

<b>DECISION DATE</b> 6 September 2002	<b>APPLICATION NO.</b> 02/00848/FUL	<b>SCHEDULE NO:</b> <b>A14</b>
<b>DEVELOPMENT PROPOSED</b> ERECTION OF 8 TOWN HOUSES, 93 APARTMENTS, PUBLIC HOUSE/CAFE (A3 USE), OFFICE ACCOMMODATION (B1 USE) AND ASSOCIATED PARKING	<b>SITE ADDRESS</b> FORMER MARTON STREET DEPOT MARTON STREET LANCASTER LANCASHIRE	
<b>APPLICANT:</b> Merewood Group Limited Helm Bank Natland Kendal LA9 7PS	<b>AGENT:</b> Broadway Maylan	

**REASON FOR DELAY**

Awaiting amended proposals from applicant

**PARISH NOTIFICATION**

N/A

**LAND USE ALLOCATION/DEPARTURE**

Lancaster Local Plan – The site is reserved for the City Centre relief road and partly within the canal side improvement area.

Deposit Lancaster District Local Plan - The site is allocated as a Housing Opportunity site and is the subject of the Lancaster Canal Corridor South Development Brief, Policy H2 applies

**STATUTORY CONSULTATIONS**

**County Highways** - No objections in principle - various comments and requirements - observations on final proposals awaited

**County Planning** - Suggests an EA style supporting statement should be submitted addressing comparative impacts and needs of a whole range of issues including:- Contamination Study; Traffic Impact Study; Nature Conservation; Parking Study; Landscaping; Archaeology and Landscaping

**Chief Engineer** - No objection in principle - various suggested detailed amendments - observations on final proposals awaited

**Environment Agency** - No objection

**United Utilities** - No objection

**County Archaeologist** - Concerned about Roman remains - requests evaluation of site before any decision

**Civic Society** - Supports in principle - various detailed suggestions - observations on final proposals awaited

**Fire** - No objection

**Police** - No objection in principle - various detailed suggestions

**British Waterways** - Objects to proposals affecting the canal - observations on final proposals awaited

## OTHER OBSERVATIONS RECEIVED

Three letters have been received objecting to the proposal on the grounds that it is a bland and uninspired 1960s style Manchester type design, out of keeping with the character of Lancaster and with inadequate stone facing. The development is too high for Lancaster, particularly next to the canal and will dwarf the Town Hall and other historic features. It should be no more than three storeys high. Too much accommodation for this part of the City and will result in increased traffic and congestion in the Town Centre and surrounding roads and increased parking problems in the Primrose area. No need for more bars in the City Centre and will lead to increased disturbance from young drinkers. No need for more canal side offices.

## REPORT

This site is located on the west side of the Lancaster canal to the south of Quarry Road on the site of the former Marton Street Depot, The Navigation, the lower level of Thurnham Street car park and the Aalborg Place car park. It is on the edge of the City Centre surrounded by a mixture of traditional and modern buildings but all, generally stone, faced under slate roofs. Very large buildings exist to both the north and east in the form of the Town Hall, the Nelson Street development and the White Cross Mill buildings.

## Policies

The City Centre Access Road proposals in the adopted Local Plan have been deleted in so far as they relate to this site and cannot therefore impede development proposals upon it.

The site forms part of Central Canal Corridor Housing Opportunity Site identified by Policy H2 of the Deposit Lancaster District Local Plan. The policy is not preclusive and allows for an appropriate mix of uses. Policy H9 requires the provision of a reasonable level of Affordable Housing. Policy H11 states that all new development should reflect locally distinctive design characteristics and sustainable consideration. The Development Brief suggests that the Conservation Area Policies of the plan should also apply to this site. Policy T14 allows the redevelopment of non-residential central area car parks where proposals comply with other policies of the plan. Policy E27 and R9 identify the Canal as a Green Corridor and Informal Recreation Area to be enhanced with additional landscaping and access improvements.

## Proposed Development

This proposal is a full application to redevelop the 0.82 hectare site with a mixed used development of primarily residential apartments with associated ground floor parking, a ground floor A3 retail unit to replace the Navigation and first and second floor B1 office units facing the Magistrates Courts and Quarry Road.

The scheme is modern in architectural concept but utilises the simple forms, window proportions, window to wall ratio and materials to reflect the essential character of the City whilst taking advantage of current pressures and guidance to provide a high density City Centre development.

This is a large and very complex development. In essence, however, it can be split into three distinct sections for the purposes of description.

The first and probably the most important of these is a triangular section occupying the Aalborg Place Car Park. This comprises an L shaped block, five storeys high with a ridged roof on the corner of Aalborg Place with Quarry Road running round to a seven storey tower with a mono pitched roof on the corner of Quarry Road with the Canal. This facade then steps down along the canal frontage to a

smaller five-storey corner element again with a mono-pitched roof. All of these facades would be stone faced.

