduction of the percentage of affordable housing. However it is for Planning Services to determine if the applicant's abnormal costs case is valid, justifying the reduction from 40% to 25%. The affordable housing would have to be distributed throughout the site. In addition, two-thirds of the housing should be provided for rent rather than shared ownership.

**Legal Services** – No comments to make.

**Engineers/Land Drainage/Cycling (CDT)** – No land drainage comments received. In terms of cycling, the long-term objective is to gain full cycle permeability into the existing pedestrian zone. Edward Street is an existing cycle route as cyclists are permitted to ride on public highways. The applicant has relented to

allow north/south cycle access through the development, but it is disappointing that this cannot be signed as a route. Moor Lane/Church Street should be marked as an existing route/desire line, it is not a proposed council route.

Cycle parking provision does not appear to be adequate and as a Cycling Demonstration Town more could be achieved.

The canal cycleway width should be maintained and linkage from Phoenix Street explored in detail.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 197 chose to object to this application too. The following grounds of objection are valid in respect of this outline application.**

**It's Our City Group** – They have produced a detailed objection to the proposals with the main headline themes:

- Inadequate public consultation and Statement of Community Involvement documentation
- Contrary to national, regional and district planning policies and development plans
- The decision to grant Centros 'preferred developer' status
- Transport Assessment is unclear as to the extent of the traffic increase
- Questions the 'increased attractiveness' of Lancaster as a destination
- Do not accept that shoppers will visit the development as part of existing visits to the city
- Impacts upon the gyratory system
- No resolution of the rat-running problems – closure of Alfred Street and Edward Street will only exacerbate matters
- Contrary to national and regional air quality standards – study is not robust enough to demonstrate that there is no detrimental impacts
- Lack of study concerning other pollutants (e.g. NO2 and PM10)
- Concerns regarding the quoted '24-hour' society
- Visual impact of the pedestrian bridge and concerns over its deliverability
- Spatial departure from the Supplementary Planning Guidance
- Value of the unlisted buildings scheduled for demolition
- Relocation of the multiples from the centre
- Retail leakage to Kendal and Manchester is not significant
- Absence of evidence of significant population growth

**Bulk Ward City Councillors** – They object to the proposals on the following grounds:

- Contrary to national planning policy and the Lancaster District Local Plan
- Generation of significant additional traffic on an already congested highway system and the proposed highway measures do not deliver a fundamental solution and will add to the volume of rat-running and environmentally damaging traffic impacts on Derwent Rd and Ullswater Rd
- The job creation claims are not credible and do not take into account job loss amongst existing retail and service sectors of the local economy
- The development will damage retailing in Lancaster City Centre, Morecambe and Carnforth
- The applications will result in a development that will generate considerable amounts of extra greenhouse gases and this is inconsistent with Planning Policy Supplement PPS1 "Planning and Climate Change" and the binding CO2 reductions in the Climate Change Bill currently completing its parliamentary progress.

Of the 197 separate objections that have been received to this specific application, the grounds for opposition relate mostly to the wider site, and in particular the impact upon the historic environment, the impact upon the retail centre, the impacts upon the highway network and the developer's consultation exercise. But there has also been comment that there is a lack of open space in the residential development and an over-dominance of car parking. The access arrangements to the underground car park are also considered to be unclear, whilst other objectors are concerned that there are too few spaces for the dwellings proposed and not enough cycle and motorcycle spaces.

Objections have also been received in respect of non-compliance with development plan policies, most particularly the Supplementary Planning Guidance for the site, and National Planning Policy Statements 1 and 3.

Concerns are also raised about the lack of consultation in respect of this 'stand-alone' site.

## **REPORT**

### **Introduction and Procedural Matters**

The outcome of application 08/00866/OUT will affect whether the Listed Building Consent and Conservation Area Consent applications submitted can be determined in accordance with the recommendations reached. The other three outline applications, including this one, are submitted independently because they are considered to be 'stand alone' applications and could, theoretically, be considered irrespective of whether the main outline application gains approval or not.

As a stand-alone proposal these works involve a departure from LDLP Policy T13, because a small area of public car parking is included within the red edge of the site, and these proposals would remove this small area of shopper/visitor parking. Therefore it does have some slight dependency on the wider scheme, because it would be removing these spaces without compensatory provision being provided (unless 08/00866/OUT is approved). If the main application is refused, this separate application could still be considered with a recommendation for approval, but would involve a departure from planning policy in terms of its impact upon the car parking provision.

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

The site is a corner plot at the junction of Alfred Street with St Leonardgate. At present the site accommodates an ice-cream depot. At the northern end of the site lies an area of grass verge and trees, whilst a line of trees bound Alfred Street to the east. The remainder of the site is occupied by split-level public car and coach parking.

The site is an important one in many ways; it marks the transition from existing, nearby retailing uses to residential accommodation on Alfred Street, De Vitre Street and beyond. It is a prominent site, being situated on one of the routes into the city from the north, and it is largely elevated above St Leonardgate, making it a visually-important location.

### **The Proposal**

This application is submitted in outline form with only the Means of Access being applied for at this stage. Therefore, all other matters such as layout, scale and appearance are reserved for future consideration.

Once again the application adopts a parameters-based approach, which is intended to provide some assurance regarding the minimum and maximum levels of development at this outline stage. Discussion of the parameters is provided later in this report.

The proposal entails the construction of a block of residential units, horse-shoed around the Alfred Street junction. The number of units will be between 58 and 68, and will contain a mix of housing, including one

and two-bedroom units and larger family-sized houses. It is envisaged that 50-60 of the units will be apartments, with 8 townhouses along Alfred Street. The applicant has indicated that 25% of the total number of units will be affordable.

Access to the site will be via a new entrance leading to a basement car park. There was some confusion regarding the access and egress points serving this car park. This was attributed to an error in the Transport Assessment and Planning Statement which indicated that there would be an access point from St Leonardgate. This is not the case. The applicant has now confirmed in writing that the access and egress arrangements would be taken from the same highway – Alfred Street – via the new entrance shown on the proposed layout plans.

The car park will provide parking for between 28 and 45 cars, with a further 6 vehicle spaces being provided on a remodelled Alfred Street (see the main outline application). 3 mobility spaces will be provided. Details of the cycle parking are provided later in this report.

A new internal courtyard will be provided for the new residents and this will front onto the extended Phoenix Street. The application excludes the new pedestrian and cycle link on Phoenix Street, but this is being applied for under the main outline application instead. It is however an important feature affecting this proposal, because it enhances the linkage from St Leonardgate up to the new canalside public park.

### **Scale Parameters**

Although the site plan indicates a homogenous form of development, the illustrative sectional plans show that the proposal has two contrasting blocks. The first area, immediately visible on the vehicular approach from the St Leonardgate and Bulk Road junction, is considerably taller and takes advantage of the much lower ground level at this part of the site. The height of this block will depend upon the final roof form of the building, and whilst some of the sectional drawings indicate a flat roof arrangement, other massing drawings and 3-dimensional sketches illustrate a 'reversed-pitch' arrangement, which could be quite striking on this corner. The height will remain within the parameters of 24.15m and 29.95m high above Ordnance Datum, which equates to a block of 5-storeys in height, with the basement storey comprising a partially subterranean car park.

The second block is the row opposite Alfred Street. This clearly needs to be of a much more discreet scale to respect the amenity enjoyed by the existing residents, and to respond to the height of the existing dwellings. Therefore development is envisaged to take the form of two-storey townhouses lining the street, with a minimum height (above Ordnance Datum) of 22.75m and a maximum height of 25.15m.

The plan also allows for some horizontal deviation of the building lines, and again much of this will depend upon the final design solution applied for under Reserved Matters, should this application be successful. All these matters would of course be brought before the Planning Committee for consideration as part of that future application.

### **Site Layout**

Because the layout is not a matter being applied for at this stage, only a general assessment can be made. However the submission of the indicative layout drawings as part of the Design and Access Statement does assist in reaching some conclusions.

As previously stated the basement floor will house the majority of the car parking. It will also accommodate the refuse storage and recycling room, plant room and a cycle store. All of these areas are designed to be accessible from the basement courtyard. New units will line St Leonardgate at this level.

At the upper ground floor level, the development continues around the Alfred Street corner, and a new internal courtyard will be visible from the extended Phoenix Street. The townhouses will have private rear gardens, with a 'green wall' at the foot of the gardens extending along the length of the courtyard. Beyond



this lies a communal area for the apartments, comprising of low level shrub planting, semi-mature tree planting and decked areas.

The upper floors continue to provide residential accommodation to the heights stated in the Parameters section of this report.

### **Design**

The architects have researched the design and fenestration of the surrounding area thoroughly, and the Design & Access Statement contains some images of alternative preliminary sketches, all of which have contributed to the final design solution.

On the outward-facing elevations of the development, the use of traditional 'Lancaster' style materials will be used to respond to the surrounding context. However the internal elevations are largely obscured, and allow a more contemporary approach to be considered. This may take the form of glazing (where privacy between residential units can be adequately maintained), or rainscreen claddings, louvre shuttering or timber. The use of colour on the internal elevations would, in the opinion of the local planning authority, help enhance the appearance of this internal area.

Within many major planning applications there is often reference to the need to develop 'landmark' buildings. In some cases this is misguided, but in this particular case the location of the site on the remodelled vehicular entrance to this part of the city does require some imaginative treatment, and this will need to be developed through the Reserved Matters, should this current application be successful.

### **Planning Policy**

This summary of appropriate planning policy commences with the relevant policies at the local level.

The site is of course subject to Supplementary Planning Guidance Note 8 (SPG 8) - 'Lancaster Canal Corridor North Development Brief' - which was adopted in May 2002. The land designations referred to at the start of this report are also applicable and form part of the Lancaster District Local Plan.

