

<b>Agenda Item</b> A7	<b>Committee Date</b> 12 December 2011	<b>Application Number</b> 11/00885/FUL
<b>Application Site</b> St Georges Works St Georges Quay Lancaster Lancashire	<b>Proposal</b> Phase 1 of Luneside East Masterplan including external works, car parking and all related demolition and remedial works	
<b>Name of Applicant</b> Mr Guy Illingworth	<b>Name of Agent</b> Mr Harrison Ince	
<b>Decision Target Date</b> 2 January 2012	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Mark Cassidy	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 Luneside East is the 6.3ha site located between the River Lune to the north, the elevated West Coast Main Line/Carlisle Bridge to the east and the embankment of the former Glasson branch line to the south east. The site is triangular in shape and is dissected by the highway known as St Georges Quay. The land to the north of the road accommodates a number of poor quality modern buildings and temporary structures, previously in business use. Land to the south of the road is dominated by St George's Mill, an imposing four-storey Victorian Mill which is *not* a listed building. The southern portion of the site was previously occupied by the former gas storage facility and maintains a range of unoccupied buildings of varying age and deteriorating condition.
- 1.2 The site is located within walking distance of the city centre, the bus station and the railway station. There are two principal access routes to the site; one via St George's Quay/Damside Street and the other via West Road/Meeting House Lane. The X1 bus service runs past the site providing a regular service between the site and Lancaster Bus Station. Other bus routes serve the nearby Marsh residential area. There is a direct cycle link to Lancaster Station from Long Marsh Lane and St George's Quay, and New Quay Road (an extension of St George's Quay to the west) forms part of the District's Strategic Cycle Network.
- 1.3 The Lancaster Conservation Area immediately abuts the application site to the east, where residential is the predominant use of land. The Lune Estuary enjoys Site of Special Scientific Interest (SSSI) and County Biological Heritage Site status.
- 1.4 The Development Plan includes a Housing Opportunity Site designation for Luneside East. A development brief for the site was adopted in 2000 and revised in late-2004. This sets out in detail the Council's vision for this site.

## **2.0 The Proposal**

- 2.1 Following a successful compulsory purchase order, the entire site is in the ownership of the City Council and the applicants are the Council's appointed development partner.

2.2 The 2010 renewal of the outline consent for comprehensive mixed-use development has established the development principles across the site. The current full application will deliver Phase One of the Lunaside East development and will include:

- Partial demolition of the eastern end of the Mill and existing building to the rear, and restoration and re-use of the remaining structure for a range of use classes including A1 (retail), A2 (financial and professional services), A3 (restaurant and cafes), A5 (hot food takeaways), B1 (business) and B2 (general industrial) – *Note that A4 – drinking establishments – is not included in the list of potential uses stated by the applicant, and that for the purposes of the floor layouts the applicant proposes A1 and A3 uses on the ground floor with office uses (A2 and B1) above;*
- Temporary car parking on the northern side of the River Lune, following removal of modern buildings (permanent redevelopment of this side of the site would be delivered in a later phase);
- Introduction of new car parking and ‘Heart Space’ to the rear of the Mill;
- Introduction of a new public realm space entitled ‘The Reception’ to the east of the retained portion of the Mill;
- A temporary public space in the form of a landscaped meadow immediately to the east of the Mill (this site is identified for a new building under the existing outline consent and any building would be delivered in a later phase);
- Partial removal of the adjoining boundary wall to create the vehicular access into the site, with materials being reused across the site;
- All other remedial works necessary within the application site.

2.3 The uses within the Mill will include approximately 907 sq.m (gross floor area) of A1/A3 floorspace on the ground floor, and approximately 2,727 sq.m of office space (A2/B1) across the three upper floors. The building will have a centrally-located reception and foyer, toilet facilities on each floor and plant/equipment zones.

### **3.0 Site History**

3.1 The site has a complex and lengthy history. The western portion was occupied as the town’s gasworks from 1845 to the 1950s, while the eastern portion, known as St George’s Works, has been used for the manufacture of oilcloth (1860s to 1970s), and used since then variously as a paint works, as a car breakers yard and for the recycling of car batteries. These activities have resulted in significant contamination across the site.

3.2 The renewal of the outline permission for comprehensive redevelopment (Ref: 10/01134/RENU) was approved in February 2011. That permission establishes the reuse of the site for residential, business and leisure uses.

3.3 The other most relevant consent is 07/00442/REM, which was a Reserved Matters submission for Phase 1a. This was not implemented. However at the time it secured consent for 11,000sq.m of office space, 3,000 sq.m of retail space and residential flats. That permission also consented a permanent car park on the northern side of St George’s Quay for 121 spaces.