The centre section of the development would comprise an L shaped block on two sides of a triangular open canal side amenity space, four storeys high with slated ridged roofs, ending at its southern end in two towers of six and seven storeys with mono pitched roofs. The A3 retail use would be on the ground floor of the northern arm of this block facing onto the amenity space and canal where the existing landing stage would be retained and a new swinging footbridge provided to provide direct access from White Cross to the City Centre through the site. Improved pedestrian and cycle access along the canal frontage of the site would also be provided.

The third or south westerly element of the proposal comprises two elements, a four storey ridge roofed block of apartments to the rear of Marton House and a four storey block of town houses with maisonettes above backing onto the upper section of Thurnham Street car park. This block also culminates at its southern end in a double tower of six and seven storeys with mono pitched roofs.

In total the scheme provides 8 town houses, 22 two-storey apartments and 71 single level apartments, 101 units in total. It also includes 78 residents' car parking spaces, 588sq metres of office space and 371sq metres of A3 retail space to encourage employment and to provide a sustainable foundation for the development.

It is considered that this scheme achieves the aims of the Council's Development Brief and conforms with the policies of the Deposit Local Plan to provide an exciting modern development which will enhance the canal corridor and provide an appropriate counterpoint for the more traditional development on the opposite side of the canal.

The scheme has been the subject of extensive negotiations with the Council's Planning and Conservation Officers and further amended proposals are anticipated in time for Committee. On this basis it is considered that this proposal can be supported and the Chief Planning Officer empowered to approve the application when final acceptable amendments are received and when a Section 106 Agreement relating to the provision of affordable housing, a contribution to the proposed public transport information system and the provision and maintenance of the canal footbridge and canal side footpath has been completed.

## HUMAN RIGHTS ACT IMPLICATIONS

The proposal has to be considered in relation to two sections of the Act: Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). I have considered these but in my opinion the issues raised by the application are not such as to override the responsibility of the City Council, as local planning authority, to regulate land use for the benefit of the community as a whole, in accordance with national law.

## RECOMMENDATIONS

That the head of Planning and Building Control be empowered to approve the application subject to the receipt of satisfactory final amended plans, the final views of consultees and the completion of a Section 106 Agreement relating to the provision of affordable housing, a contribution to the proposed public transport infrastructure system and the provision and maintenance of the canal footbridges and canal side footpath has been completed and to conditions covering the following issues:-

1. Standard full permission
2. Amended plans
3. Development in accordance with approved plans
4. Samples of materials and finishes to be agreed

5. Architectural detailing to be agreed
6. Landscaping to be agreed and maintained
7. Car parking and garaging to be provided and retained
8. A3 use to be restricted to 7:30am to 11:30pm
9. B1 use to be restricted to offices
10. As requested by consultees

<p><b>DECISION DATE</b> September 2002</p>	<p><b>APPLICATION NO.</b> 02/00848/FUL</p>	<p><b>SCHEDULE NO:</b> <b>A17</b></p>
<p><b>DEVELOPMENT PROPOSED</b>  ERECTION OF 139 APARTMENTS, PUBLIC HOUSE/CAFE (A3 USE), OFFICE ACCOMMODATION (B1 USE) AND ASSOCIATED PARKING</p>	<p><b>SITE ADDRESS</b>  FORMER MARTON STREET DEPOT MARTON STREET LANCASTER LANCASHIRE</p>	
<p><b>APPLICANT:</b>  Merewood Group Limited Helm Bank Natland Kendal LA9 7PS</p>	<p><b>AGENT:</b>  Broadway Maylan</p>	

**REASON FOR DELAY**

Awaiting amended proposals from new owners

**PARISH NOTIFICATION**

N/A

**LAND USE ALLOCATION/DEPARTURE**

Lancaster District Local Plan - The site is allocated as a Housing Opportunity site and is the subject of the Lancaster Canal South Development Brief, Policy H2 applies

**STATUTORY CONSULTATIONS**

**County Highways** - No objection - revised proposals will have little additional or altered highway impact

**County Planning** - Objects - Increase in numbers now conflicts with SPG16 - "The phasing of New Residential Development", Policy 43 of the LSP and Policy 12 of the JLSP and its proposed changes. Car parking should not exceed the land indicated in PCdJLSP "Parking Lancaster District Local Plan - The site is allocated as a Housing Opportunity site and is the subject of the Lancaster Canal South Development Brief, Policy H2 applies

**Lancaster Civic Society** - expressed concern over the reduction in size and increase in number of units. They also suggest that attic units have inadequate headroom and that minor fenestrational and material details need amended (these are being pursued with the applicant and are anticipated in time for Committee). Standards and a comprehensive transport assessment is now required in relation to developments of over 100 units by the replacement Joint Lancashire Structure Plan