SPG 8 is an appropriate starting point, providing the most detailed direction for the development of the site. As part of the key objectives listed, the brief states that the Council wishes to achieve:

- An attractive entrance to the city centre and a seamless join between the commercial centre of Lancaster and the surrounding residential areas;
- Sensitive integration of new buildings within the historic fabric;
- A significant element of residential development with a mix of tenure types

Aims for the St Leonard's Gate car parks and Alfred Street include:

- The retention and enhancement of a significant quantity of city centre shopper and visitor related car parking on the site with the subdivision of car parking into visually contained areas by the use of tree and shrub planting;
- The retention and enhancement of the Grand Theatre as a cultural resource and a historic building;
- The completion of a car park access road;
- The creation of a network of pedestrian and cycle routes linking the Brewery area Phoenix Street and the Canal Towpath.

One of the key concerns expressed in the SPG related to the impact of new development upon the existing, and proposed, residential areas. The creation of a 'Home Zone' in the Alfred Street and De Vitre Street areas was stated as a principle of development, and SPG 8 advised that this "could include the restriction of traffic to residents only and the removal of through traffic" - something that would be achieved should the main outline application be granted.

Other key principles in the Alfred Street area included:

- The redevelopment of the Alfred Street North site for residential purposes, having regard to the technical limitations imposed by the canal retaining wall;
- The phasing of residential development to ensure that such development does not occur close to industrial uses;

With regard to the former, this area has been given over to the canalside public park, and therefore the residential development has instead been concentrated on the site being currently proposed and on a separate site along Moor Lane (Ref: 08/0865/OUT). With regard to the latter point, this is a key concern and would be controlled at this stage via a planning condition.

SPG 6 – The Lancaster City Centre Strategy – encourages residential uses as part of the wider development.

Other local planning documents include SPG 16 - The Phasing of New Residential Development. However this document has been superseded by Core Strategy Policy SC4. The thrust of the Policy is to redress any imbalances in the local housing market, achieve housing that meets local housing needs, and secure units of "in-perpetuity" affordable housing. SPG 10 also refers to affordable housing, and this issue is discussed later in this report.

In respect of this particular application, the proposal is generally compliant with Lancaster District Local Plan (LDLP) saved policies. It seeks to provide housing, in accordance with a wider site designation. It respects the land reservations for highway improvements around Bulk Road and St Leonardgate. It does not however provide compensatory public car parking (to replace the small area of existing car park areas covered by this outline submission), but the main outline application does provide for this.

In the event that the main outline application is refused, then this application would not provide any substitute car parking for shoppers and visitors, in order to comply with Policy T13 of the LDLP. The local planning authority would however take the view that the improvements to this area of the site would warrant a departure from that policy, given the small amount of car parking being lost in favour of new residential development.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district, and the ones most appropriate to this development can be summarised as follows:

- Policy **SC1** - Sustainable Development - ensuring developments are as sustainable as possible locationally and incorporate appropriate uses, design and construction methods;
- **SC2** - Urban Concentration - building healthy, sustainable communities by focusing development where it is needed and assisting regeneration;
- **SC4** - Meeting the District's Housing Requirements - setting out the principles where the district's housing needs are met, including the delivery of affordable housing;
- **SC5** - Achieving Quality in Design - encouraging a high-quality environment and public realm, especially in areas such as the City Centre;

- **SC6** - Crime and Community Safety - delivering safe environments by incorporating 'Secure by Design' principles;
- **SC7** - Development and the Risk of Flooding - ensuring places are not exposed to flood risk;
- **SC8** - Recreation and Open Space - delivering access to green spaces and sports facilities;
- **ER2** - Regeneration Priority Areas - setting out the spatial strategic framework for the district, including design-led regeneration of Central Lancaster;
- **ER4** - Town Centres and Shopping - establishing the roles of the district's centres, including Lancaster's role as a sub-regional centre;
- **ER5** - New Retail Development - focusing retail need on regenerating and reinforcing the vitality and viability of existing centres;
- **ER6** - Developing Tourism - maximising the potential of tourism in the district;
- **ER7** - Renewable Energy - to maximise the proportion of energy generated from renewable sources;
- **E1** - Environmental Capital - seeking to improve the district's environment, including protecting and enhancing Lancaster City Centre's sense of place;
- **E2** - Transportation Measures - to support regeneration, improve resident's quality of life and minimise the environmental impacts of traffic;
- **MR1** - Planning Obligations - to ensure that development contributes to the needs of local communities and the delivery of sustainable development.

The regional position is complex. The current Strategy, initially published as Regional Planning Guidance, became the Regional Spatial Strategy for the North West (RSS) in September 2004 with the enactment of the Planning and Compulsory Purchase Act. The RSS establishes the spatial plan for the development of the region for employment, housing, transport and the environment.

A draft revision of the Regional Spatial Strategy was submitted to Government in January 2006 by the North West Regional Assembly. It was subsequently tested in an Examination in Public between November 2006 and February 2007, and the report of the independent panel which conducted this Examination was published in May 2007. The Secretary of State considered the recommendations of this independent panel, and took into account the representations made on the draft revision, and also changes in Government policy since the draft revision was submitted, before publishing Proposed Changes for further public consultation between March and May 2008.

The consultation period ended on 23 May and the City Council understands that all representations have now been considered and amendments made to parts of the Plan, along with updates to the Habitat Regulations Assessment and Sustainability Appraisal/Strategic Environmental Assessment.

At the time of drafting this report, it was anticipated that the final revision of the RSS would be published on 30 September 2008. This is later than the deadline for this committee report and therefore officers will provide a verbal update at the committee meeting. The publication of RSS would remove the Joint Lancashire Structure Plan (JLSP) tier of policies.

The Draft Regional Strategy (RSS), and the Secretary of State's Proposed Changes to the Draft RSS are discussed at length in the main outline application. However it is clear that a residential proposal of this scale satisfies the spatial objectives, such as urban concentration and sustainable regeneration of

brownfield land. In particular the over-arching regional (and national) themes of providing sustainable communities, managing the demand for private travel and providing high-quality places where people want to live and work are especially relevant to this proposal.

The Joint Lancashire Structure Plan 2001-2016 (JLSP) provides a county-wide series of policies, including those promoting development on previously-used land, the enhancement of existing town and city centres, and the requirement for 75% of new housing development to be situated within the main urban areas and towns.

Nationally, the sustainable development principles outlined in Planning Policy Statement (PPS) 1 - 'Delivering Sustainable Development' and PPS 3 - 'Housing' are key considerations. In considering these, the development must ensure that it is appropriately located, is of good-quality, delivers affordable housing where needed, and provides a mixed and balanced community that is inclusive and a safe place to live. Sustainable methods of construction and energy production, as advocated throughout national guidance (and in particular the supplement to PPS 1 concerning Climate Change) is a matter which must be reinforced via the imposition of planning conditions, should this outline application be approved.

Planning Policy Guidance (PPG) 13 relating to 'Transport' is now rather dated, but its principles of managing private transport demand and encouraging the growth of public transport are still key governmental themes. The need to locate new development, including housing, in accessible urban areas is a fundamental part of national policy, and one that this proposal adheres to.

### **Traffic and Highways**

The site is considered to have good public transport accessibility, given its proximity to the Lancaster Bus Station and given that the nearest bus stop to the site is Bulk Road, approximately 160m away. The site's position upon the Strategic Cycle Network is also advantageous. The wider development will see the creation of the extended Phoenix Street route, which will be non-vehicular, and will therefore provide the necessary linkage from the Lancaster Canal down towards the River Lune and the Lancaster-Morecambe Cycle Route.

The JLSP provides car parking standards for the county, and in respect of residential development within accessible locations the figure of 1.5 spaces (or less) per dwelling is the requirement. In terms of the development parameters, the parking spaces would be between 28 and 45, with 6 spaces on Alfred Street, thus resulting in car parking of between 34 and 51 spaces. Measured against the number of dwellings (58-68), it becomes apparent that this amount of car parking accords with the JLSP standards and is in fact considerably less than the applicant might have proposed. However the locational factors referred to in this report have influenced the applicant's decision to limit private car parking.

Cycle parking will be provided in the basement car parking, on the basis of 1 space per 1-2 bed dwelling and 2 spaces per 3-4 bed dwelling.

Traffic generation has been calculated using the TRICS (Trip Rate Information Computer System) database. This is an appropriate method of assessing trip rate assumptions for individual developments, such as this residential submission.

Taking into account the existing uses on site - the Ice Cream Depot and the part of the public car parks covered by this application, there is clearly some traffic generation associated with the current use of the site. However the Transport Assessment does not allow for the removal of existing traffic from the site, and solely considers new traffic generated by the proposal. Therefore it is considered to be a robust assessment.

By considering a peak (am) period of 0800-0900 and peak (pm) period of 1615-1715, the traffic attraction for the development was calculated at 19 vehicles in the morning peak, and 15 vehicles in the evening peak. It concludes that this is a minimal amount of traffic, and when measured against the reduction in

vehicles from the existing uses within the red edge of this application site, then further detailed assessment is not required.

County Highways have no objections to this particular proposal, although both they and the City Council's highway consultants, MVA, have indicated that the internal arrangements within the underfloor car parking would require reworking at the detailed design phase to provide appropriate manoeuvrability.

### **Neighbour Amenity**

The nearest residential neighbours are the terrace of properties on Alfred Street. Their current outlook is somewhat restricted in the summer months given the line of trees that are located within the car park. However their removal and replacement with residential townhouses will affect their outlook. In some circumstances, the tree removal will improve the amount of light gain to the current dwellings.

However at the distances proposed (across Alfred Street highway, which is retained at this part of the site), their privacy is not compromised, nor is their property overshadowed by the development. The sensitive positioning of the two-storey element of the development allows for a natural extension of this residential zone, and the closure of the 'rat run' (considered under the main outline application) through this street should considerably improve private amenity and living conditions for existing residents.

### **Impact upon Heritage Assets**

Unlike much of the Canal Corridor North site, this application does not include any Listed Buildings. The former Crown Hotel on St Leonardgate is listed, but is not directly connected to the site and its setting would not be compromised by the development of this individual application.