3.4 Planning applications submitted within the last decade include the following:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>01/01287/OUT</b>	Outline application for comprehensive mixed use development as an urban village comprising of up to 350 residential units and up to 8,000 square metres of business floor space and ancillary leisure uses and other support uses	Approved
<b>06/00126/FUL</b>	Modification of conditions 1 and 12 (01/01287/OUT) – to extend the time limit for the submission of Reserved Matters	Approved
<b>07/00442/REM</b>	Reserved Matters Application For Phase 1a Of Lunaside	Approved

	East Masterplan: Buildings 5, 7, 8, 9, 12 and 14. 11,000 sq.m Office Space, Ground Floor Retail Space and Residential Flats, and Discharging of Condition 2, 10, 12, 14, 17, 22, 24, and 30 on Application 01/01287/OUT in respect of Phase 1a	
<b>07/00773/REM</b>	Reserved matters application for phase 1A of Luneside East Masterplan for refurbishment of building 13 (Pump House) – and erection of cycle/bin store/substation	Approved
<b>07/00775/FUL</b>	Demolition of 2 No. Industrial units and continuation of proposed landscaping of reserved matters application (07/00442) to tie in with link from Quay Meadow	Approved
<b>07/00776/CON</b>	Conservation Area Consent to demolish 2 industrial units	Approved
<b>07/01588/REM</b>	Reserved Matters for the residential phase of Luneside East for 327 units and ancillary works	Pending – not determined
<b>10/01134/RENU</b>	Renewal of outline application (06/00126/FUL) for comprehensive development of Luneside East	Approved

#### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Planning</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>County Highways</b>	The formal response has not been received at the time of compiling the report, but they have indicated that the outline permission controls matters across the site and are therefore satisfied with the principle of development. The only 'new' element is the temporary car park, but they advise that this raises no major concerns and suitable conditions can be imposed on the layout and access (to County specification). All proposed highway and access works will need to be carried through a Section 278 (Highway) Agreement. With regards to the access arrangements on the southern side of the site, the vehicle tracking shown on the submitted plans appears acceptable.
<b>County Ecology</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>County Archaeology</b>	No specific comments to make; as the Mill was recorded as recently as 2007.  They do make comment about the adjacent part of the site (Lancaster Pot House) and its significant archaeological potential. A planning condition imposed on the 2010 outline permission renewal safeguards this part of the site and imposes a requirement for further investigation, recording and analysis.
<b>English Heritage</b>	They welcome the recognition of the degree of historic and architectural significance of the Mill, despite its lack of formal designation. They support the focus on this building as a 'gateway' into the area and the intentions regarding new public realm works around the site. Careful consideration should be given to the detail of the landscaping works, material palette and phasing of development. They also make comments regarding the archaeological potential of the Lancaster Potworks on the adjoining part of the site.

<b>Environment Agency</b>	No objection subject to conditions regarding land contamination and details of the finished floor levels to be agreed. General advice is provided including the potential to investigate water management and drainage; use of sustainable construction including recycling of materials, and ensuring that the building is energy-efficient.
<b>United Utilities</b>	No objections. A condition is requested requiring surface water to be drained to the River Lune (with the agreement of the Environment Agency). General advice regarding fuel tanks, water supply and efficiency is also provided.
<b>Environmental Health</b>	Conditions requested regarding hours of construction; scheme for dust control, pile-driving and air quality assessment. In terms of contaminated land the proposals is for a 'new' parcel of land with a slightly amended layout and a new or updated desk study should be required. Much of the information has already been obtained and a new site walkover is advisable.
<b>Tree Protection Officer</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>Health and Safety Executive (Hazardous Installations)</b>	No objection - The HSE does not advise, on safety grounds, against the granting of permission.
<b>Lancaster Civic Society</b>	The demolition of part of the existing building (the part closest to the high level railway line) would not undermine the character of the building and the Civic Society welcomes the proposed re-use of the retained part of the building for office and restaurant purposes. Conditions regarding external materials, windows and doors should be imposed.
<b>Network Rail</b>	Previously objected to the proposal on the grounds that it included Network Rail land and Network Rail Business Space (the arches). Following dialogue, which pointed out the previous 2007 agreements between the Council and Network Rail (as part of site acquisition), the objection relating to the arches has been formally withdrawn. At the time of writing the report further dialogue is continuing regarding the remaining objection and a verbal update will be provided.
<b>Access Officer</b>	The kerbs crossing the footway at the main entrance will require either dropping or the previous site entrance will require filling to bring upto the height of the footway. All doors should have level approaches, and the entrance to the restaurant spaces will need to ensure that there is a step-free arrangement. Other matters will be controlled via the building regulations.
<b>Police</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>Fire Officer</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>The Lancashire Wildlife Trust</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>RSPB</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.
<b>North Lancashire Bat Group</b>	No observations have been received within the statutory timescale. Any late comment will be verbally reported.

## **5.0 Neighbour Representations**

5.1 At the time of compiling the report no comments from residents had been received. One letter from the Urban Futures (Project) Team makes a number of comments, including:

- Retention of all of the Mill is more in line with the character of the place and its collective memory;
- BREEAM rating of 'very good' is not ambitious;
- Greenspace could turn into an urban void and other 'use' proposals could be considered;
- Concerns regarding the 'heart space' of the development;
- Queries regarding traffic and pavement width;
- The bridge and flood wall prevents a more permeable flow of people;
- Queries about the orientation of the restaurants and retail areas;
- Comments regarding benches and toilets;
- Queries the use of zinc cladding;
- Suggests bat roosts should be provided in the building.

