

Agenda Item A6	Committee Date 7 April 2015	Application Number 14/01277/FUL
Application Site 49 China Street Lancaster Lancashire	Proposal Erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats (C3) above	
Name of Applicant Ashby Properties	Name of Agent Mr Michael Harrison	
Decision Target Date 10 April 2015	Reason For Delay N/A	
Case Officer	Mr Andrew Holden	
Departure	No	
Summary of Recommendation	Approval	

(i) **Procedural Matter**

This form/scale of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Brookes for the application to be determined by Planning Committee. The reason for the request is because it is considered the application warrants examination over the introduction of new residential accommodation immediately next door to a well-established music venue and the associated Environmental Health interests of the development.

1.0 The Site and its Surroundings

1.1 The application site is located on China Street, Lancaster close to the junction of Market Street and Meeting House Lane. The site lies between 'The Pub' public house and the rear of 58 Market Street, currently occupied by JDG estate agents and lies within the Lancaster Conservation Area. The site is a vacant plot following the demolition of 49/51 China Street over 30 years ago. The original buildings were two storeys in height; the shadow of the roof form being clearly visible on the gable of 'The Pub' and the rear wall of 58 Market Street. All neighbouring properties are stone-built but of significantly different age. The terrace of properties (38-58 Market Street) are Grade II Listed buildings. The Pub, 47 China Street, is not listed but is considered to be a key townscape building capable of being locally listed.

1.2 The Pub presents a three storey blank gable to the application site with a small yard to the rear. Properties on Market Street rise to low three storeys and have rear windows at first and second floor with foul drainage pipes to the rear wall of 58 Market Street. A small toilet is present at the rear of the site abutting a low single storey outrigger running across the full width of the plot. The single storey outrigger is a recent reconstruction which serves the Cancer Research shop on Market Street. The outside toilet is understood to be available for the units at 54 and 56 Market Street.

2.0 The Proposal

2.1 The application is seeking to erect a three storey building (including fourth floor accommodation within the roof space) for a mixed use with commercial shop/office on the ground floor and 2 two-bed flats on the upper floors. The first floor provides for a two bedroom unit including a large

kitchen/living area to the front of the building. The top floor unit lies over two floors with a large kitchen/living area and small double bedroom on the second floor. An internal staircase leads to a large double bedroom within the roof space with headroom being provided by a lead roofed dormer spanning almost the full width of the main building. Access to the upper floors and the rear yard to the neighbouring shop units fronting Market Street is gained via a combined stairwell and corridor area.

- 2.2 Externally, the building has been broken down to reflect the small frontage widths present in Lancaster and acknowledgement of the historic form of the site comprising two buildings. The main building (over two thirds of the plot width) houses the commercial and residential units is built over four floors including the roof space. The remaining plot contains the access to the upper floor flats and a through route for the occupants of the commercial properties fronting Market Street to gain access to a small rear yard and a staff toilet. The design approach for the two elements differ significantly, providing movement in the roofscape and height to complement the respective neighbouring buildings. The upper floor access and link corridor is built over two and half storeys with an external appearance which visually links it to the adjacent 58 Market Street. The frontage is built of ashlar coursed stone with a simple slate roof above. A formal entrance door with stone surround and pediment is provide on the ground floor and a long staircase window above. This provide light to a two storey stairwell.
- 2.3 The main building is built of ashlar course stone on the ground floor. The upper floors are proposed to be rendered with stone surrounds to vertical sash windows. The main wall terminates with a parapet detail similar to the adjacent public house building. Set behind the parapet is a full height dormer with a glazed frontage above parapet level and a flat leaded roof. The dormer is set into a slate roof with gable parapet.
- 2.4 A simple string course running at the first floor level provides a break between the ashlar stone at ground floor and the render above. This string course detail is picked up from a similar detail within 'The Pub' frontage and is carried through into the lower section of the new build.

3.0 Site History

- 3.1 The site has a very limited planning history with the original buildings on the site (49/51 China Street) having been demolished and the site cleared over 30 years ago. The site has remained open and vacant since its demolition. Planning consent was granted in 2003 under 03/01163/FUL for the construction of a 3 storey building for shop/offices (A1 and A2 uses). The form, scale and appearance of the approved building is closely mirrored in the current application.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to conditions for a Construction Management Method Statement and its implementation, and reinstatement of footpaths
Environmental Health	Further information required Noise - Comments raised over the potential for noise impact upon the development due to proximity of a number of existing commercial uses and the one-way system, so need for a Noise Assessment to be submitted and impact considered. Air Quality - Concerns have been raised over the model predictions contained within the assessment. These are being revisited and formal comments will be available at the time of the Committee meeting Suggested conditions include hours of construction, unforeseen contamination and as may be required via the Noise and Air Quality Assessments.
Conservation Officer	Support - considers that the proposal will create an enhancement to the Conservation Area and streetscene with the vacant site and the gap in the terrace being filled.
Lancaster Civic Society	Support - welcomes proposals to develop this long derelict, empty site
County Archaeology	No objection subject to a condition requiring any groundwork associated with the development of the site should be carried out under archaeological supervision.

