

DECISION DATE 9 July 2007	APPLICATION NO. 07/00667/LB A13	PLANNING COMMITTEE: 13 & 14 October 2008
DEVELOPMENT PROPOSED LISTED BUILDING APPLICATION FOR ALTERATIONS AND REINSTATEMENT OF NORTH-EASTERN FLANK WALL (FOLLOWING DEMOLITION OF ADJACENT 1 LODGE STREET)		SITE ADDRESS GRAND THEATRE ST LEONARDS GATE LANCASTER LANCASHIRE LA1 1NL
APPLICANT: Centros Miller Lancaster LP C/o Agent		AGENT: 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.

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 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