## **6.0 Principal Development Plan Policies**

### **6.1 National Planning Guidance**

The key Planning Policy Statement (**PPS**) and Planning Policy Guidance (**PPG**) Notes affecting this proposal are as follows:

**PPS 1** (Delivering Sustainable Development) – provides generic advice for all new built development. Sites should be capable of optimising the full site boundary and should deliver an appropriate mix of uses, green and other public spaces, safe and accessible environments and visually pleasing architecture. The prudent use of natural resources and assets, and the encouragement of sustainable modes of transport are important components of this advice. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources, conserving and enhancing wildlife species and habitats and the promotion of biodiversity.

**PPS 4** (Planning for Sustainable Economic Growth) – All planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- The accessibility of the proposal by a choice of means of transport and the effect on local traffic levels and congestion after public transport and traffic management measures have been secured;
- Whether the proposal secures a high quality and inclusive design;
- The impact on economic and physical regeneration in the area; and,
- The impact on local employment.

**PPS 5** (Planning for the Historic Environment) – The Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. In order to deliver sustainable development, PPS 5 states that policies and decisions concerning the historic environment should:

- Recognise that heritage assets are a non-renewable resource;
- Take account of the wider social, cultural, economic and environmental benefits of heritage conservation;
- Recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained in the long term.

**PPS 9** (Biodiversity and Geological Conservation) – The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or

compensated for, then planning permission should be refused.

**PPG 13** (Transport) – encourages sustainable travel such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

**PPS 23** (Planning and Pollution Control) – the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution. Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.

**PPS 25** (Development and Flood Risk) – recognises that though flooding cannot be wholly prevented, its impacts can be avoided and reduced through good planning and management. All forms of flooding and their impact on the natural and built environment are material planning considerations.

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. As the Luneside East site is already subject to outline permission for comprehensive redevelopment, and the current proposals seek to bring forward the first phase of this key regeneration project, it is the view of Officers that the application is in conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably (consistent with PPS 4) and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

## 6.2 Regional Planning Guidance

It is the Government's clear policy intention to revoke the existing Regional Spatial Strategies (RSS), including the RSS for the North West (2008). Abolition of the RSS will be enacted through the Localism Act 2011.

At the present time the following main policies are applicable to the current proposal (and were also considered, amongst other RSS policies, during the recent renewal of outline consent for the wider site development):

- Policy **DP2** – Promotion of Sustainable Communities;
- Policy **DP4** – Use of Existing Resources/Infrastructure;
- Policy **DP5** – Reduce the Need to Travel and Increase Accessibility;
- Policy **DP7** – Promotion of Environmental Quality;
- Policy **W6** – Tourism and the Visitor Economy;
- Policy **W7** – Principle for Tourism Development;
- Policy **RT2** – Managing Travel Demand;
- Policy **RT9** – Walking and Cycling;
- Policy **EM1** – Integrated Land Management (conservation-led regeneration);
- Policy **EM16** – Energy Conservation and Efficiency;
- Policy **EM18** – Decentralised Energy Supply (renewable and low-carbon sources).

## 6.3 Local Planning Guidance

Local Planning Guidance is relevant – particularly the development brief for the site which is

Supplementary Planning Guidance (**SPG**) 4 – ‘Luneside East’ (2004); the ‘saved policies’ of the Lancaster District Local Plan (**LDLP**) and the policies in the Lancaster District Core Strategy (**CS**) 2008.

**SPG 4** – Sets the development parameters. The vision for Luneside East is a comprehensive development of the site to transform this derelict and under-used site into a vibrant, sustainable quarter of the City incorporating residential units, workspaces, food and drink uses, local shopping uses, open spaces, walking and cycle routes. This site presents a unique regeneration opportunity within a short walk of Lancaster’s busy City Centre and immediately adjacent to the Castle Conservation Area.

**LDLP Policy H3** – The site is identified as having capacity for upto 300 dwellings.

**LDLP Policy H10** (Partially Saved) – Advises that upto 20% provision of affordable housing will be negotiated on 6 sites, including Luneside East.

**LDLP Policy EC5** – The general ‘Luneside’ area is allocated for B1 (Business) and B2 (General Industrial) uses.

**LDLP Policy EC14** (Partially saved) – development resulting in an overall increase in HGV movements will not be permitted; proposals to expand existing uses must be accompanied by environmental improvements.

**LDLP Policy T9** – Development should maximise the opportunities for using public transport, especially bus services.

**LDLP Policy T17** – A requirement to produce a Travel Plan for development likely to generate large numbers of daily journeys.

**LDLP Policy T24** (Partially saved), **T26 and T27** (both wholly saved) – seeks to improve the district’s cycle network, footpaths and public rights of way.

**LDLP Policy E11** (Partially saved) requires measures to deal with flood risk.

**LDLP Policies E16 and E17** – Identifies the need to protect local and national designated sites of conservation interest including the Lune Estuary (Special Protected Area and Site of Special Scientific Interest) and the River Lune (County) Biological Heritage Site.

**LDLP Policy E30** (Partially Saved) – Seeks to protect and enhance Green Corridors.

**LDLP Policy E35** – Seeks to protect views into and across a Conservation Area (the site adjoins a Conservation Area).

**LDLP Policy E37** – 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 impact of a Conservation Area (again this policy applies to Conservation Areas and is only included in the report due to the site’s proximity to the Conservation Area boundary).

