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| Agenda Item A7 | Committee Date 7 April 2015 | Application Number 14/01278/LB |
| Application Site 49 China Street Lancaster Lancashire | Proposal Listed building application for the erection of a three storey building for mixed use comprising of ground floor shop/offices with two 2-bed flats above | |
| Name of Applicant Ashby Properties | Name of Agent Mr Michael Harrison | |
| Decision Target Date 29 January 2015 | Reason For Delay To determine concurrently with the associated change of use | |
| Case Officer | Mr Andrew Holden | |
| Departure | No | |
| Summary of Recommendation | Approval | |

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 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 on 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.

2.0 The Proposal

- 2.1 This application relates to the limited Listed building implications for the development being considered under the preceding agenda item, planning application 14/01277/FUL. As outlined above the building immediately abutting the open area of land is a Grade II Listed building, one of a row of late Georgian Townhouses on Market Street now made over to commercial uses.
- 2.2 Works to the Listed building comprises the abutment of the front and rear walls of the new build against the rear wall of 58 Market Street over two and a half storeys. The walls to the new build are to be designed as a free-standing structure with no load being taken by the rear wall of the Listed building or that of the neighbouring public house on the other side of the plot. The walls will abut the rear stone wall to Market Street with a simple flexible waterproof joint.
- 2.3 In addition, a short section a leading flashing will be introduced following the roof line of the new building to develop a watertight finish. The flashing will be within the rear stone wall of the Listed building.

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 |
|--------------------------------|--|
| 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 |

5.0 Neighbour Representations

5.1 To date 2 letters have been received, including one from the neighbouring landlady of 'The Pub' public house. Concerns have been raised over the introduction of a residential use immediately alongside a thriving music venue. It is considered that the introduction of such a use could severely prejudice the operation of the neighbouring public house.

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 Petition Background 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

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 Core Strategy

SC5 (Quality design)

E1 (Environmental capital)

Development Management DPD

DM30 (Development affecting Listed buildings)

DM32 (The setting of designated heritage assets)

DM35 (Key design principles)

7.0 Comment and Analysis

7.1 Design and Impact upon Heritage Assets (Listed Building)

7.1.1 As outlined earlier in the report, this application only relates to limited works to the Listed building. There will be very limited intrusion into the structure of the building, with the works limited to the flashing of the roof to the new building into the rear wall of 58 Market Street. No loading is to be taken by the existing building from the new build and the walls to the new build will only abuts the

rear wall of 58 Market Street with a flexible joint between the two. Precise details of these elements have not been provided but are considered to be sympathetic to the Listed building and can be adequately controlled by condition.

- 7.1.2 The setting of the building and the impact of the new development also needs to be considered. The communal entrance and stairwell have been set back to acknowledge the footprint of the original building. Whilst taller than the original structures on the site, the building design and roof form to the rear has been developed to safeguard rights present for the existing buildings on Market Street. It is considered that the need to protect of these rights to light and access has led to a design which also protects the setting of, and does not unduly dominate, the Listed row of townhouses on Market Street.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 Overall, it is considered that the proposal 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. The scheme is considered to respect the setting of neighbouring buildings including the Listed townhouse on Market Street. Subject to conditions to clarify the construction of the limited works directly affecting the Listed building, the application should be supported.

Recommendation

That Listed Building Consent **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Details of the abutment joint between the new build walls and the Listed building
3. Flashing details of the new build roof to the Listed building walls

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