The development would, if constructed using traditional materials on the outward elevations and appropriate fenestration details, represent an opportunity to enhance the approach to the Conservation Area.

### **Affordable Housing**

The developer has offered 25% affordable housing. This equates to a delivery of between 15 and 17 units.

The 25% figure is stated within SPG 10. However as Members will be aware, the Planning Policy Cabinet Liaison Group resolved to pursue an amended approach to affordable housing negotiations, involving a figure of 40% affordable housing provision, in response to the Lancaster District Housing Needs Survey Update Report 2007. Whilst this figure is not formally adopted through revised local planning guidance, developers are informed that 40% is a figure that the local planning authority would wish to achieve.

The applicant has cited the unusual and major infrastructure costs (including those outside the site, such as highway reconfiguration towards Skerton Bridge and Kingsway), and the other planning contribution matters, such as the contributions towards the Grand and Dukes Theatres, provision of new Canalside open space and remedial works to listed buildings, as mitigating factors. The local planning authority accepts that in this case, these costs are more burdensome than usual, and that the figure of 25% would be appropriate in this location.

However, in the event that application 08/00866/OUT is refused, the above obligations would not be required as part of a wider scheme, and consequently Members may wish to reconsider the percentage of affordable housing.

If Members are minded to accept the 25% figure, then the precise tenure and dwelling size mix would be controlled via a Section 106 Agreement.

### **Relocation of Existing Businesses**

The applicant has been involved in discussions with the occupants of the existing site, with a view to providing appropriate relocations for their business. These discussions remain ongoing.

### **Renewable Technologies**

There is no Environmental Statement necessary for this particular proposal.

It is intended to create dwellings which achieve Level 3 of the Code for Sustainable Homes.

The applicant has indicated that the orientation of the buildings on the Moor Lane elevation will assist in terms of capitalising on solar gain.

However green roof technology and alternative types of fuel sources will be considered at the Reserved Matters stage, should the current application be approved. A standard condition is imposed regarding renewable energy generation.

### **Conclusion**

The proposed development seeks to deliver an appropriate amount of housing on an area of land which is in need of regeneration on this key route into the city. It will improve the setting of the Conservation Area and nearby Listed Buildings. The means of access proposed is acceptable and the traffic impacts associated with this stand-alone development should involve a reduction in traffic when considered with the current uses across the site.

The development offers the opportunity for interesting design styles, but it is important to remember the close proximity of existing residences. Therefore, development should be kept to a minimum (in terms of height) along Alfred Street, and traditional materials should be used on all external-facing elevations. The local planning authority is pleased to note that this advice has been followed.

The site would deliver a choice of housing options and would introduce affordable housing in a central location. The development would reinforce the residential setting of Alfred Street. With the potential introduction of Phoenix Street to the south, the site would become even more accessible for cyclists and pedestrians.

In conclusion the residential redevelopment of this site is supported, subject to the following conditions.

### **RECOMMENDATIONS**

That **SUBJECT TO A SECTION 106 PLANNING AGREEMENT TO DELIVER AFFORDABLE HOUSING, OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard outline consent
2. Reserved Matters to be submitted
3. Standard Reserved Matters time limit condition (5 years from date of outline consent)
4. Detailed plans to accord with Parameter Plans and Parameters Report
5. All external materials, including roofing and floorspace treatments to be agreed and samples provided
6. All windows, doors and rainwater goods to be agreed
7. All boundary treatments, including plot boundaries to be agreed
8. Standard Arboricultural Implications Assessment condition
9. Standard landscaping maintenance condition
10. 10% of development's energy requirements to be generated by on-site renewable technologies, to be agreed with LOCAL PLANNING AUTHORITY

11. Sustainable urban drainage system and separate sewerage details to be agreed
12. Standard land contamination condition
13. Contaminated land – importation of soils and materials standard condition
14. Contaminated land – prevention of new contamination
15. Bunding of tanks
16. Car parking ventilation details to be agreed
17. Car parking details to be agreed and maintained Car Park Management Strategy
18. Covered and secure cycle parking details to be agreed and maintained
19. Existing coach facilities to remain in use until replacement facilities are fully operational
20. Sustainable methods of construction to be agreed
21. Details of all waste management, including refuse storage and recycling areas to be agreed.
22. Standard hours of construction condition
23. Phasing of development (including demolition) to be agreed
24. Phased programme of archaeological evaluation to be agreed and implemented
25. As required by consultees

<b>DECISION DATE</b> 3 October 2008	<b>APPLICATION NO.</b> 08/00865/OUT A18	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  <b>OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE RESIDENTIAL ACCOMMODATION AND ANCILLARY CAR PARKING</b>		<b>SITE ADDRESS</b>  <b>PART OF HERON CHEMICAL WORKS SITE MOOR LANE LANCASTER LANCASHIRE LA1 1QQ</b>
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans LLP

**REASON FOR DELAY**

Joint determination with main outline planning application (16-week application).

**PARISH NOTIFICATION**

None.

**LAND USE ALLOCATION/DEPARTURE**

The Lancaster District Local Plan contains a number of land designations for this site. Part of the site lies within the Moor Lane Mills Conservation Area, whilst the City Conservation Area abuts the site to the south-west. The site enjoys Housing Opportunity Site status and part of it falls within the Central Parking Area designation.

The adjacent Lancaster Canal is part of the Strategic Cycle Network (as is Edward Street) and the Canal is also a designated Informal Recreation Area. It is also a County Biological Heritage Site.

**STATUTORY CONSULTATIONS**

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to this particular site, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**County (Strategic) Planning & Landscape** - No specific comments on this separate application. The existing housing supply in the district would satisfy the annual rate of provision beyond 2016. However as the wider proposal is a major mixed-use development, and may provide some affordable housing, it is acceptable because it complies with the criteria adopted in the Joint Lancashire Structure Plan (JLSP).

**County Highways** - County Highways do not object to the wider development, providing that all Highway Agreement measures indicated on the plans for the main outline application are provided along with a suitable level of planning obligation.



Proposed changes to sections of St. Leonard's Gate, Bulk Road and Alfred Street alter route choice availability for existing and committed movements. These changes are not considered to the detriment of the network as a whole and do not affect the Heron Works proposals.

The new residential parking proposed at Moor Lane should be included within the applicant's Car Park Management Strategy.

Pedestrian and cycle matters shall also be conditioned. Cycle parking was agreed with County Highways. It is important that the (wider site) Travel Plan provides a strategy to ensure that future employees use sustainable transport modes rather than the private car. The plan should be adhered to and kept up to date for an agreed period after first opening.

During the demolition and construction phases there will inevitably be local traffic problems. A programme and method of construction, including issues relating to the temporary closure of local streets, parking (both on and off site) and the delivery of materials to the site, must be agreed prior to work starting on site.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

The removal of unlisted structures (of varying degrees of importance) require some level of building recording prior to demolition. They advise that a Level 2/3 recording would be required. Alteration of the listed buildings will necessitate Level 3 building recording.

**County Planning Contributions Officer** - The list of planning contributions considered necessary to support and enable the wider outline development are listed on application 08/00866/OUT. No specific contributions are requested for this stand-alone application.

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. These comments are provided for the site as a whole and include this submission.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.

The retailing "monoculture" could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Concede the loss of buildings scheduled for demolition in this locality. They are supportive of the aspirations of the scheme with the exception of the loss of buildings at the Stonewell nose of the development.

**CPRE** - Submitted objections to the original scheme as a whole based upon traffic, historic impact, impact upon retail centres and lack of public consultation. However they also referred to this particular application within their response, and therefore their comments are recorded here.

**Environment Agency** - No objections subject to the imposition of a land contamination condition, and a condition requiring a scheme for a Sustainable Urban Drainage System to be agreed. Generic advice is provided regarding sustainable construction methods, energy-efficient buildings and water management.

**United Utilities** - No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer. Other generic advice is also provided.

**Lancaster Civic Society** - They have no objection to the principle of residential development on this site. The Society does, however, have serious concerns about the height, scale and bulk of the proposed building on the frontage to Moor Lane.

The proposed building would be higher than both neighbouring buildings on the Moor Lane frontage, the Methodist Church to the west and Mill Hall Gatehouse to the east. With a comparatively wide frontage the development, given its height, it would have a significantly greater bulk than the neighbouring buildings and would have an inappropriate scale.

A massing section within the Statement indicates that the proposed building would not project above a line drawn between the apexes of the roofs of the church and Mill Hall to the east. If such an imaginary line is to be used to justify the height of the flat roofed building then the line should be drawn between the eaves of Mill Hall Gatehouse and, given its steep pitched roof, a point halfway between the ridge and eaves of the church. The Statement indicates that the proposed development would be 50-74 residential units. An appropriate scale for the development would probably not provide that level of development. If outline permission is to be granted then the Civic Society advise that a condition be imposed indicating that the density of the development is a matter reserved for future consideration.

**Police** - No objection to the scheme subject to the applicant achieving 'Secured by Design' as a requirement of the planning permission, with a view to reducing the opportunities for crime, disorder and anti-social behaviour.

**Fire Safety** - No comments received within statutory time period, although comments in 2007 stated that the development would have to comply with Part B5 of the Building Regulations.

**British Waterways** - No objection subject to the provision of planning obligations as recommended on the main outline planning application.

**North Lancashire Bat Group** - No comments received within statutory time period. They did provide comment in 2007 where they stated that there would be no objections subject to the imposition of the conditions relating to the Bat Survey report.

**The Victorian Society** - The Society recommend refusal of the scheme. They comment that their "very strong objection" is based on the proposals being "incredibly damaging to a number of historic buildings, as well as to the character and appearance of the City Conservation Area and Moor Lane Mills

Conservation Area". They regard it as incredibly insensitive and reminiscent of comprehensive post-war city centre redevelopments and clearance.

The proposals would be over-scaled and damage views from the Priory and Castle. They would destroy the existing street pattern and the historic alleys and yards.