**LDLP Policy E44, E45 and E46** – Seeks to protect archaeological remains and require assessment and investigation of the same.

**LDLP Policy R21** – Ensures access provision for people with disabilities.

**CS Policy SC1** – Development should be sustainably located in areas where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities. Proposals must not result in unacceptable flood risk or drainage problems, or adversely impact on a site of nature conservation or archaeological importance. Proposals should use energy efficient design and construction practices, should incorporate renewable energy technologies, create publicly accessible open space, and be compatible with the character of the surrounding landscape.

**CS Policy SC5** – New development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

**CS Policy SC6** – Schemes should encourage high quality design, incorporating “Secure by Design” principles, avoid car dominated environments, remove dereliction and eyesore sites, and achieve greater use of pedestrian and cycle networks, parks and open spaces.

**CS Policy SC7** – Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

**CS Policy SC8** – Looks to build sustainable communities by improving and protecting greenspaces and informal recreation networks. This includes the nearby Lancaster City Centre and equally nearby Marsh Point entrance to the cycle network towards Glasson Dock.

**CS Policy ER2** – The Luneside area is to be regenerated into a mixed-use waterfront following remediation and provision of flood defences. Westward expansion of Luneside East could be assisted, in the longer term, by a river crossing. Measures to manage heavy goods vehicle movements should be investigated and implemented.

**CS Policy ER3** – Seeks to promote regeneration by ensuring that employment land is located in areas such as Lancaster for B1, B2 and B8 employment use, and subject to the principles of sustainable development.

**CS Policy ER5** – Aims to focus retail need, particularly comparison retailing, within existing centres. New local food retailing should be provided in town or local centres, or at an appropriate scale in sustainable locations in areas of deficiency.

**CS Policy ER6** – Aims to maximise tourism potential by regenerating new environments in the City Centre which can enhance the wider city.

**CS Policy ER7** – Promotes the maximisation of the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

**CS Policy E1** – Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, conserve and enhance landscapes, and be directed to previously developed land where dereliction can be cleared and contamination remediated.

**CS Policy E2** – Seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

## **7.0 Comment and Analysis**

7.1 Paragraph 3.2 of this report explains that the outline planning permission establishes the principle of developing the Luneside East site for a mix of uses. SPG 4 also confirms that the mix of uses being proposed by the applicant is acceptable.

The vision for Phase One of the scheme, as proposed by the current submission, accords with those principles. Therefore the main considerations for Members are:

- Whether the proposal is satisfactory in terms of urban design and site layout;
- Whether the proposal is appropriate in relation to highway impact and safety;
- Whether the environmental impacts arising from this phase of development are acceptable; and,
- Whether the development is acceptable in terms of heritage impact.

## **7.2 Design and Site Layout**

The most significant element of the proposal relates to the partial demolition of the mill. However partial demolition was included in the proposals approved by the original 2001 outline permission, which has since been renewed and remains an extant permission. It is also acknowledged that



partial demolition is necessary to deliver a more permeable site, and one that will open up currently obscured views of some of the fine railway arches at Carlisle Bridge. The scale of the existing structure is vast, and the reduction in scale will permit a viable re-use of the remaining internal space.

- 7.3 It is also the case that the existing building to the rear of the Mill, which will also be removed, has little intrinsic character and its retention would significantly hamper attempts to integrate the application site with the existing residential area to the east, or indeed future attempts to link the site to the south and west. The retained Mill will still be a substantial building retaining its current height, and with a revised roadside length in excess of 60m (its existing length is approximately 83m).
- 7.4 There will be moderate changes to the fenestration. A new glazed entrance to the Mill will be located centrally along the northern (quayside) elevation. The existing loading bay will be blocked up and where necessary some of the first floor windows will be extended down to ground level. Otherwise there is little intervention into the regimented window arrangement that makes the Mill so striking. An area for plant and equipment will be located on the roof, and details of this (and all external materials) are conditioned. A shallow standing seam zinc roof is proposed and this is an acceptable and respectful material on a building of this character. The east elevation of the mill will require careful treatment due to the fact that this will be a newly-exposed elevation. The current proposal is for a single, full-height window on this end elevation, which will sufficiently break-up the heavy appearance of stone without compromising the architectural character of the building. The proposed western elevation is also acceptable, following a more regimented window arrangement.
- 7.5 Because much of Phase One relates to the retention and restoration of part of the existing Mill, the arrangement of ancillary car parking and provision of landscaping and public realm is dictated by the Mill's location. Thus the area to the rear of the mill will accommodate 40 new car parking spaces, including 6 mobility spaces, and a new external, ground floor decking area serving the proposed A1/A3 units. This 'heart space' will be one of the most active parts of the site and will include new trees, new street lamps, the use of Yorkshire Paving, and new external seating. A detached refuse store will also be located to the rear of the Mill. Details will be controlled via planning condition and the applicant will be required to provide high-quality materials befitting such a new public space. The success of the space will depend upon how sensitively the external decking areas to the rear of the Mill can be integrated with the proposed car park, and Officers will work with the applicants to secure appropriate details in discharging the relevant planning conditions, if the application is approved.
- 7.6 Further to the east – in-between the retained portion of the Mill and Carlisle Bridge – will lie two public areas which differ in terms of appearance, function and permanency. Immediately east of the Mill will be a temporary, rectangular-shaped landscaped meadow. It is temporary by virtue of the fact that the previous masterplan envisaged this part of the site being redeveloped with a new structure. A permanent urban design solution for this particular area will be subject to a separate planning application as part of future phases. In the interim, it is considered that wildflower planting would be more preferable than an area of mown lawn and will form a colourful backdrop to the permanent area of public realm further to the east.
- 7.7 The removal of the eastern end of the Mill permits an opportunity to open and extend the new public realm underneath Carlisle Bridge towards the existing residential properties along the Quayside. It will effectively function as the gateway to the Luneside East site, and a high-quality surface treatment and landscaped area is essential to its success. The plans are relatively notional at present, indicating a grid-like arrangement of 16 trees, picnic benches, Yorkshire Paving and street lamps. Reassuringly, the applicant has produced precedent photo images that illustrate how these ideas can be developed still further to provide a place which functions as an area of open space and still provides sufficient interest to entice footfall towards the development site. Both the applicant and Officers are under no illusion as to how important this parcel of the site will be, and both are committed to exploring detailed options, should planning permission be forthcoming.
- 7.8 The remaining area of land subject to this application lies across St George's Quay adjacent to the River Lune. The outline permission envisages waterfront development that will be bold and innovative. However the site currently contains an array of poor, modern buildings and for the first phase of the development, part of this site will be used to accommodate a temporary car parking area for 72 cars, 10 of which will be allocated as mobility spaces. The works will not affect the position of the existing cycle network or the river defence wall. The highway impacts arising from the proposal are considered separately in this report.