**Chief Engineer** - No objection to these amended proposals

**Environment Agency** - No comments to add to those originally made

**United Utilities** - Concerned that the existing sewer network has the capacity to accept the increased numbers. A flow investigation is now required

**County Archaeologist** - As previously - concerned about Roman remains - requests evaluation of site before any decision

**CABE** - No comment

**British Waterways** - No objection to revised proposals

**Strategic Housing** - Assume affordable housing in usual ratio but more detailed plans needed to comment

**Fire** - No response received

**Police** - No response received

## OTHER OBSERVATIONS RECEIVED

One letter has been received in response to these amended proposals objecting to further building; another pub; more traffic and loss of open space

## REPORT

Members will recall that this application was previously considered by Committee in September 2002. A copy of that report is attached for members reference and adequately describes the original scheme. At that time the Committee empowered the Head of Planning and Building Control to approve the application subject to agreement of final amended proposals and a Section 106 Agreement as set out in the recommendation.

Since that time all of the outstanding issues have been agreed and an appropriate Section 106 Planning Obligation was requested on the 9 March 2004. However, at that time the ownership of the site and this application changed to Persimmon Homes who considered that the development did not maximise the potential of the site or fit the profile of current demand for city centre accommodation.

Further revised proposals have therefore now been submitted which retains the architectural form of the development but rearranges the interior to increase the number of units from 97 to 139, the number of parking spaces from 77 to 100 and the gross office floor area from 545sq metres to 565sq metres while the A3 unit remains unchanged.

In detail, Block A fronting Aalborg Place, Marton Street and the Canal remains externally largely unchanged except to open the internal courtyard to access from the canal site. Internal changes confine the office uses to a single floor, the conversion of the mezzanine to apartments and a general reduction in the size of the apartments.

Block B between Aalborg Place and the canal side public space has been increased in height by 900mm to accommodate an additional floor of units in the roof space (previously occupied by "bed decks"). Again unit sizes have been reduced but otherwise the block remains elevationally unchanged.

Block C, on the opposite side of the canal side open space, has been modified similarly to Block B but the ground floor level has also been raised by 1 metre, which works better with the existing site levels. A terrace garden has also been added to the first floor level over part of the car park roof.

Block D, between Block C and Thurnham Street car park has had its ziz-sag roofed town houses replaced by apartments of a similar design to Block C, while the small Block D remains unchanged. The mix of the revised scheme is approximately 30% one bed, 60% two bed and 10% other units (ie, 3 beds and studios).

In policy terms, the increased number of units potentially conflicts with the provisions of SPG16 and the housing policies of the Joint Replacement Structure Plan, all of which post-date the Committee's original commitment to the redevelopment of this site, in line with Policy H2 of the new adopted Lancaster District Local Plan. The SPG does not anticipate the specific circumstances where schemes that already have the authority's in-principle approval (but which have not commenced) are the subject of proposed revisions.

However, increasing the number of dwellings on this site does, in very practical terms, permit a more efficient use of a well located, brownfield site, maximising its development potential in line with the requirements of PPG3. The opportunity to make more efficient use of this site, that is increase the number of units built, is available only once and increasing densities on this sustainably located site will reduce the pressure to release land for development on sites in less sustainable locations.

It is considered therefore that in this case there are justifiable circumstances that permit this revision to be considered as a further additional exceptional proposal over and above those exceptions anticipated by SPG16.

It has previously been considered that, given the city centre location of this development, where all essential services and public transport are available within walking distance, a comprehensive transport assessment is not required in this case and indeed the Highway Authority suggest that the proposed increase in numbers will have little impact on either the local or the classified highway network.

It is considered therefore that this amended proposal can be supported and the Head of Planning and Building Control empowered to approve the application when acceptable final further minor amendments are received and when a Section 106 Planning Obligation relating to the provision of affordable housing, a contribution to the proposed public transport information system and the provision and maintenance of the canal foot bridge and canal side footpath has been completed.

#### **HUMAN RIGHTS STANDARD PARAGRAPHS**

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 the Head of Planning and Building Control be empowered to approve the application subject to the receipt of satisfactory final amended plans and the completion of a Section 106 Agreement relating to the provision of affordable housing, a contribution to the proposed public transport information system and the provision and maintenance of the canal foot bridge and canal side footpath has been completed and to conditions covering the following issues:-

1. Standard full permission
2. Amended plans
3. Development in accordance with approved plans
4. Samples of materials and finishes to be agreed
5. Architectural detailing to be agreed
6. Landscaping to be agreed and maintained
7. Car parking and garaging to be provided and retained
8. A3 use to be restricted to 7:30am to 11:30pm
9. B1 use to be restricted to offices
10. As requested by consultees