However the principle of development in the Canal Corridor is not opposed and it has a great deal of potential, but a "lighter touch" at the southern end of the site, and creative re-use of existing buildings would respect the area.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster's growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

**Environmental Health Service** - The Service have provided separate air quality and contaminated land responses. In respect of air quality, their second response supersedes the first, because it contains the response to the applicant's air quality appendices in addition to their Environmental Statement.

Environmental Health Services is satisfied that:

- The scope of the air quality assessment in assessing operational phase impacts is suitable and sufficient
- A suitable methodology has been adopted
- The characteristics of the locality have been considered and taken into account
- Existing knowledge of local air quality is reflected in the assessment
- Other committed developments and cumulative impacts on local air quality have been considered
- Receptors at which air quality impacts should be assessed have been correctly identified, including permitted residential developments not yet completed
- Uncertainties have been minimised and limitations have been identified and considered when reaching conclusions

The scheme would generate additional traffic within and adjacent to the Air Quality Management Area and would have potentially significant implications for it. The submitted Air Quality Assessment predicts a slight worsening of air quality around the Management Area in terms of nitrogen dioxide and fine particulate matter (PM10). It could interfere to a degree with the actions required to improve local air quality under the Environment Act 1995. However where this gives rise to adverse impacts the Environmental Statement assesses those as negligible or minor in all cases. No residential areas are predicted to become new exceedance areas as a result of the development. Within the proposed development, air quality at new residential locations is predicted to achieve the air quality objectives.

The Service recommends that if approval is granted, compensatory benefits regarding highway improvements and public transport planning should be conditions.

Any ventilation exhausts from restaurant, café and car parking activities should be the subject of prior detailed agreement before commencement of the development.

With regards to contaminated land, the Service is satisfied that the applicant's report is comprehensive. The Preliminary Conceptual Site Model has been developed which will assist in defining and refining further phases of site investigation and any remediation.

Post demolition site investigation and risk assessment will be required across the site. However, some areas of the site have not been well characterised in respect of actual site investigation data, particularly the Heron Chemical Works. Clearly, a good deal of post demolition site investigation and risk assessment will be required across the site but again particularly in the area of the chemical works. Significant concentrations of quite hazardous contaminants were noted in investigations carried out a decade ago. There may have also been deterioration in ground (water) quality since then due to leaks/spills/decommissioning. Therefore the standard Land Contamination Investigation conditions are required.

**Property Services** - As a landowner affected by the scheme the Council has been served with the relevant information. In addition under the development agreement the Council as landlord has considered the planning application and has no objections to the content of the application.

**Economic Development Service** - The area is underused and appropriate development would strengthen the vitality of the city centre. The scale of development is more consistent with sub-regional retail centre status. The bridge is an essential component of the scheme to enable and encourage pedestrian movement between the new development and the existing centre. New pedestrian signposting will be needed within both retail areas and the developer should contribute.

There is a need to relocate Joseph Storey & Co. and it is hoped that the developer will find an alternative site.

**Housing Policy Officer** - In principle the development of housing is supported and the Service is pleased in relation to the mix of housing. There is no housing justification for a reduction of the percentage of affordable housing. However it is for Planning Services to determine if the applicant's abnormal costs case is valid, justifying the reduction from 40% to 25%. The affordable housing would have to be distributed throughout the site. In addition, two-thirds of the housing should be provided for rent rather than shared ownership.

**Legal Services** - No comments to make.

**Engineers/Land Drainage/Cycling (CDT)** - No land drainage comments received. In terms of cycling, the long-term objective is to gain full cycle permeability into the existing pedestrian zone. Edward Street is an existing cycle route as cyclists are permitted to ride on public highways. The applicant has relented to allow north/south cycle access through the development, but it is disappointing that this cannot be

signed as a route. Moor Lane/Church Street should be marked as an existing route/desire line, it is not a proposed council route.

Cycle parking provision does not appear to be adequate and as a Cycling Demonstration Town more could be achieved.

The canal cycleway width should be maintained and linkage from Phoenix Street explored in detail.

#### **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 197 chose to object to this application too. The following grounds of objection are valid in respect of this outline application.**

**It's Our City Group** - They have produced a detailed objection to the proposals with the main headline themes:

- Inadequate public consultation and Statement of Community Involvement documentation
- Contrary to national, regional and district planning policies and development plans
- The decision to grant Centros 'preferred developer' status
- Transport Assessment is unclear as to the extent of the traffic increase
- Questions the 'increased attractiveness' of Lancaster as a destination
- Do not accept that shoppers will visit the development as part of existing visits to the city
- Impacts upon the gyratory system
- No resolution of the rat-running problems - closure of Alfred Street and Edward Street will only exacerbate matters
- Contrary to national and regional air quality standards - study is not robust enough to demonstrate that there is no detrimental impacts
- Lack of study concerning other pollutants (e.g. NO2 and PM10)
- Concerns regarding the quoted '24-hour' society
- Visual impact of the pedestrian bridge and concerns over its deliverability
- Spatial departure from the Supplementary Planning Guidance
- Value of the unlisted buildings scheduled for demolition
- Relocation of the multiples from the centre
- Retail leakage to Kendal and Manchester is not significant
- Absence of evidence of significant population growth

**Bulk Ward City Councillors** - They object to the proposals on the following grounds:

- Contrary to national planning policy and the Lancaster District Local Plan
- Generation of significant additional traffic on an already congested highway system and the proposed highway measures do not deliver a fundamental solution and will add to the volume of rat-running and environmentally damaging traffic impacts on Derwent Rd and Ullswater Rd
- The job creation claims are not credible and do not take into account job loss amongst existing retail and service sectors of the local economy
- The development will damage retailing in Lancaster City Centre, Morecambe and Carnforth
- The applications will result in a development that will generate considerable amounts of extra greenhouse gases and this is inconsistent with Planning Policy Supplement PPS1 "Planning and Climate Change" and the binding CO2 reductions in the Climate Change Bill currently completing its parliamentary progress.

The observations received on the main outline planning application - regarding principles of development across the site - have been taken into account in the compilation of this report. For details of those observations, please refer to outline application 08/00866/OUT. Where correspondents have indicated that their letter applies to this separate application, they are counted in the number below.

Of the 197 objections received regarding this specific application for the residential development and ancillary parking, most comments relate to the wider site; in particular the impact upon the historic environment, impact upon the retail centre, the impacts upon the highway network and the developer's consultation exercise. But there has also been comment regarding the future of the Homeless Centre, the suitability of developing on a contaminated site, and that the development fails to deliver an adequate mix and number of affordable houses.

## **REPORT**

### **Introduction and Procedural Matters**

The outcome of application 08/00866/OUT will affect whether the Listed Building Consent and Conservation Area Consent applications submitted can be determined in accordance with the recommendations reached. The other three outline applications, including this one, are submitted independently because they are considered to be 'stand alone' applications and could, theoretically, be considered irrespective of whether the main outline application gains approval or not.

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

The site is a corner plot at the junction of Edward Street with Moor Lane. At present the site accommodates the Heron Chemical Works, Joseph Storey Ltd, and the Homeless Centre. The application site extends across Edward Street, but does not include the properties on the west side of the street, nor does it contain any of the car parking areas to the north. It does however extend eastwards around the back of Mill Hall, which is a Grade II Listed Building and is used as student accommodation.

The Mill Hall Gatehouse is the closest (retained) structure to the east of the development site, whilst the former Methodist Church now utilised as the Duke's Youth Theatre is an important building to the west.

The site suffers from the problems created when the site was cleared in the mid-20th century. The provision of the car parking areas to the north opened up some of the elevations of the industrial buildings and it now has some rather tired buildings and a temporary structure (in the form of the Homeless Centre) within its boundaries.

### **The Proposal**

This application is submitted in outline form with only the Means of Access being applied for at this stage. Therefore, all other matters such as layout, scale and appearance are reserved for future consideration.

Once again the application adopts a parameters-based approach, which is intended to provide some assurance regarding the minimum and maximum levels of development at this outline stage. Discussion of the parameters is provided later in this report.

The proposal involves site clearance and the construction of a block of residential units which will wrap around Mill Hall up towards the Canal. The number of units will be between 50 and 74, with the emphasis upon one and two-bedroomed units in this location. The type and tenure of these houses will be determined at the Reserved Matters stage, although it is accepted that they will be flats and maisonettes. The applicant has indicated that 25% of the total number of units will be affordable.

Access to the site will be via Moor Lane, with vehicles travelling along a short section of Edward Street to access undercroft car parking areas. The remainder of Edward Street South will be pedestrianised as part of the main outline planning application. Should that application not be permitted, then the current access arrangements will remain in force and residential access to this development will be taken from the existing Edward Street. The residential car park will provide parking for between 30 and 40 cars, and cycle parking provision at one per unit of accommodation will also be provided in this location. A new cycle park behind the Gatehouse building is indicated on the plans and will be publicly available.

Of great benefit to the scheme is the creation of a new public access path from Moor Lane to the Canal. This will run alongside the Mill Hall gatehouse and then 'dog-leg' up towards the Canal. This will be an at-grade path. This route will also provides some animation to the lawned amenity areas at the rear of the proposed building. Low level shrub planting, new semi-mature trees and a mezzanine garden area completes the development.

### **Scale Parameters**

The site layout incorporates three inter-related blocks. The first block, closest to the Gatehouse, has a height of between 27m and 35m above Ordnance Datum. The second block, running along the length of Edward Street, would have a similar lower parameter level but its upper parameter would be reduced, at 31m. The final block, which returns along the north elevation towards the Canal, would also have a minimum parameter of 27m but its upper parameter would be 34m.

To put this in context, the adjacent Youth Theatre building has an Ordnance Datum level at its highest point of approximately 29m. The new development will therefore be 5-storeys high, although the section along Edward Street is reduced to try to preserve some of the elevational views of Mill Hall.