- 7.9 In terms of design and site layout, the proposal broadly follows the approved principles of development and subject to detail, the scheme will deliver the necessary linkage towards the existing Quayside uses to allow for a vibrant, high-quality and inclusive environment.
- 7.10 Highway Impact
- Whilst the formal response from County Highways could not be provided in time for compiling the report, they kindly submitted interim observations on the plans and supporting documents. This has been helpful and provides assurance that the scheme as proposed can be implemented without detriment to highway efficiency or safety.
- 7.11 The applicant has confirmed that the internal highway network for the wider site will not be offered for adoption, and that this was a matter agreed during consideration of the Reserved Matters application in 2007. The alignment of St George's Quay will be unchanged. For this Phase One development, vehicular access will be taken from St George's Quay due west of the mill. Visibility splays in this location were previously agreed in 2007 and the splays will be 2.4 x 60m. The applicant's Swept Path Analysis has proven that the proposed access will sufficiently accommodate larger vehicles (e.g. refuse lorries, deliveries, etc). In order to aid visibility still further, the applicant is proposing to extend the existing prohibition of the Traffic Regulation Order which controls waiting and loading along St George's Quay. County Highways have confirmed that all highway works would be delivered via a Section 278 (Highway) Agreement.
- 7.12 The temporary 72-space car park on the northern side of the Quay will also maintain visibility splays of 2.4m x 60m. It is an appropriate temporary use of land; particularly, as paragraph 3.3 recalls, an area of land on the northern side of the Quay was approved for a larger, permanent car park in 2007. It will utilise an existing entrance and it will be demarcated with new (temporary) bollards and be gravel-finished. It is likely that the formal highway observations will include a requirement for the first 5m of this access to be hard-surfaced (i.e. not gravel) to prevent the drag of loose material onto the highway. Any conditions recommended by County Highways will be verbally reported to Members.
- 7.13 Cycle and motorcycle parking will be located closer to the Mill, in between the 'Heart Space' and the temporary meadow. 36 cycle spaces will be provided. Motorcycle spaces are to be agreed but the submitted plans notionally indicate 5 spaces.
- 7.14 The extant outline permission will deliver off-site highway works as part of the redevelopment of the wider site. Conditions on that outline consent are described in Section 8 of this report. Otherwise the proposed highway works accord with previous proposals and subject to conditions, there are no objections to the scheme from a highway perspective.
- 7.15 Environmental Impacts
- Despite the existence of the extant outline permission, the applicant has, at the request of the local planning authority, undertaken a further survey report to the Environmental Statement. This survey has confirmed the extent of habitat affecting the application site has predominantly remained unchanged (e.g. areas have been colonised by species such as buddleia), whilst Japanese Knotweed has also been found. The latter will require treatment and removal in accordance with national good practice.
- 7.16 The outline permission contains a planning condition protecting any roosting or hibernation sites for bats. It is accepted that the site is more likely to be suitable as a hibernation site as opposed to a roost, and previous consents have indicated that works to the mill should be undertaken to avoid bat hibernation and breeding seasons (and, additionally, bird breeding season). However the current condition of the mill has rendered it dangerous to enter, and so there is no addendum to previous bat surveys. For this reason it is prudent to condition that an internal survey be undertaken by a qualified ecologist once it has been determined that the mill is safe to enter.
- 7.17 Natural England have previously confirmed that regardless of the close proximity of the site to the Lune Estuary SSSI, the development will "not materially or significantly affect it". The current proposal does not affect this conclusion. Similarly, the development would have no material or significant effects upon the Morecambe Bay SPA, SAC and Ramsar designations.

