

Agenda Item A9	Committee Date 2 March 2015	Application Number 14/01295/FUL
Application Site Squires Snooker Club Penny Street Lancaster Lancashire		Proposal Demolition of existing building and erection of a 5 storey building comprising retail (use classes A1 and A2 – retail/financial & professional services) at ground floor and student accommodation to the upper floors including 6 cluster flats and 10 studio apartments with associated car parking and servicing/landscaping area
Name of Applicant Mr Trevor Bargh		Name of Agent Mr Sean Smith
Decision Target Date 12 March 2015		Reason For Delay N/A
Case Officer		Mr Andrew Drummond
Departure		No
Summary of Recommendation		Approval

1.0 The Site and its Surroundings

- 1.1 The application site is situated at the southern end of the city centre close to the southern vehicular gateway to Lancaster City Centre. The site is bordered by the A6 to the east, Henry Street to the north and west and the Listed Building of Penny Street Bridge Hotel to the south. It currently accommodates a 2-storey snooker hall constructed of a mix of brick, metal cladding and glazed masonry block walls under a pitched roof covered with profiled metal or a flat roof with an asphalt covering. The frontage with Penny Street is partially recessed to provide a drive in–drive out drop-off arrangement and many of the first floor windows have been boarded over.
- 1.2 The site is located in Lancaster Conservation Area, and is adjacent to Penny Street Bridge Hotel and opposite 103 and 105 Penny Street and Alexandra Hall, all of which are Listed. It also falls within Lancaster’s Air Quality Management Area.

2.0 The Proposal

- 2.1 The application seeks planning permission for 2 elements – demolition of the existing 2 storey building and erection of a new mixed-use scheme over 5 storeys. The replacement building would comprise retail or financial/professional services on the ground floor (A1 or A2 uses) with an entrance lobby for the upper floors fronting Penny Street and service doors off Henry Street to the rear with student accommodation above. The student accommodation would be arranged within 6 cluster flats (9 or 11 bedrooms per cluster) and 10 studios. In total it would provide 60 bedrooms and 10 studios. The building would be constructed of full height glazing to the retail frontage, ashlar or split faced stone panelling to the walls on the first, second and third floors and a grey rainscreen to the walls of the recessed fourth floor. The windows to the upper floors are constructed with a powder coated aluminium frames, some finished with an aluminium screen, others with a glazed balcony. The semi-circular area immediately to the north of the building would be developed to incorporate a series of raised, planted beds and a delivery bay.

3.0 Site History

3.1 There has only been one recent planning application submitted for this site:

Application Number	Proposal	Decision
10/01067/CU	Change of use of ground floor from retail (A1 use class) to games/pool hall (D2 use class)	Permitted

4.0 Consultation Responses

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

Consultee	Response
County Highways	Initially objected to the scheme based on the proposed parking / loading facilities on Henry Street obstructing the adopted footway (which would not be permitted) and significant concerns over highway efficiency along Penny Street during demolition and construction. Further to the submission of amended plans and a draft construction management scheme, the Highway Authority has removed its objection, subject to conditions being applied covering the construction management plan, parking, delivery bay and reinstatement of the public highway
County Archaeology	No objection subject to a pre-commencement programme of archaeological work
English Heritage	The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice
Victorian Society	No objection to the scheme, but wish to stress the importance of selecting the new cladding materials with particular care
Conservation	No objection subject to conditions relating to materials and detailing
Environmental Health	Concerns raised relating to the lack of an air quality assessment (now commissioned by the applicant). Conditions required relating to a scheme of detailed noise mitigation measures and contaminated land
Fire & Rescue	No comments received at the time of compiling this report
Police	No concerns in respect of design and they note that the development will be fitted with CCTV. The Police hope that the development can be constructed to Secured by Design principles, particularly in terms of reducing risks to students
Lancaster Civic Society	Supportive of the removal of the existing building but concerned over the proposed elevational treatment of the Penny Street façade and the relationship of the roof on the adjacent hotel with the south facing elevation of the proposed top floor
North Lancashire Bat Group	Comments that no bat survey submitted with the application.

5.0 Neighbour Representations

5.1 Only one piece of correspondence has been received from neighbouring residents at the time of compiling this report, which is supportive of the scheme though its author wishes to draw attention to the need for a proper pedestrian crossing over Aldcliffe Road.