Members will note the objection to the scale of development from the Civic Society, who believe that the development is too dense and that the overall bulk of the building is too great.

The parameters based approach does allow for the local planning authority to fix the development within these parameters, thereby providing flexibility during the Reserved Matters stage. It is the local planning authority's view that the lower parameter, indicated by a red line on the drawing, would be a far more sensitive height for this structure, as opposed to the upper parameter line (in blue) or the solid line (indicating a likely development height). Views of the Mill Hall, most notably from the Castle Conservation Area, but also from the much closer City Conservation Area, are of such value that this approach is warranted on this application. A planning condition can be imposed to reflect this.

The plan also allows for some horizontal deviation of the building line, and again much of this will depend upon the final design solution applied for under Reserved Matters, should this application be successful. All these matters would of course be brought before the Planning Committee for consideration as part of that future application.

### **Site Layout**

Because the layout is indicative at this stage, only a general assessment can be made. However the submission of the indicative layout drawings as part of the Design and Access Statement does assist in reaching some conclusions.

The lower ground floor level will accommodate all of the car parking and refuse storage. The Edward Street/Moor Lane corner will also accommodate new residential units at this lower ground floor level.

The first floor will provide new residential accommodation at the north and south ends of the site, with the new external amenity areas provided in between these buildings and the proposed cycle link to the Canal.

The upper floors provide more residential apartments, although the proposed top floor is not developed in full and has some external terraced areas and physical breaks between the buildings in an attempt to protect the wider views.

### **Design**

The architects have researched the design and fenestration of the surrounding area thoroughly, and the Design & Access Statement contains some images of alternative preliminary sketches, all of which have contributed to the final design solution.

On the outward-facing elevations of the development, the use of traditional 'Lancaster' style materials will be used to respond to the surrounding context. However the internal elevations are largely obscured, apart from elevated positions from the Lancaster Canal. This part-concealed elevation would allow a more contemporary approach to be considered. This may take the form of glazing (where privacy between residential units can be adequately maintained), or rainscreen claddings, louvre shuttering or timber. The use of colour on the internal elevations would, in the opinion of the local planning authority, help enhance the appearance of this internal area.

This application site does not, in the opinion of the local planning authority, represent a 'landmark' building site. Of greater importance is its response to the Conservation Area in which it sits and the proximity of the Listed Buildings.

### **Planning Policy**

This summary of appropriate planning policy commences with the relevant policies at the local level.

The site is of course subject to Supplementary Planning Guidance Note 8 (SPG 8) - 'Lancaster Canal Corridor North Development Brief', which was adopted in May 2002. The land designations referred to at the start of this report are also applicable in the Lancaster District Local Plan.

SPG 8 is an appropriate starting point, providing the most detailed direction for the development of the site. As part of the key objectives listed, the brief states that the Council wishes to achieve:

- Sensitive integration of new buildings within the historic fabric;
- A significant element of residential development with a mix of tenure types;
- New and improved pedestrian and cycle routes including...the creation of linkages...and the enhancements to the Canal and Canal Towpath.

One of the key concerns expressed in the SPG related to the impact of new development upon the existing, and proposed, residential areas. A further concern was the impact upon the area's Listed Buildings and Conservation Areas.

Other key principles in the Heron Chemical Works area included:

- A major review of the role of the Canal, including better linkages to surrounding areas;
- Improvements to the appearance of the Heron Chemical Works;
- The phasing of residential development to ensure that such development does not occur close to industrial uses.



With regard to the former, the creation of the new cycle and pedestrian link on this relatively small outline application is a major benefit to the development, and provides direct access from the Canal down into the city and beyond.

The second principle relevant to this site perhaps illustrates just how unlikely comprehensive development was considered at the adoption of the SPG in 2002, when the SPG discussed retention of the Chemical Works. However the possibility of a wider development was addressed in the SPG, which stated that "In the event of the cessation or relocation of these uses...the Council would favour the residential redevelopment of the area subject to the identification and remediation of any contamination".

With regard to the third principle, this is a key concern and would be controlled at this stage by a planning condition.

SPG 6 - The Lancaster City Centre Strategy - encourages residential uses as part of the wider development.

Other local planning documents include SPG 16 - The Phasing of New Residential Development. However this document has been superseded by Core Strategy Policy SC4. The thrust of the Policy is to redress any imbalances in the local housing market, achieve housing that meets local housing needs, and secure units of "in-perpetuity" affordable housing. SPG 10 also refers to affordable housing, and this issue is discussed later in this report.

The proposal is compliant with Lancaster District Local Plan (LDLP) saved policies. It seeks to provide housing, in accordance with a wider site designation. Its development enhances the role of the Canal as part of the Strategic Cycle Network and an Informal Recreation Area. By limiting the development to the lower parameter height, an important view into a Conservation Area (Moor Lane Mills) and important views out from a Conservation Area (Castle) would be largely maintained.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district, and the ones appropriate to this development can be summarised as follows:

**Policy SC1** - Sustainable Development - ensuring developments are as sustainable as possible locationally and incorporate appropriate uses, design and construction methods;

**SC2** - Urban Concentration - building healthy, sustainable communities by focusing development where it is needed and assisting regeneration;

**SC4** - Meeting the District's Housing Requirements - setting out the principles where the district's housing needs are met, including the delivery of affordable housing;

**SC5** - Achieving Quality in Design - encouraging a high-quality environment and public realm, especially in areas such as the City Centre;

**SC6** - Crime and Community Safety - delivering safe environments by incorporating 'Secure by Design' principles;

**SC7** - Development and the Risk of Flooding - ensuring places are not exposed to flood risk;

**SC8** - Recreation and Open Space - delivering access to green spaces and sports facilities;

**ER2** - Regeneration Priority Areas - setting out the spatial strategic framework for the district, including design-led regeneration of Central Lancaster;

**ER4** - Town Centres and Shopping - establishing the roles of the district's centres, including Lancaster's role as a sub-regional centre;

**ER5** - New Retail Development - focusing retail need on regenerating and reinforcing the vitality and viability of existing centres;

**ER6** - Developing Tourism - maximising the potential of tourism in the district;

**ER7** - Renewable Energy - to maximise the proportion of energy generated from renewable sources;

**E1** - Environmental Capital - seeking to improve the district's environment, including protecting and enhancing Lancaster City Centre's sense of place;

**E2** - Transportation Measures - to support regeneration, improve resident's quality of life and minimise the environmental impacts of traffic;

**MR1** - Planning Obligations - to ensure that development contributes to the needs of local communities and the delivery of sustainable development.

Other local planning documents include SPG 16 - The Phasing of New Residential Development. This document has now been superseded by Core Strategy Policy SC4. The thrust of the Policy is to redress any imbalances in the local housing market, achieve housing that meets local housing needs, and secure units of "in-perpetuity" affordable housing. SPG 10 also refers to affordable housing, and this issue is discussed later in this report.

The regional position is complex. The current Strategy, initially published as Regional Planning Guidance, became the Regional Spatial Strategy for the North West (RSS) in September 2004 with the enactment of the Planning and Compulsory Purchase Act. The RSS establishes the spatial plan for the development of the region for employment, housing, transport and the environment.

A draft revision of the Regional Spatial Strategy was submitted to Government in January 2006 by the North West Regional Assembly. It was subsequently tested in an Examination in Public between November 2006 and February 2007, and the report of the independent panel which conducted this Examination was published in May 2007. The Secretary of State considered the recommendations of this independent panel, and took into account the representations made on the draft revision, and also changes in Government policy since the draft revision was submitted, before publishing Proposed Changes for further public consultation between March and May 2008.

The consultation period ended on 23 May and the City Council understands that all representations have now been considered and amendments made to parts of the Plan, along with updates to the Habitat Regulations Assessment and Sustainability Appraisal/Strategic Environmental Assessment.

At the time of drafting this report, it was anticipated that the final revision of the RSS would be published on 30 September 2008. This is later than the deadline for this committee report and therefore officers will provide a verbal update at the committee meeting. The publication of RSS would remove the Joint Lancashire Structure Plan (JLSP) tier of policies.

The Draft Regional Strategy (RSS), and the Secretary of State's Proposed Changes to the Draft RSS are discussed at length in the main outline application. However it is clear that a residential proposal of this scale satisfies the spatial objectives, such as urban concentration and sustainable regeneration of brownfield land. In particular the over-arching regional (and national) themes of providing sustainable communities, managing the demand for private travel and providing high-quality places where people want to live and work are especially relevant to this proposal.

The Joint Lancashire Structure Plan 2001-2016 (JLSP) provides a county-wide series of policies, including those promoting development on previously-used land, the enhancement of existing town and city centres, and the requirement for 75% of new housing development to be situated within the main urban areas and towns.

Nationally, the sustainable development principles outlined in Planning Policy Statement (PPS) 1 - 'Delivering Sustainable Development' and PPS 3 - 'Housing' are key considerations. In considering these, the development must ensure that it is appropriately located, is of good-quality, delivers affordable housing where needed, and provides a mixed and balanced community that is inclusive and a safe place to live. Sustainable methods of construction and energy production, as advocated throughout national guidance (and in particular the supplement to PPS 1 concerning Climate Change), is a matter which must be reinforced via the imposition of planning conditions, should this outline application be approved.

Planning Policy Guidance (PPG) 13 relating to 'Transport' is now rather dated, but its principles of managing private transport demand and encouraging the growth of public transport are still key governmental themes. The need to locate new development, including housing, in accessible urban areas is a fundamental part of national policy, and one that this proposal adheres to.

### **Traffic and Highways**

The site is considered to have good public transport accessibility, given its proximity to the Lancaster Bus Station and given that the nearest bus stop to the site is Moorgate, approximately 125m away. The site's position upon the Strategic Cycle Network is also advantageous. The wider development will see the provision of a link to the Canal Cycle Network, and in turn provide wider linkage along the canal, down the extended Phoenix Street and out towards the River Lune and the Lancaster-Morecambe Cycleway.