- 7.18 The proposals will offer considerable landscape gains via the introduction of new planting and potential for habitat enhancement, using locally-native species and new features (e.g. bat and bird boxes) where appropriate.
- 7.19 A new Structural Inspection Report has been produced to accompany the application and this confirms that the partial demolition will be undertaken once further stability checks have been implemented and the need for any further restraint to walls has been provided (if required). The recommended conditions will include a method of demolition to be agreed in writing prior to any works of commencement on site. A range of protective conditions (e.g. noise, dust control) are recommended to protect neighbouring amenity.
- 7.20 Unsurprisingly the survey reveals a substantial state of disrepair with water ingress, timber rot and infestation all present. The building will require re-roofing and new windows and rainwater goods throughout. Other essential works to the fabric will involve external masonry repairs, repainting of steelwork and a “sympathetic” cleaning of the elevations. All these works will be controlled via planning condition.
- 7.21 The works also involve the partial demolition of an existing site wall to create adequate space for the new vehicular access. It is considered that whilst this is an original wall, any desire to retain it in its current location does not outweigh the need to introduce vehicular access to the west of the mill at a point that is appropriate in highway safety terms, with a view to achieving the overriding objective of regenerating this important site. The stone will be retained and will be reused on the site; a new wall will be constructed approximately 17m further west of its present position.
- 7.22 Although the current application does not include the former gasholder site, its location close to the red edge of the application is sufficient to trigger consultation with the Health and Safety Executive (HSE) in relation to previous storage of hazardous substances across the wider site. The City Council resolved to revoke the Hazardous Substance Consents at the 17 October 2011 Planning and Highways Regulatory Committee, and the necessary legal orders have been drafted. The HSE have confirmed that there is no objection to the grant of planning permission.
- 7.23 The land is of course heavily contaminated due to its previous uses and the site has been extensively surveyed in the past as part of the previous planning submissions. All parties are in unison that a Remediation Strategy needs to be agreed and implemented. This Strategy would include a site investigation (walkover), a Remediation Method Statement, agreement as to how to remediate any unforeseen contaminants and – following satisfactory implementation of all the agreed measures – the production of a validation report and certificate
- 7.24 The timing of this work has been the subject of debate, but it is considered that in the case of this stand-alone application, conditions relating to contaminated land can be imposed on any grant of planning permission so that the Strategy is formally agreed and remediation works for the Phase One site are undertaken prior to any conversion works to the building.
- 7.25 Remediation will need to ensure that any adverse impacts, such as seepage of contaminants into the ground, surface water and the river, are avoided. Paragraph 4.1 confirms that the Environment Agency (EA) is satisfied with the proposals subject to the conditions referred to above. With regard to the issue of flood risk, an updated Flood Risk Assessment has been submitted. The EA indicate that the Assessment incorrectly identifies the site as Flood Zone 2, when it is in fact within Flood Zone 3. However the principle of the works remains acceptable subject to a condition requiring the finished floor levels to be agreed. United Utilities have stated that surface water should be drained to the river in a scheme to be agreed with the Environment Agency. The agreement of such a scheme will be a condition on any grant of permission.
- 7.26 The current proposals are, in terms of the quantum of uses being proposed, lower than previously approved in 2007, and lower than those previously assessed in terms of air quality impact. The traffic generated by the proposal is therefore also expected to be lower than that generated by the approved scheme.
- 7.27 Finally, a BREEAM (Building Research Establishment Environmental Assessment Method) predicative assessment has been undertaken and demonstrates that the proposed development has the potential to be rated as BREEAM ‘Very Good’. This is a realistic assessment given the constraints associated with the current proposal. With regard to renewable technologies, the

applicant has investigated all possible solutions and at this stage has confirmed that the use of rooftop-mounted photovoltaic panels and the introduction of air-source heat pumps are favoured. The plant/equipment for the latter can be accommodated on the rooftop. The applicant has also agreed that there are potential gains in terms of rainwater harvesting, green roof technology (subject to there being sufficient space available alongside photovoltaics and air source heat pump plant) and ground source heat pumps.

7.28 The reuse of land and buildings in a sustainable location is welcomed, and taking all the matters above into account, and subject to the imposition of the relevant planning conditions, the proposal is deemed to be appropriate in terms of its impact upon environmental matters.

#### 7.29 Heritage Impact

In terms of PPS5, local planning authorities are advised to assess the particular significance of any element of the historic environment that may be affected by the proposal.

7.30 The mill is an imposing, utilitarian structure that could potentially enjoy a dramatic setting along the riverside. Its setting is however somewhat restricted by the immediate presence of the adjacent railway bridge. Equally, this bridge negates any impact that the mill has – positively or negatively – upon the adjoining Lancaster Conservation Area. This is a view shared by the *Conservation Studio* when they reviewed the Conservation Area boundaries in 2010. Their description of the bridge as being an “emphatic boundary” to the Conservation Area is agreed. Thus the proposal to demolish the closest portion of the mill will not have a negative impact upon the Conservation Area. Instead, the opening-up of the land and provision of high-quality landscaping will link the application site to the Conservation Area underneath the arches of the bridge. This has the potential to be a positive aspect of the submission.