This point has also been raised by Councillor Brookes, who has commented that the proposal would lead to an increase in pedestrian movements towards bus stops on South Road (White Cross and RLI), and asks whether a planning contribution might be sought (via County Highways) towards a pedestrian crossing over Aldcliffe Road, which would improve accessibility to the bus stops on South Road.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles
Paragraph **49** and **50** - housing
Paragraphs **56, 58 and 60** - good design
Paragraphs **129, 131, 132 and 135** - conservation

6.2 Core Strategy

SC1 – Sustainable development
E1 – Environmental capital

6.3 Development Management DPD (DM DPD)

DM32 and **33** – Development affecting heritage and non-designated heritage assets and their setting
DM35 – Key design principles
DM41 – New residential development
Appendices D and F

7.0 Comment and Analysis

7.1 The key material considerations in this case are:

- a) Principle of development;
- b) Design considerations and the impact on heritage assets (Conservation Area, Listed Buildings, archaeology);
- c) The impact on residential amenity of existing residents (dominance, overlooking, noise);
- d) The residential amenity of prospective residents (space standards);
- e) The impact on highway safety and efficiency (including during construction); and
- f) Other Matters (air quality, land contamination, sustainable construction)

7.2 Principle of Development

7.2.1 The site lies outside the area that is designated in the DM DPD as comprising the City Centre boundary. Notwithstanding this, the proposal seeks to introduce an A1/A2 use at the ground floor with student accommodation above. Retail/Financial & Professional uses are appropriate within this edge-of-centre location and will provide a suitably-active frontage at ground floor level. Student accommodation across the upper floors is an acceptable form of development within the city. Subject to the matters of detail, the principle of development is acceptable.

7.3 Design Considerations and the Impact on Heritage Assets

7.3.1 The position of the plot (within the Conservation Area and adjoining a Listed Building) requires an appropriate design solution. The applicant has been working proactively with the Local Planning Authority in this regard, and has also involved Lancaster Civic Society and the North West Design Review Panel known as 'Places Matter'.

7.3.2 As part of this process the developer explored a number of options, including a curved structure that abutted the junction with Henry Street; a more regular rectangular block with a blank northern elevation; and a structure benefiting from an offset glazed studio above the main parapet. All of these earlier options included a partially-cantilevered arrangement at the front of the building, allowing for vehicles to drive underneath the building and park. Aside from traffic concerns, this element of the design was considered to be rather weak architecturally and has been removed.

7.3.3 The design has instead evolved so that the ground floor is no longer recessed under the cantilever, and is instead built-out to Penny Street. This provides for a more harmonious form of development. The materials listed in paragraph 2.1 are used to good effect to provide three discernibly-different areas; a contemporary-looking ground floor with an aluminium window system befitting the demands of modern-day retailing; three floors of student accommodation that are faced with ashlar stone panelling and coloured rainscreen feature panels; and a "rainscreened" rooftop level which sits behind coping. The rear of the building has the same three elements, but the design approaches across the ground and 1st, 2nd and 3rd floors are different. Part of the car parking area is screened behind metal doors, which are to be finished in a colour (to be agreed) and surrounded by split-faced

stone pillars. The stone continues to the upper floors (1st, 2nd and 3rd) where 'saw tooth' windows are built-into the elevation.

7.3.4 The existing building has no merit in townscape terms and its demolition is to be welcomed. Care has been taken with the overall mass and scale of the proposed replacement building. The existing Snooker Centre measures approximately 12.2m to its highest point. The proposed building will be 14.93m in height, with the lift overrun measuring 15.45m. To put this into some context, the neighbouring Penny Street Bridge Hotel measures 15.86m to the top of the chimney along the gable/abutment wall of the building, and 15.05m to the Penny Street Bridge Hotel ridge level.

7.3.5 In this regard it has been important to ensure that the structure does not dominate the adjoining Grade II Listed building, yet conversely it is equally important that the new structure has a presence of its own. The connection with the Listed building will be key to the success of the development in townscape terms. With this in mind the final design has been amended during pre-application discussions to ensure:

- That the 3rd floor parapet lines-up with the eaves level of the Penny Street Bridge Hotel;
- That there is a shallow recess between the Listed building and the new structure;
- That the main roof level is set below the highest point of the Penny Street Bridge Hotel; and,
- That the upper floor is recessed further from the building line to expose more of the Listed building.