The JLSP provides car parking standards for the county, and in respect of residential development within accessible locations the figure of 1.5 spaces (or less) per dwelling is the requirement. In terms of the development parameters, the number of units would be between 50 and 74 and the amount of parking provision would be between 30 and 40. This is considerably lower than 1.5 spaces per dwelling, and this decision has been taken because of the requirement to limit the height of the building (by not providing two decks of parking) and because of the sustainable location of the development. It is therefore compliant with the county parking standards.

As previously stated, cycle parking will be provided in the undercroft car park, on the basis of 1 space per dwelling.

Traffic generation has been calculated using the TRICS (Trip Rate Information Computer System) database. This is an appropriate method of assessing trip rate assumptions for individual developments, such as this residential submission.

The existing uses on site - including the Heron Chemical Works and Joseph Storey Offices - will attract some traffic generation. However the Transport Assessment does not allow for the removal of existing traffic from the site, and solely considers new traffic generated by the proposal. Therefore it is considered to be a robust assessment.

By considering a peak (am) period of 0800-0900 and peak (pm) period of 1615-1715, the traffic attraction for the development was calculated at 19 vehicles in the morning peak, and 14 vehicles in the evening peak. It concludes that this is a minimal amount of traffic, and when (in reality) it is measured against the reduction in vehicles from the existing uses within the red edge of this application site, then further detailed assessment is not required.

The County Highways Department have indicated that the access and egress points are acceptable, but there needs to be room within the indicative parking layout to provide an internal space for manoeuvring.

### **Neighbour Amenity**

The nearest residential neighbours are the student residences in Mill Hall, and those across the canal in Bath Mill Lane. There are also properties at 3-5 Edward Street which are residential and are of a domestic scale.

The current outlook for Mill Hall is relatively open, and this development would impinge upon this open aspect, although not to an unacceptable degree. By limiting the parameter of the development, this outlook can be protected still further. However at the distances proposed (both across Edward Street and from Mill Hall/Bath Mill Lane) the privacy of existing and proposed residential occupants is not compromised, nor is their property unacceptably overshadowed by the development.

The removal of industrial uses from the site should result in an improvement in neighbouring amenity, and the introduction of new lawned areas and the canalside link is a considerable benefit to the neighbourhood.

### **Impact upon Heritage Assets**

As previously mentioned in the 'Scale Parameters' section, the area of greatest concern is the scale of the building when viewed against the backdrop of the Grade II Mill Hall. Development that adheres to the lower parameter level would protect those views from inside the Moor Lane, City and Castle Conservation Areas to a degree and would alleviate this concern.

Otherwise the development would, if constructed using traditional materials on the outward elevations and appropriate fenestration details, represent an opportunity to enhance the setting of the Conservation Areas and the relationship with the Listed Building.

### **Affordable Housing**

The developer has offered 25% affordable housing. This equates to a delivery of between 13 and 19 units.

The applicant has cited the unusual and major infrastructure costs (including those outside the site, such as highway reconfiguration towards Skerton Bridge and Kingsway), and the other planning contribution matters, such as the contributions towards the Grand and Dukes Theatres, provision of new Canalside open space and remedial works to listed buildings, as mitigating factors. The local planning authority accepts that in this case, these costs are more burdensome than usual, and that the figure of 25% would be appropriate in this location.

The applicant has cited the unusual and major infrastructure costs (towards Skerton Bridge and Kingsway), and the other planning contribution matters (including contributions towards the Grand and Dukes Theatres, provision of new Canalside open space and remedial works to listed buildings as mitigating factors. The local planning authority accepts that in this case, these costs are more burdensome than usual, and that the figure of 25% would be appropriate in this location.

However, in the event that application 08/00866/OUT is refused, the above obligations would not be required as part of a wider scheme, and consequently Members may wish to reconsider the percentage of affordable housing.

If Members are minded to accept the 25% figure, then the precise tenure and dwelling size mix would be controlled via a Section 106 Agreement.

### **Land Contamination**

Unlike other areas across the Canal Corridor North site, this application is partially located on land which has been the subject of intensive industrial and chemical workings. As the Environmental Health Service acknowledges, post-demolition site investigation and risk assessment will be required, and it is noted that previous research discovered hazardous contaminants.

However, the applicant's contaminated land report is comprehensive and will assist in satisfactory remediation.

### **Relocation of Existing Businesses**

The applicant has been involved in discussions with the occupants of the existing site, with a view to providing appropriate relocations for their businesses. These discussions remain ongoing.

With regard to the Homeless Centre, this facility is provided upon City Council land, and it is incumbent on the local authority to provide a satisfactory location for this key facility. This process is quite separate from the planning process, but of course the protection of services and facilities is still a key consideration of planning authorities. It is envisaged that up-to-date information in respect of the Homeless Centre will be provided verbally to Members at the committee meeting.

### **Renewable Technologies**

The applicant intends to create residences which meet Level 3 of the Code for Sustainable Homes. The proposals also suggest that green roof technology and alternative fuel sources will form part of the Reserved Matters application. In particular the energy savings made by the fact that many of the units will be single aspect should not be underestimated.

As the current application is outline only, these matters will be explored in detail via the later submission, should the current application be successful.

### **Conclusion**

The proposed development seeks to deliver an appropriate amount of housing on an area of land which has become increasingly tired during the last 20 years. It will improve the setting of the many Conservation Areas surrounding and running through the site. However the setting of the Mill Hall will only be respected by a reduction in scale of development in accordance with the lower parameter level of the site.

The means of access proposed is acceptable and the traffic impacts associated with this stand-alone development should not result in an unacceptable increase in traffic when considered against the current uses across the site.

The development offers the opportunity for interesting design styles, but it is important to remember the close proximity of existing residences and the historic facade of the Mill building. Therefore traditional materials should be used on all external-facing elevations. The local planning authority is pleased to note that this advice has been followed.

The site would deliver a choice of housing options and would introduce affordable housing in a central location. The development would remove some of the less compatible industrial processes from the locality and will also enhance the public realm, due to the introduction of the new cyclepath and lawned amenity areas. This is beneficial for cyclists and pedestrians alike.

In conclusion the residential redevelopment of this site is supported, subject to the following conditions.

## RECOMMENDATIONS

That **SUBJECT TO A SECTION 106 PLANNING AGREEMENT TO DELIVER AFFORDABLE HOUSING, OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard outline consent
2. Reserved Matters to be submitted
3. Standard Reserved Matters time limit condition (5 years from date of outline consent)
4. Detailed plans to accord with Parameter Plans and Parameters Report
5. All external materials, including roofing and floorspace treatments to be agreed and samples provided
6. All windows, doors and rainwater goods to be agreed
7. All boundary treatments, including plot boundaries to be agreed
8. Standard Arboricultural Implications Assessment condition
9. Standard landscaping maintenance condition
10. Standard landscaping protection during construction condition (Canalside)
11. 10% of development's energy requirements to be generated by on-site renewable technologies, to be agreed with LPA
12. Sustainable urban drainage system and separate sewerage details to be agreed
13. Standard land contamination condition
14. Contaminated land - importation of soils and materials standard condition
15. Contaminated land - prevention of new contamination
16. Bunding of tanks
17. Car parking ventilation details to be agreed
18. Car parking details to be agreed and maintained as part of Car Park Management Strategy
19. Covered and secure cycle parking details to be agreed and maintained
20. Sustainable methods of construction to be agreed
21. Details of all waste management, including refuse storage and recycling areas to be agreed.
22. Standard hours of construction condition
23. Phasing of development (including demolition) to be agreed
24. Phased programme of archaeological evaluation to be agreed and implemented
25. As required by consultees

<b>DECISION DATE</b> 27 July 2007	<b>APPLICATION NO.</b> 07/00602/OUT A19	<b>PLANNING COMMITTEE:</b> 13 & 14 October 2008
<b>DEVELOPMENT PROPOSED</b>  OUTLINE APPLICATION FOR THE REDEVELOPMENT OF THE SITE TO PROVIDE A BUILDING FOR RETAIL AT GROUND FLOOR LEVEL WITH OFFICES ABOVE AND ASSOCIATED CAR PARKING		<b>SITE ADDRESS</b>  LAND EAST OF GOLDEN LION MOOR LANE LANCASTER LANCASHIRE
<b>APPLICANT:</b>  Centros Miller Lancaster LP C/o Agent		<b>AGENT:</b>  Montagu Evans Llp

## REASON FOR DELAY

Joint determination with main outline planning application (16-week application).

## PARISH NOTIFICATION

None.

## LAND USE ALLOCATION/DEPARTURE

Under the Lancaster District Local Plan, the site falls within a wider Housing Opportunity Site designation. It is also located within the Lancaster Central Parking Area, and on the Strategic Cycle Network.

## STATUTORY CONSULTATIONS

**A number of statutory consultees have made comment on the main outline planning application.**

**Where the comments relate to this particular site, the comments from the statutory consultee are considered to be relevant to the consideration of this committee report, and therefore their views are provided below.**

**County Highways** - County Highways do not object to the wider development, providing that all Highway Agreement measures indicated on the plans for the main outline application are provided along with a suitable level of planning obligation.

Proposed changes to sections of St. Leonard's Gate, Bulk Road and Alfred Street alter route choice availability for existing and committed movements. These changes are not considered to the detriment of the network as a whole and do not affect the Moor Lane office proposals.

The new office parking proposed at Moor Lane should be included within the applicant's Car Park Management Strategy.

Pedestrian and cycle matters shall also be conditioned. Cycle parking was agreed with County Highways. It is important that the (wider site) Travel Plan provides a strategy to ensure that future employees use sustainable transport modes rather than the private car. The plan should be adhered to and kept up to date for an agreed period after first opening.

During the demolition and construction phases there will inevitably be local traffic problems. A programme and method of construction, including issues relating to the temporary closure of local streets, parking (both on and off site) and the delivery of materials to the site, must be agreed prior to work starting on site.