7.31 Whilst the building has architectural merit in terms of its regimented form and also enjoys significance as a result of the nature of its original use and its relevance to the city’s development, it is considered that the reduction in the mill’s length will not adversely affect its appearance, local distinctiveness or historic, industrial relevance. Moreover, the reduction in scale allows the building to be considered for viable and realistic re-use. When this is combined with the public realm improvements which will enhance site permeability, it leads us to conclude that any desire to retain the building in its present form is considerably outweighed by the potential to use the retained element of the mill as a focus for place-shaping and creating a sustainable community as part of the wider site redevelopment.

7.32 Paragraph 7.27 discusses options for renewable technologies. It is considered that the building’s height and roof arrangements are conducive to accommodating rooftop technologies and that this will not compromise the building’s setting or appearance, nor will it adversely impact upon the views from or into the Conservation Area.

7.33 The application site area does not affect the area of Luneside East that has significant archaeological interest, namely the Lancaster Potworks. This is an area that is being investigated with a view to consideration for scheduling (i.e. designation as a Scheduled Ancient Monument). Conditions imposed on the outline consent adequately protect this important part of the site; although a condition will be placed on the grant of any consent for the current proposal to advise the applicant that any infrastructure/remediation/highway works should not affect the significance of this historic asset.

7.34 Taking these matters into account, the proposal accords with the provisions of PPS 5 and the Development Plan in relation to heritage matters.

#### 7.35 Other Matters

Paragraph 4.1 explains Network Rail’s position relating to land ownership matters. It is the Council’s position that it can facilitate the first phase development proposed by way of land vested in the ownership of the Council and agreement with National Rail (as a consequence of legal agreements signed in 2007). Any ownership issue does not directly affect consideration of the planning matters; although it will be incumbent on the applicant and the Council as landowner to ensure that any matters are clarified with Network Rail.

7.36 In reaching conclusions on all other matters, it is confirmed that the proposal is highly accessible (and will be more so after public transport and highway matters delivered by later phases are implemented), is well-planned in relation to resilience to climate change, would secure a high-quality and inclusive design (subject to agreement of details), will aid local employment and will be a driver for economic and physical regeneration. The proposal conforms therefore with SPG 4 and the general provisions of PPS 4.

## **8.0 Planning Obligations**

- 8.1 The renewed outline permission contains a number of conditions relating to planning contribution matters. Of course, as the City Council is the landowner, a Section 106 Agreement was not sought as the Council is unable to enter into a legal agreement with itself. So the obligations sought for the development (affordable housing provision, delivery of open space, public art, provision of off-site highway works and the provision of bus services) were framed as planning conditions instead.
- 8.2 These conditions are not triggered by the delivery of this first phase of the development. For example, the affordable housing and recreational open space/children's play facilities are not delivered by this commercial phase, but will be enacted upon any future Reserved Matters (or a separate full application) for any part of the residential elements.
- 8.3 The requirement for a 'riverfront art feature' was a condition on the outline consent, and requires details to be submitted prior to development commencing; but the consent rightly excluded any site remediation, engineering or demolition works within the definition of 'development'. It is proposed that this condition be repeated on the grant of any full consent for Phase One, but with a requirement that the details be agreed (along with a programme of implementation) prior to first occupation of the mill.
- 8.4 Similarly the previously-approved off-site highway works (at St Georges' Quay, Long Marsh Lane and Westbourne Road/Station Road) and the provision of bus services were matters that were conditioned so that the details, including a programme for implementation, had to be agreed with the local planning authority. Again this condition allows for works of remediation, engineering and demolition before the details are required to be submitted. It is anticipated that the programme for implementation will be related to delivery of a specific (and yet to be agreed) quantum of the residential elements being brought forward in the future. With this in mind, the recommendation in this report repeats these conditions for clarity.
- 8.5 It should be noted that there is a small section of the applicant's Transport Statement that appears to be incorrect; namely the reference to works required at the Westbourne Road/Station Road junction being unnecessary due to the grant of separate application for hotel development in the locality. This is not the case and these works shall be included in the off-site highway works in the same way as they are included in the recently-renewed outline application.
- 8.6 To conclude this is a reduced scheme when compared to the 2007 Reserved Matters, and the previous outline approvals have established the matters that are to be controlled via condition. Taking 'Planning for Growth' (paragraph 6.1) into account, the conditions previously imposed remain relevant to the redevelopment of the site and it would be inappropriate to over-burden the proposals with further contribution-related requests.

## **9.0 Conclusions**

- 9.1 The Luneside East site has been derelict for a substantial amount of time, and its current, decaying appearance has a detrimental impact not just on the immediate locality, but also on wider perceptions of Lancaster when viewed from the nearby road and railway networks. It is also true that the air of vacancy across the site has the indirect effect of terminating a considerable amount of footfall (with the exception of the successful cycle network) at Carlisle Bridge, thus inadvertently severing connectivity to the Lune Road area of the Marsh and the residential areas beyond. The condition of the site also contributes to an unattractive and, during evening hours, rather intimidating walk to businesses and services that lay beyond the site to the west (Lune Industrial Estate).
- 9.2 This proposal follows the longstanding principles established by permissions granted during the last decade. It is the Council's ambition that regeneration of this site will finally lead to an integration of

areas that are presently closely located, but remain physically detached from each other.