United Utilities	No objection
City Contract Services	Support for the revised ground floor layout incorporating cycle and refuse storage area following an original objection as the initial scheme had not considered waste storage or collection for the flats.
Parking and Administration	The applicant should be advised that the occupiers of the property will not be eligible for residents parking permits for the Lancaster City Council Residents Parking Scheme – Central Zone A

5.0 Neighbour Representations

- 5.1 To date 4 letters, including a letter from the neighbouring landlady of 'The Pub' public house, have been received. Whilst generally supportive of the infilling of the gap site concerns raised over the introduction of a residential use immediately alongside a thriving music venue and that the introduction of such a use could severely prejudice the operation of the neighbouring public house. Additional concerns have been raised that the residential occupation of the building could raise traffic problems due to the lack of off-street parking and a need to service the accommodation.
- 5.2 In addition to the individual comments an online petition has also been provided. At the time of writing the report the petition contained 863 signatures. An update of the number of signatures will be provided at the Committee meeting. The preamble to the petition reads:

This petition is to raise objections to the proposed development of the land next to The Pub, Lancaster. The proposed development will include domestic residences. If these are built the surrounding area, which includes The Pub will be re-classed as a residential area. This means that anyone living in these flats will be able to complain about any excessive noise in the area and this could very well mean an end to what we all love - live music at The Pub.

6.0 Principal National and Development Plan Policies

- 6.1 National Planning Policy Framework (NPPF)
 Paragraphs **7, 14** and **17** (Sustainable Development and Core Principles)
 Paragraphs **50-51** (Choice of Homes)
 Paragraphs **56-57** (Requiring Good Design)
 Paragraphs **64** (Requiring good design)
 Paragraphs **128-129, 131, 137** and **141** (Conserving and enhancing the historic environment)

Lancaster District Local Plan
E37 (Key Townscape Feature)

Lancaster Core Strategy
SC1 (Sustainable Development)
SC2 (Urban Concentration)
SC4 (Meeting the Districts Housing Requirements)
SC5 (Good Design)
E1 (Environmental Capital)

Development Management DPD
DM30 (Development Affecting Listed Buildings)
DM31 (Development affecting Conservation Areas)
DM32 (The setting of Designated Heritage Assets)
DM35 (Key Design Principles)
DM37 (Air Quality Management and Pollution)
DM41 (New Residential Dwellings)

7.0 Comment and Analysis

- 7.1 The main planning issues to be assessed in the determination of this application are as follows:
1. Whether the principle of the development for a commercial A1/A2 unit and residential accommodation on the site complies with local and national planning policy;

2. Whether the proposal has considered the significance and the impacts upon heritage assets and whether the design of the development subsequently respects the character and fabric of the area;
3. Whether the relationship with neighbouring properties is acceptable; and
4. Whether the development provides an acceptable standard and form of accommodation for future occupants, including appropriate provision for refuse storage and means of access in compliance with local and national planning policy.

7.2 Principle of Development

7.2.1 Given that the proposal involves the creation of student accommodation it is considered that it needs to be judged against the requirements of Policies SC1 and SC4 of the Core Strategy and the Core Principles DM30-35 of the Development Management DPD and Section 6 of the NPPF. It is contended that the development will essentially meet the requirements of these policies for the following reasons:

- The proposed building is located in a highly sustainable location in the main urban area of Lancaster with access to main services;
- The principle of developing on this historic gap site within an otherwise built up frontage would positively contribute to the vitality of the city centre and the appearance of the Lancaster Conservation Area; and
- The provision of residential accommodation will positively contribute to meeting the District's housing needs and aid the current evidenced shortfall in housing provision within the Lancaster District.