**County Archaeologist** - The applicants should provide a pre-determination archaeological evaluation of the site. There is insufficient information for a reasoned and informed assessment of the archaeological potential of the site. Therefore deferral is recommended.

If the local planning authorities are minded to grant permission, then a condition requiring a phased programme of archaeological evaluation will be required.

**County Planning Contributions Officer** - The list of planning contributions considered necessary to support and enable the wider outline development are listed on application 08/00866/OUT. No specific contributions are requested for this stand-alone application.

**CPRE** - Submitted objections to the original scheme as a whole based upon traffic, historic impact, impact upon retail centres and lack of public consultation. However they also referred to this particular application within their response, and therefore their comments are recorded here.

**Lancaster Civic Society** - The revised scheme addresses the Society's previous concerns and the reductions in scale are now more appropriate to its surroundings. They support the proposal.

**United Utilities** - No objections providing the site is drained on a separate system, with only foul drainage connected to the sewer.

**Environment Agency** - No objections subject to the imposition of a land contamination condition, and a condition requiring a scheme for disposal of foul and surface waters. Generic advice is provided regarding sustainable construction methods, energy-efficient buildings and water management.

**Police** - No objection to the wider scheme and the stand-alone outline applications, subject to the applicant achieving 'Secured by Design' as a requirement of the planning permission, with a view to reducing the opportunities for crime, disorder and anti-social behaviour.

**Fire Safety** - No comments received within statutory time period, although comments in 2007 stated that the development would have to comply with Part B5 of the Building Regulations.

**Commission for Architecture and the Built Environment (CABE)** - CABE did visit the site and the proposal was being discussed at their Design Panel Review. These comments are provided for the site as a whole and include this submission.

The ambition to extend the city centre is supported and the architects are commended for the clear presentation of the scheme. But the scheme responds to existing site conditions, particularly with regard to St Nicholas Arcade and the bridge link, rather than exploring potential for an at-grade crossing and the link will exacerbate the inactive frontage of the Arcade.

The retention of Edward Street and the new space at the Grand Theatre is welcomed, but a strategy for shopfront widths and entrances and use of a single focal point object in Central Square are matters worthy of further consideration.



The retailing “monoculture” could give rise to problems when shops are closed, and so an appropriate mix of uses is necessary. Large footprints could be problematic and the approach shown in the illustrative drawings showing the blocks separated into smaller units is preferred.

The location of residential development is welcomed but the blank façade of the multi-storey car park could pose qualitative problems.

Environmental sustainability should be incorporated at this stage. There is the potential, for example, for heat recovery technologies to be implemented.

In conclusion the design needs to be more contextual and responsive to this unique site and the application requires further work if it is to be granted permission.

**English Heritage** - Did not offer specific comments on this application which lies outside the Conservation Area, concerns open land and does not affect a Listed Building.

**Council for British Archaeology** - The CBA suspects that the proposals in the main may well be acceptable but would prefer to see further justification. The CBA commented last year and made a site visit on June 12th 2007. In respect of the works affecting Listed Buildings they commented that the documentary research on the built environment had been extensive, although the fabric analysis seems limited to a very basic level. The CBA would like to know more about the buildings and their additions to assess the significance and impact of the structures. The CBA believes that additions and changes of use are part of the organic growth of a building and as part of the history of the site are potentially of interest/merit.

For the Listed Building applications the CBA would prefer to see clearer justification for the demolition of buildings, such as the Musicians Co-op Building and Dance School, those with townscape merit, and those that are the evidence for the industrial archaeology of the city such as the Heron Works. The Spiritualist Church for example does have historic merit but if it causes access problems then that merit will be weighed against the benefits the scheme brings and recording in mitigation might well be the solution.

With regard to the Conservation Area applications, the CBA have concerns regarding the number of buildings in the Conservation Areas that are recognised as making positive contributions to them and are being demolished. They query whether the new access routes require such demolition. They have concerns at the loss of the Mitchells Brewery and malthouse which lie outside the Conservation Areas and the loss of the Heron Works and canalside warehouses. These historic buildings and street patterns are the physical evidence for Lancaster’s growth - much of it associated with the canal, river and railway.

The CBA would be happy to be involved during building conversion stage, should permission be forthcoming.

## **OTHER OBSERVATIONS RECEIVED**

**The observations received on 08/00866/OUT contain full details of all the objections received. These are not repeated in full here, although it should be stated that out of the individual objectors/groups who opposed the main outline application, 194 chose to object to this application too. The following grounds of objection are valid in respect of this outline application.**

**It’s Our City Group** - They have produced a detailed objection to the proposals with the main headline themes:

- Inadequate public consultation and Statement of Community Involvement documentation
- Contrary to national, regional and district planning policies and development plans

- The decision to grant Centros 'preferred developer' status
- Transport Assessment is unclear as to the extent of the traffic increase
- Questions the 'increased attractiveness' of Lancaster as a destination
- Impacts upon the gyratory system
- No resolution of the rat-running problems - closure of Alfred Street and Edward Street will only exacerbate matters
- Contrary to national and regional air quality standards - study is not robust enough to demonstrate that there is no detrimental impacts
- Lack of study concerning other pollutants (e.g. NO2 and PM10)
- Concerns regarding the quoted '24-hour' society
- Spatial departure from the Supplementary Planning Guidance

**Bulk Ward City Councillors** - They object to the proposals on the following grounds:

- Contrary to national planning policy and the Lancaster District Local Plan
- Generation of significant additional traffic on an already congested highway system and the proposed highway measures do not deliver a fundamental solution and will add to the volume of rat-running and environmentally damaging traffic impacts on Derwent Rd and Ullswater Rd
- The job creation claims are not credible and do not take into account job loss amongst existing retail and service sectors of the local economy
- The development will damage retailing in Lancaster City Centre, Morecambe and Carnforth
- The applications will result in a development that will generate considerable amounts of extra greenhouse gases and this is inconsistent with Planning Policy Supplement PPS1 "Planning and Climate Change" and the binding CO2 reductions in the Climate Change Bill currently completing its parliamentary progress.

194 objections have been received to this specific application for the proposed office building. Most comments relate to the scheme generally, and in particular the impact upon the historic environment, impact upon the retail centre, the impacts upon the highway network and the developer's consultation exercise.

One resident indicated that retailing here would be acceptable, but not as part of the larger scheme.

One resident was supportive in principle but considered that a location (for the car park and department store) closer to Stonewell would entice people to use the existing centre.

## **REPORT**

### **Introduction and Procedural Matters**

The outcome of application 08/00866/OUT will affect whether the Listed Building Consent and Conservation Area Consent applications submitted can be determined in accordance with the recommendations reached. The other three outline applications, including this one, are submitted independently because they are considered to be 'stand alone' applications and could, theoretically, be considered irrespective of whether the main outline application gains approval or not.

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

This site comprises a rather neglected area of hardstanding which has been partially used for car parking, with access taken from the narrow Brewery Lane to the west. Moor Lane runs along the southern boundary, whilst the Youth Theatre and the Golden Lion Pub occupy positions to the east and west respectively. The former brewery buildings abut the site to the north.

The City Conservation Area excludes this area of land, although it does include the pub and the residential properties opposite the site to the south.

## **The Proposal**

This application is submitted in outline form with both Layout and Means of Access being applied for at this stage. Therefore, other matters such as scale and appearance are reserved for future consideration.

Once again the application adopts a parameters-based approach, which is intended to provide some assurance regarding the minimum and maximum levels of development at this outline stage. Discussion of the parameters is provided later in this report.

The proposal involves the redevelopment of the 0.05 acre site to provide a commercial building, likely to be used for the offices of Mitchell's of Lancaster. Car parking for 5 vehicles will utilise the existing Brewery Lane access point and will be provided at the ground floor of the north-west corner of the building. It is envisaged that an ancillary retail unit could be provided at the ground floor to Moor Lane, but this would be ancillary to the main office use which would be B1 use class.

The application has been the subject of revisions since its submission in 2007, and these are discussed in the next paragraph.

## **Scale Parameters and Site Layout**

Previously the height of the building was envisaged to be 29m above Ordnance Datum, which would not be dissimilar to the upper levels of the adjacent Youth Theatre building. However, in response to opposition from officers of the Local Planning Authority, and in response to the wider reconfiguration of the Canal corridor scheme as a whole, the height of the building has been reduced to 26m above Ordnance datum. This will result in a building that will either be 2-storeys in height with a pitched roof, of 3-storeys in height with a flat, or low-pitched roof.

This reduction in height continues the gentle, progressive rise of buildings up from the bottom of Moor Lane. It responds to the sensitive setting of the public house and is welcomed.

Other changes arising from the main application include the reconfiguration of Edward Street. This means that the office building is no longer sited on one of the main thoroughfares into the development.

Unlike the other outline applications, the building 'envelope' is fixed and the site shown on the plans indicate the precise site layout of this building. Because the end user is not confirmed, internal layouts of each floor are not yet available, and illustrative layouts have only been provided to inform the approach adopted for the external appearance. The floor layouts will be an issue that will require further attention at the Reserved Matters stage, should the current application be approved.

## **Design**

The architects have researched the design and fenestration of the surrounding area thoroughly, and the Design & Access Statement contains some images of alternative preliminary sketches, all of which have contributed to the final design solution.

On the outward-facing elevations of the development, it is proposed that the front elevation could be predominantly glazed, albeit in a frame of traditional materials. Recent examples of similar work include CityLab in Dalton Square and the recently-approved (but not yet constructed) Grand Theatre extension.

The other elevations are partly obscured by other buildings, and the design approach for these elevations is yet to be determined, although there is a school of thought that a contemporary approach could be appropriate here. This will be a matter for the future application, however a modern interpretation of Lancaster's design styles is encouraged at this infill site.

Because of the changes made since the original submission, this application site does not, in the opinion of the local planning authority, represent a 'landmark' building site. Of greater importance is its response to the Conservation Area to which it abuts and the proximity of the nearby Key Townscape Buildings.