- 9.3 It is encouraging that a full application has now been pursued for Phase One and subject to the necessary remediation matters being undertaken, the imposition of the other conditions listed below and the entry into a Section 278 Highway Agreement, a recommendation of approval is made.

### **Recommendation**

That subject to the (separate) signing of a Section 278 Highway Agreement, Planning Permission **BE GRANTED** subject to the following conditions:

#### ***Standard Conditions***

1. Standard three-year consent
2. Development to be carried out in accordance with plans
3. Hours of construction, including remediation, engineering and demolition to be restricted to 0800-1800 Monday to Saturday only
4. The use and layout of the ground floor of the premises shall be as stated on Drawing Number AL01 Rev. D (dated February 2011) received on 3 October 2011. The use of the upper floors shall be as stated on Drawing Number(s) AL02 Rev. D, AL03 Rev. D, and AL04 Rev. D (dated February 2011), all of which were received by the local planning authority (LPA) on 3 October 2011.

#### ***Conditions Requiring Formal Discharge Prior to Commencement of Any Site Activity***

5. Standard contaminated land condition (including site investigation, submission of Remediation Method Statement, treatment of unforeseen contamination and requirement to produce a Validation Report and Certificate) and subsequent approval of all matters by the LPA.
6. Standard condition – prevention of importing of soil and soil materials unless agreed by LPA
7. Standard condition – requirement for asbestos site survey
8. Standard condition – scheme for the control of dust
9. Standard condition – scheme for the assessment and control of environmental noise impacts
10. No impact-driven pile-driving (except where already agreed as part of a scheme for environmental noise control)
11. Standard condition – provision of wheel-cleaning facilities with the site for the duration of all remediation, demolition, engineering, conversion and construction activity
12. Scheme to be agreed with LPA for the route for all demolition, remediation, construction etc traffic, including the transportation of waste material arising from Phase One only
13. Standard condition – bat survey and mitigations to be implemented
14. Standard condition – breeding birds
15. No works other than site remediation (only) to commence until Demolition Method Statement agreed with LPA

#### ***Conditions Requiring Formal Discharge Prior to Commencement of Development (but not including Works of Remediation, Engineering or Demolition)***

16. Standard condition – assessment of activities that may cause contamination of land/water
17. Surface water drainage to discharge to river subject to agreement with LPA; separate foul drainage systems.
18. Standard condition – finished floor levels to be agreed by LPA
19. Standard condition – full constructional details of access roads, junctions, visibility splays, etc to be agreed with LPA
20. Standard condition – the following details shall be agreed with the LPA:
  - Samples of all external materials, including any new stonework, zinc cladding, zinc roofing material and all public realm treatments and external surfaces
  - Full details of pointing, glazing and curtain walling, canopies, louvres, doors, aluminium windows, new cills and heads, rainwater goods, decking areas, bin store, external seating, rooftop plant area and details of replacement site boundary wall
  - Details of all external lighting
  - Details of any stonework cleaning/restoration
  - Ventilation ducts, fans and motors

- Details of all renewable energy technologies to be incorporated as part of providing at least 10% of the predicted energy requirements arising from the development
21. Standard Landscaping Condition, including details of temporary meadow to be agreed with LPA
  22. Standard Condition - Removal of Japanese Knotweed

### ***Conditions Requiring Formal Discharge Prior to Occupation/First Use of the Development***

23. All approved car parking spaces and motorcycle spaces to be completed to specification and available for use at all times
24. Details of the covered cycle storage spaces to be agreed with LPA and provided
25. Scheme for the off-site highway improvements as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation
26. Scheme for the provision of bus service to serve the site as stipulated by the outline consent to be agreed with LPA, along with a Programme of Implementation
27. Travel Plan for Phase One to be agreed with the LPA and implemented, including a Parking Management Scheme (to prevent commuter parking) and all elements required by Condition 33 of 10/01134/RENU
28. Standard condition – Scheme for the minimisation and dispersal of fumes and odours arising from food preparation and cooking (prior only to first occupation by any A3 use or any A1 use that involves the preparation of food).
29. Scheme for riverfront artwork feature as stipulated by the outline consent to be agreed with LPA along with a Programme of Implementation
30. Scheme for the management of all public realm areas to be agreed with LPA

### ***Conditions in Perpetuity***

31. No Phase One work hereby approved shall directly or indirectly affect the nearby Pot House site which shall be the subject of archaeological evaluation as part of the future phases of wider site redevelopment
32. No development to occur within 8m of the inner face of the river defence wall
33. Standard condition - no walls, trees, fences, etc within the visibility splays
34. Standard condition – impervious bunds to any tanks containing oils or chemicals
35. Hours of use of any use on the ground floor of the premises to be restricted to 0900-2300 daily unless otherwise agreed by the LPA
36. Standard condition – no external loudspeakers installation
37. Standard condition – No external storage permitted (except for at approved bin store areas)
38. The converted mill shall achieve at least BREEAM 'Very Good' rating (or equivalent)

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.