In relation to other Listed buildings within the locality (most notably the former Alexandra Hall, 103 and 105 Penny Street opposite) and the wider Lancaster Conservation Area, the setting of these heritage assets will benefit considerably from removal of the current building. Providing that the build quality matches that indicated in the supporting literature, the current proposal has the potential to enhance the Conservation Area.

7.3.6 The County's Archaeologist has reviewed the application and advised that it would appear that the Roman Road which is thought to cross the site has a 'cordon sanitaire' (a barrier implemented to stop the spread of disease) between it and the cemetery that lay on both sides of the road. This means that surviving cemetery remains are likely to be limited to two corners of the site, one of which is more likely to have suffered damage from later medieval and post-medieval development. Consequently well-preserved archaeological remains considered to be of potential national significance are likely to be found only in a small part of the site, offering the potential for such an area to be developed in a manner that preservation in situ might be feasible. Other remains of a lesser significance, such as the road and later phases of the site, could be satisfactorily preserved by means of preservation by record (open-area archaeological excavation). The County Archaeologist is therefore able to recommend that the investigation of the site (archaeological evaluation and/or open-area excavation) be undertaken as a condition of planning permission, though it must be noted that this leaves the applicant taking much of the risk, as the nature, full extent and possible cost of the necessary archaeological works required post-evaluation will only be known at a late stage in the development process. Should areas of significance not prove possible to be preserved in situ then County's Archaeological Service would expect them to be completely excavated.

7.4 Impact on residential amenity of existing residents

7.4.1 The former Streamline Garage on Henry Street/Penny Street was redeveloped over a decade ago to form a series of stone-faced apartments and townhouses. Some of these enjoy an outlook over Henry Street and the existing building.

7.4.2 The original development proposals included an option for a longer, curved building that would have had a greater impact upon the outlook of 1-9 Diana Court. The revised submission has been cut back to exclude the semi-circular area of land immediately to the north (where it is proposed to provide a new tree for some much-needed 'greening' of this part of the city).

7.4.3 The proposed building will be notably taller than the existing structure, but will be set back a little further away from the existing residential properties to provide a slightly greater separation distance. The distance would still be below that recommended by the Development Plan (8.2m at its nearest point to neighbouring Tudor Court, rising to 11.6m opposite to the set-back element of Tudor Court). However, the 'saw-tooth' design of the proposed windows on the rear elevation assists with

protecting amenity, and given the constraints of the site (and the current situation that already exists) the development is considered to be appropriate in terms of residential amenity.

7.5 Residential amenity of prospective residents

7.5.1 The now adopted DM DPD contains internal space standards that should be applied to new build and converted shared accommodation. Our standards indicate that bedrooms should provide a minimum of 11sq.m with an en-suite. In this case, each bedroom within the 6 cluster flats will measure at least 13 sq.m, and in some cases 15 sq.m, and so satisfy the criteria.

7.5.2 The standards advise that shared accommodation should “*normally*” comprise no more than 6 bedrooms. This is not the case here – where 9 and 11 bedrooms are being proposed in each unit of accommodation. However, the high standard of provision, reflected in the more generous-scale en-suite bedrooms and the significant size of each cluster flat’s communal living space (which ranges from 35.2sq.m to 41.2sq.m), means that the overall internal standards of accommodation are expected to be high. Further assurance is provided by a site visit conducted during the pre-application stage, where Officers visited CityBlock3, which is also run by the applicant. Officers were impressed at the internal space, layout and management regime in force.

7.5.3 The studio flats on the upper floor are measured against separate criteria. The Council’s standards advise that studio accommodation must be 19sq.m with an en-suite. The proposed layout provides for 10 studio rooms measuring a minimum of 21.3sq.m, rising to 23.3sq.m and so comfortably exceeds the standards. There is no requirement within our criteria for a separate communal lounge for studio accommodation. However, the applicant has provided one measuring over 20.sq.m and this is a further indicator of the acceptability of the internal layout.

7.5.4 Each unit of accommodation enjoys an outlook either over Penny Street, or Henry Street to the north or west, with the exception of one bedroom on each of the first, second and third floors that faces into the internal courtyard. Amended plans have been received that offset the windows on opposite sides of the courtyard to protect the privacy of these inward facing bedrooms. Separately a condition is required for a landscaping scheme to this courtyard area to protect the bedroom on the first floor that faces directly into this public space. The units along the western elevation will predominantly be served by south-west facing windows. For the reasons stated in paragraph 7.4 above, the distances involved are considered appropriate.