7.3 Design and Impact upon Heritage Assets

7.3.1 Whilst the NPPF places a strong emphasis on the presumption in favour of sustainable development and places significant weight on the need to support sustainable economic growth, it highlights that sustainable development has three roles; an economic role; a social role and an environmental role and that these roles are mutually dependent. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environments, as well as in people's quality of life. The Core Strategy equally places a strong emphasis on ensuring new development achieves quality in design (policy SC5), is integrated with the character of the townscape (policy SC1) and protects and enhances Conservation Areas/Listed buildings (policy E1). The Development Management policies DM30, DM31, DM32 and DM35 confirm this position

7.3.2 The site occupies a prominent position in the city centre within the heart of the Lancaster Conservation Area. The site has been vacant for a long time following demolition of the original buildings. The plot is currently a gap in the otherwise built up frontage to China Street and has been awaiting a scheme for in-filling for some time. Neighbouring buildings are either Listed in their own right or are identified as Key Townscape Features within the Lancaster District Local Plan. The whole area lies within the Lancaster Conservation Area and would be significantly enhanced by the development of an appropriate 'in-fill' building, a view shared by Lancaster Civic Society and the Conservation Officer.

7.3.3 The principles of the scale and general form of an infill in this location has been previously explored and negotiated under planning consent 03/01163/FUL and its associated Listed Building consent, 03/01164/LB approved in October 2003. The current application closely follows the design and massing approach approved in 2003. The frontage of the plot has again been broken down to complement and respect adjoining buildings and reflect the historic plot sizes present in much of Lancaster.

7.3.4 The building form has acknowledged its relationship to the adjacent Listed buildings with the development introducing sloping roofs and lower sections of building to maintain open aspects to the rear windows to the properties on Market Street. On a practical level, the building has been designed to be freestanding and not to introduce any structural loading onto either of the neighbouring buildings. The roof elements will be flashed into the neighbouring building to prevent water egress and the walls will abut each of the adjacent buildings to form a visually continuous frontage.

7.4 Relationship with neighbouring properties

- 7.4.1 As outlined earlier in the report the current scheme closely resembles the scale and form of a previously approved scheme in 2003 although this sought consent for commercial over three floors (ground floor retail/office and upper floor offices). The rear roof form has been designed to ensure rights of light are respected to the properties on Market Street. The historic building form present a building along the full depth of the plot alongside 'The Pub', an approach repeated in the 2003 consent. This scheme has reduced the depth of the built form allowing for an open rear yard and improving the relationship to the rear beer garden to the adjoining public house.
- 7.4.2 Properties on Market Street are also understood to enjoy historical rights (based on the historical form of the original buildings) along the rear of their buildings. Whilst not directly a planning issue, the scheme has been designed to ensure that these rights are protected with an access and corridor running immediately along the rear of the Market Street buildings. Overall, the relationship of the proposed building to the existing neighbours is considered acceptable.
- 7.4.3 Concern has been raised by a number of individual objectors including the licensee of the neighbouring public house in addition to an online petition that the scheme, if approved for residential occupation on the upper floors, will be detrimental to the operation of the public house. The licensee commented that her property was chosen in particular because of its separation from residential units. She goes on to state that the original scheme approved in 2003 sought only commercial use and the development of upper floor residential uses will lead to complaints over noise generation and the cessation of the use of the public house as a live music venue which would be detrimental to its viability.
- 7.4.5 Comment has also been raised by Environmental Health over the potential for noise impact upon the development due to proximity of a number of existing commercial uses and site location on the one way system. It is considered that the application should be supported by a Noise Assessment to fully assess noise levels in the area and potential measures required within the built form of the development to mitigate any impacts.
- 7.4.6 Informally Environmental Health has indicated that it is anticipated that noise mitigation measures can be satisfactorily built into the new scheme to enable satisfactory living standards to be provided within the new units. Mitigation measures could include additional acoustic protection in the walls, and the introduction of mechanical ventilation system into the building to negate the need to open windows. The freestanding approach to the construction of the new build will also complement acoustic control, limiting the transmission of sound through the structure. The introduction of mechanical ventilation would also complement potential air quality issues as the site lies within the Air Quality Management Area.
- 7.4.7 Updates will be presented verbally to Committee following receipt of the requested Noise and Vibration Assessment and analysis by Environmental Health along with any conditions required to ensure an appropriate level of amenity can be maintained for residential occupiers of the building.

7.5 Standard of Accommodation

- 7.5.1 The application is seeking to provide a new self-contained commercial unit at the ground floor fronting China Street but close to the main commercial area on Market Street. The unit will provide for 63 sq.m of retail/financial services space along with independent toilet and 'brew room'. Access will be compliant with the provisions of the Equality Act (i.e. a level threshold). The development is considered to complement the existing commercial outlets in the immediate area.
- 7.5.2 As outlined earlier in the report, the scheme seeks to develop 2 two bedroom self-contained residential flats, one on the first floor and the other in the form of a maisonette on the second floor and roof space. Access to the flats is gained from a dedicated stairwell which has an access from China Street. The new entrance also provides a direct route to the rear of the Market Street properties and a staff entrance into the commercial unit.
- 7.5.3 The floor areas of the units are considered to be spacious, providing accommodation with floor areas of the main living space being over twice that set out as a minimum in the Appendix of the DM DPD for flat conversions. All the bedrooms are double in size, again well in excess of minimum requirements of the flat conversion standards. As the proposal is new build, the development should

not be directly considered against the flat conversion standards in the Appendix but it provides a useful comparison to consider proposals for new development against.