### **Planning Policy**

The site is of course subject to Supplementary Planning Guidance Note 8 (SPG 8) - 'Lancaster Canal Corridor North Development Brief', which was adopted in May 2002. The land designations referred to at the start of this report are also applicable in the Lancaster District Local Plan.

SPG 8 is an appropriate starting point, providing the most detailed direction for the development of the site. As part of the key objectives listed, the brief states that the Council wishes to achieve:

- Sensitive integration of new buildings within the historic fabric;
- The retention of the employment role of the area;

One of the key concerns expressed in the SPG related to the impact of new development upon the existing, and proposed, residential areas. A further concern was the impact upon the area's Listed Buildings and Conservation Areas.

Other key principles in the Former Mitchell's Brewery area included:

- A comprehensive development of the whole site;
- Consideration of the potential of...under-used sites to be incorporated in the development;

This proposal can be delivered as part of the wider redevelopment, or it can be developed independently without any compromise to the overall site. The land is certainly under-used and is unattractive and overgrown in areas.

The SPG also confirms that B1 office uses are acknowledged to be generally acceptable within the area.

SPG 6 - The Lancaster City Centre Strategy - encourages residential uses as part of the wider development.

The proposal is compliant with Lancaster District Local Plan (LDLP) policies. Although this is part of a Housing Opportunity Site, commercial development is not precluded here because the wider Canal Corridor site delivers housing.

The Council's adopted Core Strategy forms part of the Local Development Framework, which will eventually replace the LDLP. The Strategy contains a number of generic policies and ambitions for the district, and the ones appropriate to this development can be summarised as follows:

- Policy **SC1** - Sustainable Development - ensuring developments are as sustainable as possible locationally and incorporate appropriate uses, design and construction methods;
- **SC2** - Urban Concentration - building healthy, sustainable communities by focusing development where it is needed and assisting regeneration;
- **SC5** - Achieving Quality in Design - encouraging a high-quality environment and public realm, especially in areas such as the City Centre;
- **SC6** - Crime and Community Safety - delivering safe environments by incorporating 'Secure by Design' principles;

- **SC7** - Development and the Risk of Flooding - ensuring places are not exposed to flood risk;
- **ER2** - Regeneration Priority Areas - setting out the spatial strategic framework for the district, including design-led regeneration of Central Lancaster;
- **ER4** - Town Centres and Shopping - establishing the roles of the district's centres, including Lancaster's role as a sub-regional centre;
- **ER5** - New Retail Development - focusing retail need on regenerating and reinforcing the vitality and viability of existing centres;
- **ER6** - Developing Tourism - maximising the potential of tourism in the district;
- **ER7** - Renewable Energy - to maximise the proportion of energy generated from renewable sources;
- **E1** - Environmental Capital - seeking to improve the district's environment, including protecting and enhancing Lancaster City Centre's sense of place;
- **E2** - Transportation Measures - to support regeneration, improve resident's quality of life and minimise the environmental impacts of traffic;
- **MR1** - Planning Obligations - to ensure that development contributes to the needs of local communities and the delivery of sustainable development.

This remains a brownfield site in a sustainable, accessible location, and its positive re-use is compliant with Core Strategy policies.

The regional position is complex. The current Strategy, initially published as Regional Planning Guidance, became the Regional Spatial Strategy for the North West (RSS) in September 2004 with the enactment of the Planning and Compulsory Purchase Act. The RSS establishes the spatial plan for the development of the region for employment, housing, transport and the environment.

A draft revision of the Regional Spatial Strategy was submitted to Government in January 2006 by the North West Regional Assembly. It was subsequently tested in an Examination in Public between November 2006 and February 2007, and the report of the independent panel which conducted this Examination was published in May 2007. The Secretary of State considered the recommendations of this independent panel, and took into account the representations made on the draft revision, and also changes in Government policy since the draft revision was submitted, before publishing Proposed Changes for further public consultation between March and May 2008.

The consultation period ended on 23 May and the City Council understands that all representations have now been considered and amendments made to parts of the Plan, along with updates to the Habitat Regulations Assessment and Sustainability Appraisal/Strategic Environmental Assessment.

At the time of drafting this report, it was anticipated that the final revision of the RSS would be published on 30 September 2008. This is later than the deadline for this committee report and therefore officers will provide a verbal update at the committee meeting. The publication of RSS would remove the Joint Lancashire Structure Plan (JLSP) tier of policies.

This is a relatively minor commercial building on a brownfield site in a sustainable, accessible location. Its positive re-use is compliant with Core Strategy, Joint Lancashire Structure Plan and Regional Spatial Strategy policies.

Nationally, the sustainable development principles outlined in Planning Policy Statement (PPS) 1 - 'Delivering Sustainable Development' and PPS 6 - 'Planning for Town Centres' - are key considerations. In considering these, the development must ensure that it is appropriately located, is of good-quality, and contributes to economic vitality of the centre. Sustainable methods of construction and energy production, as advocated throughout national guidance (and in particular the supplement to PPS 1 concerning Climate Change), is a matter which must be reinforced via the imposition of planning conditions, should this outline application be approved.

Planning Policy Guidance (PPG) 13 relating to 'Transport' is now rather dated, but its principles of managing private transport demand and encouraging the growth of public transport are still key governmental themes. The need to locate new development, including offices, in accessible urban areas is a fundamental part of national policy, and one that this proposal adheres to.

### **Traffic and Highways**

The site is considered to have good public transport accessibility, given its proximity to the Lancaster Bus Station and given that the nearest bus stop to the site is Moorgate, approximately 140m away. The site's position close to the Strategic Cycle Network and up towards the proposed canal cycle and pedestrian link is advantageous. This route in turn provides linkage along the canal, down the extended Phoenix Street and out towards the River Lune and the Lancaster-Morecambe Cycleway.

Brewery Lane will be closed at one end, and this will allow a looped vehicular servicing and emergency access arrangement.

The JLSP provides car parking standards for the county, and in respect of office development within accessible locations the figure of 1 space per 54 square metres is the maximum allowed. The 5 spaces proposed here would be lower than that permissible by the standards because of the sustainable location of the development. It is therefore compliant with the county parking standards.

The JLSP calculates cycle parking at 1 space per 10 car parking spaces. Notwithstanding this, the applicant intends to provide 2 cycle parking spaces.

Traffic generation has been calculated using the TRICS (Trip Rate Information Computer System) database. This is an appropriate method of assessing trip rate assumptions for individual developments, such as this residential submission.

The existing uses on site - car parking - quite obviously involve traffic generation. However the Transport Assessment does not allow for the removal of the existing traffic from the site, and solely considers new traffic generated by the proposal. Therefore it is considered to be a robust assessment.

By considering a peak (am) period of 0800-0900 and peak (pm) period of 1615-1715, the traffic attraction for the development was calculated at 6 vehicles in the morning peak, and 5 vehicles in the evening peak. It concludes that this is a minimal amount of traffic, and when (in reality) it is measured against the reduction in vehicles from the existing uses within the red edge of this application site, then further detailed assessment is not required.

The County Highways Department have confirmed that they cannot comment further because the car parking details are not worked up as part of this outline submission. However the access proposals, i.e. using Brewery Lane to access the car park, would not be ruled out subject to the details being acceptable in terms of manoeuvrability.

### **Neighbour Amenity**

The redevelopment of this proposal should improve the outlook from the residential units to the south, and the construction of new buildings should ensure that this is a more attractive (and thus secure) environment. Neighbour amenity is therefore expected to improve, should this application be granted.

### **Impact upon Heritage Assets**

The principle of developing this gap site is encouraged. The reduction in the scale of the building has sought to protect the setting of the City Conservation Area and the important Key Townscape Features nearby. It is therefore considered that the proposal is appropriate in relation to heritage assets.

### **Renewable Technologies**

The building will be designed to achieve a 'Good' BREEAM rating as a minimum. Detailed matters such as renewable energy generation should be controlled via a planning condition, should permission be forthcoming.

### **Conclusion**

This outline application proposes the regeneration of an untidy and under-used part of the Canal Corridor site. The land is highly visible along Moor Lane and has a negative impact upon its surroundings.

Subject to the detailed design, scale and landscaping of the site, this is a positive use of the land. The means of access and servicing is acceptable and the site layout is largely determined by the surrounding buildings.

The development offers the opportunity for a contemporary design approach akin to that recently approved by Committee, in the form of the Grand Theatre extension.

Taking these matters into account, this represents an appropriate use and form of development, and permission is recommended, subject to the following conditions.

### **RECOMMENDATIONS**

That **OUTLINE PLANNING PERMISSION BE GRANTED** subject to the following conditions:

1. Standard outline consent
2. Reserved Matters to be submitted
3. Standard Reserved Matters time limit condition (5 years from date of outline consent)
4. Amended plan condition (amendments to design and Access Statement)
5. Detailed plans to accord with Parameter Plans and Parameters Report
6. All external materials, including roofing and floorspace treatments to be agreed and samples provided
7. All windows, doors and rainwater goods to be agreed
8. All boundary treatments, including plot boundaries to be agreed
9. Standard Arboricultural Implications Assessment condition
10. Standard landscaping maintenance condition
11. 10% of development's energy requirements to be generated by on-site renewable technologies, to be agreed with LPA
12. Sustainable urban drainage system and separate sewerage details to be agreed
13. Standard land contamination condition
14. Contaminated land - importation of soils and materials standard condition
15. Contaminated land - prevention of new contamination

16. Bunding of tanks
17. Car parking ventilation details to be agreed
18. Car parking details to be agreed and maintained as part of Car Park Management Strategy
19. Covered and secure cycle parking details to be agreed and maintained
20. Sustainable methods of construction to be agreed
21. Details of all waste management, including refuse storage and recycling areas to be agreed.
22. Standard hours of construction condition
23. Phasing of development (including demolition) to be agreed
24. Phased programme of archaeological evaluation to be agreed and implemented
25. As required by consultees