7.5.5 Finally, all floors are accessible via a lift adjacent to the ground floor student lobby, which will include vertical cycle storage and mail facilities. The ground floor also provides laundry and refuse facilities

7.6 Impact on highway safety and efficiency

7.6.1 The current highway and car parking position has persisted for some time. There is an existing drive-through arrangement under the existing building which is occasionally used for the parking of vehicles. Similar car parking exists within the semi-circular bollarded area to the north of the building. Not only does this invite awkward vehicle manoeuvres close to the A6, but the presence of parked vehicles on private land is an unattractive feature within the city centre.

7.6.2 The proposed plans have dispensed with retaining the drive-through arrangement. Instead, servicing will be undertaken via Henry Street, which is a one-way road. The proposed building will actually create some additional road-space on Henry Street as a consequence of being set further away from the carriageway edge than the existing structure. This will allow servicing to occur without impediment to Henry Street. In addition 8 car parking spaces are proposed to the rear to serve the development. Their provision and management will need to be secured by condition.

7.6.3 During the determination period the application has been amended to include the semi-circular area to the immediate north of the building where 3 new raised planting beds are proposed, one incorporating a tree. The space has been designed around a delivery bay following the Highway Authority’s objection to the delivery arrangements initially proposed on Henry Street. Whilst this resolves County Highway’s objection, it raises a heritage concern, insofar as it is contrary to the adopted Lancaster Conservation Area Appraisal, which makes it very clear that this part of the Conservation Area is too car dominant, stating that this area “forms a strong node and an opportunity to accentuate the townscape with built form and public space”. Officers have advised the applicant that wherever possible this space should not be parked up with vehicles with the

delivery bay only utilised by commercial deliveries associated with the retail unit. The imposition of a condition to that effect is proposed.

- 7.6.4 Cycle parking provision will be similar to that achieved at CityBlock3, where wall-mounted cycle stands are used effectively. 10 cycle stands are proposed within the student accommodation lobby (which reflects the percentage take-up of stands in the other CityBlock units in Lancaster) but this could be doubled if demand is greater.
- 7.6.5 Any grant of permission shall also require a Travel Plan to be submitted and approved by the Local Planning Authority. A similar condition is imposed as a requirement on the construction and occupation of CityBlock3.
- 7.6.6 The Highway Authority has been working with the applicant to address their initial objection, which related to highway efficiency during the demolition/construction phase and the subsequent ongoing service arrangements. Amended plans (moving the delivery bay) and information (a draft construction management plan) have been submitted to resolve these matters, and conditions are required to secure their delivery. County Highways have also addressed the matter of an improved pedestrian crossing over Aldcliffe Road. Information has been gained from County's traffic signal engineer that the Penny Street Bridge traffic controlled junction is already at capacity. The only way a pedestrian crossing could be delivered over Aldcliffe Road is by adding an additional sequence to the lights at Penny Street Bridge, which would not be feasible in light of the aforementioned capacity issues. Only a complete and radical re-design of the junction as a whole could potentially overcome this issue, but this would be very costly (and not proportionate to the proposed development) and may still be unacceptable from a highway safety perspective.

7.7 Other Matters

- 7.7.1 *Land Contamination:* The applicant has undertaken a Phase 1 Site Investigation. This was necessary due to the site's former use as a filling station. If redeveloped, the subterranean tanks will require removal and contaminated material will require remediation. The applicant finds that tank removal occurs before further intrusive site investigation occurs, and thus a Phase 2 Site Investigation will be necessary. The standard 4 contaminated land conditions are required by Environmental Health.
- 7.7.2 *Air Quality:* The site is located within an Air Quality Management Area and so the applicant has referred back to their previous Air Quality Assessment (for CityBlock 3) which found there to be potential for an impact upon air quality during construction and a 'slight adverse' impact at ground floor level (student units in this case will be located above ground floor). However, this assessment was undertaken in early 2010 and therefore changes to air quality may well have changed in the intervening c5 year period, so Environmental Health requested an updated assessment to be undertaken. This is underway and its findings will be reported verbally to Members.
- 7.7.3 *Noise:* Similar assumptions have been made by the applicant in respect of the potential impacts of noise, but on this matter the Environmental Health Officer has requested a condition to secure noise mitigation measures to protect the future occupiers of the student accommodation from external noises, especially on the Penny Street façade. As for existing neighbouring residents, Henry Street is relatively quiet despite its central location within the city and clearly there will be disturbance during construction work. Hours of construction would be specified on any grant of planning permission, as would the hours of any deliveries (during construction and post-construction). Whilst there are occasionally concerns regarding noise levels from student units (as opposed to family housing), the use is an acceptable one and any complaints regarding noise emanating from student units is a matter that can be controlled via the CityBlock Management Standards and endorsed via imposition of a Management Plan condition. Environmental Health legislation would also allow for investigation into any complaints of noise originating from anti-social behaviour.
- 7.7.4 *Bats:* The application site falls within 100m of the Lancaster Canal, a body of freshwater. Therefore a bat survey would usually be required. However, the form of construction of the existing building is such that the roof is sealed and the walls are solid (no cavity) thereby not providing roosting opportunities for bats. For this reason a bat survey was not required.
- 7.7.5 *Refuse Storage:* The ground floor includes a central, internal refuse storage area associated with the student use. A separate refuse area is provided for the retail use. There are also 3 separate