7.5.4 The main living areas are located to the front of the development with open aspect onto China Street. The rear of the property contains the bedroom windows. The rear of the building has a close relationship to the rear outrigger of the Cancer Research building but as this is only single storey, the bedroom windows at first and second floor have an open aspect across the rear of the Market Street properties and obliquely to Music Room Square. The upper floor bedroom has windows facing China Street, these taking the form of a wide dormer window.

7.5.5 As originally submitted the scheme lacked suitable storage area for cycles or refuse. Following discussions with the agent, the scheme has been revised to slightly reduce the ground floor area of the commercial unit to provide suitable storage space. The store room has been designed to accommodate two cycles and up to four wheeled bins. This area will be available to all occupants of the building.

7.5.6 Overall, the standard of accommodation to be provided is considered to be adequate.

7.6 Other Matters

7.6.1 Highways – The proposal has not raised objection from the Highway Authority. The Highway Officer has acknowledged that the site is located in the city centre where ready access is available to most services, including public transport. Therefore parking is not a requirement in this location. However, on a practical level, the site lies immediately alongside China Street, part of the city's one-way system and detailed consideration will be required over the approach to be taken to the construction of the building to ensure the maintenance of free flow traffic movements. It is considered that this can be suitably controlled by planning condition seeking the submission, agreement and implementation of a Construction Management Method Statement along with the reinstatement of the pavement fronting the site should damage occur.

7.6.2 Archaeology – County Archaeology has highlighted that the site has been the subject of limited archaeological investigation in 1979 following the demolition of the buildings which stood on the site. The investigation resulted in some finds relating to historic buildings and locally based pottery. However, the investigation only comprised of a single trench measuring 5m x 3m and it is considered that the site has the potential for further such remains. Consequently it is considered that any groundwork associated with the development of the site should be carried out under archaeological supervision. This could be suitably addressed via condition.

7.6.3 Air Quality Management Assessment – the submitted assessment has raised queries from Environmental Health as the predicted levels of pollutants within the assessment appear to conflict with known readings within the area. The 'canyon' effect of the street makes precise prediction difficult. However, the consultants are to reconsider the predicted levels and provide a more detailed account for examination by Environmental Health. At worst, the scheme will require the introduction of a mechanically ventilation air flow system which is not an uncommon approach to take with the Air Quality Management Area. The precise details of the assessment along with the comments of Environmental Health should be available at the time of the Committee and will be verbally presented along with any additional conditions that may be required.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The scheme represents a much-needed opportunity to infill this longstanding gap site in the heart of the Lancaster Conservation Area with the ability to provide significant improvement to the appearance of the streetscene and wider area. Subject to precise conditions over materials and finishes, the built form of the building is considered to be sympathetic to its surroundings and will complement the area.

9.2 The proposal has raised concerns over the potential impacts upon commercial operations in the area. Detailed assessment of the standard of amenity for the residential occupiers has yet to be

provided by the applicant to Environmental Health and will form part of a verbal update at the time of Committee meeting. However, it is anticipated that an appropriate standard can be achieved in the context of the current commercial operations in the area, and subject to appropriate conditions the application should be supported.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Development to be in accordance with the approved plans
3. Amended ground floor (Cycle and Refuse store)
4. Use of Ground floor unit limited to A1 or A2 only
5. Cycle/refuse store to be provide prior to occupation and maintained
6. Programme of archaeology works - scheme of investigation
7. Quoin details to be introduced on the northern corner of the building frontage (match the south)
8. Hours of construction (0800-1400 Mon to Fri and 0800-1400 Sat)
9. Unforeseen contamination
10. Construction Management Method Statement (CMMS) to be submitted
11. Works to be undertaken in accordance with agreed CMMS
12. Footpath reinstatement to be undertaken prior to occupation, if required
13. Samples of natural stone, natural slate, render, rainwater goods and framing to shop front and dormer windows
14. Details of flat entrance door/surrounds on China Street
15. Details of staircase window
16. As required by EHO in respect of Noise and Air Quality mitigation

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 proactively worked with the agent in requesting further supporting information which has now positively influenced the proposal and has secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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.