cleaning/storage cupboards provided throughout the upper floors of the building.

7.7.6 *Energy-efficiency:* The building aims to follow the example set by other buildings within the 'CityBlock' portfolio. These buildings are highly-insulated to reduce energy demand and to reduce noise transmission. Energy-efficient lighting will be provided throughout and the applicant has indicated that there is the potential for a Combined Heat and Power (CHP) system.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The application site in its current state does little to enhance the Conservation Area or the setting of nearby Listed Buildings. In fact, it provides a poor impression of Lancaster when approaching the city from the south. This proposal has been worked up in conjunction with the Places Matter NW Design Review Panel, Lancaster Civic Society and the Local Planning Authority. This pre-application work has greatly assisted the applicant insofar as the submitted scheme has satisfactorily addressed the concerns raised and is acceptable subject to conditions.

Recommendation

Subject to the Air Quality Assessment being completed and its conclusions deemed to be acceptable by Environmental Health, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans – list
3. Materials (including finishes and colours) –
 - stone (including mortar, pointing and coursing);
 - windows and doors (including parking bays screens);
 - cladding;
 - shopfront glazing;
 - roof (including trims and soffits);
 - balcony floor surfacing; and
 - surfacing treatments
4. Details –
 - window and door setbacks;
 - internal rainwater details;
 - stone panel joint finishes;
 - floor edge trims;
 - roofing detail;
 - parapet detail; and
 - balustrade and balcony detail floor surfacing
5. Programme of archaeological work
6. Construction management plan
7. Reinstatement of public highway to County Council's standards
8. Hours of demolition, construction and fit-out, including associated deliveries (Mon to Fri 0800-1800 and Sat 0800-1400 only)
9. Contaminated land conditions
10. Hours of deliveries (0800 to 2000)
11. Travel Plan
12. Car parking spaces – spaces 1 to 3 to be implemented prior to student accommodation being first occupied and management scheme required restricting their use for drop-off/pick-up facilities and maintenance vehicles associated with the student accommodation (including maximum stay periods and enforcement penalties); and spaces 4 to 8 to be implemented prior to retail unit being first occupied/open for trading and management scheme required restricting their use for the retail unit's customers only (including maximum stay periods and enforcement penalties)
13. Delivery bay – implementation prior to retail unit being first occupied/open for trading and management scheme required restricting its use for commercial deliveries in association with the retail unit only and ensuring access/egress of vehicles occurs in forward gear
14. Landscaping scheme and maintenance

15. Cycle and refuse storage
16. Student accommodation only
17. Submission and implementation of a Management Regime/Plan for student units
18. Details of energy-efficiency measures to be agreed and implemented
19. Scheme of noise mitigation measures
20. Scheme of air quality mitigation measures
21. CCTV
22. Landscaping scheme for the internal courtyard
23. External lighting

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The proposal complies with the relevant policies and provisions of the Development Plan and on consideration of the merits of this particular case, as presented in full in this report, there are no material considerations which otherwise outweigh these findings. The local planning authority has provided advice during the pre-application stage of the process in accordance with Paragraph 189 of the National Planning Policy Framework, and the applicant's subsequent proposal has taken that advice into account. As a result the local planning authority and the applicant have positively and proactively addressed the issues to enable permission to be granted.

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