

Agenda Item A11	Committee Date 5 th June 2015	Application Number 15/00271/LB
Application Site Galgate Mill Chapel Lane Galgate Lancashire		Proposal Listed building application for works to the Mill including removal of external lift and reinstated openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, creation of atrium and light well, insertion of rooflights, repairs to brickwork and repointing, glazed porch addition, creation of ramp and handrail, security gate, insertion of partitions, ceilings, air conditioning, lift, stairs, internal ramp and flues
Name of Applicant Mr Ayub Hussain		Name of Agent None
Decision Target Date 4 May 2015		Reason For Delay Officer workloads and committee cycle
Case Officer		Mrs Jennifer Rehman
Departure		No
Summary of Recommendation		Split decision to approve consent for majority of external works and refuse consent for the majority of internal works and external atrium lightwell.

1.0 The Site and its Surroundings

- 1.1 The application site is located at the northern end of Galgate beyond the main built-up part of the village within Ellel Parish, accessed off Chapel Lane. It forms part of the listed Galgate Silk Mill complex which comprises a number of buildings but predominately consists of a former corn mill that was converted to a silk spinning mill in 1792 on the west side of Chapel Lane and the large mill dating 1851-2 on the east side of Chapel Lane. The application site relates solely to the large five-storey brick built mill and chimney on the east side of the road and not the attached buildings around it. The application building, like the other mill buildings in the immediate area, are grade II listed (under 2 separate listings). Ellel House sits alongside the northern boundary of the mill complex and is also grade II listed, along with St John's Church which is situated north of Ellel House. Collectively this group of listed buildings form a small historic core in the northern part of the village.

2.0 The Proposal

- 2.1 Listed building consent is sought for various works to the Mill including the removal of external lift and reinstatement of openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, repairs to brickwork and repointing to the building including the chimney, glazed porch addition, creation of external ramp and handrail, security gate, creation of atrium and light well, insertion of rooflights, insertion of partition walls, new ceilings, air conditioning, lift, stairs, internal ramp and flues.
- 2.2 This listed building application is a resubmission of a previously refused listed building application. The reason for refusal is set out on the decision notice that forms one of the background papers.

There have been some modest amendments to the scheme following this refusal namely the retention of the external fire escape to the east elevation and the retention of the railings/wall to the west elevation facing Chapel Lane.

- 2.3 The application makes reference to resurfacing, parking arrangements and the provision of a cycle stand. These elements do not require the benefit of listed building consent and have not been considered. Similarly like for like repairs would not require the benefit of listed building consent. The application indicates that there would be structural like for like repairs to the floors.
- 2.4 Members should be aware that the corresponding change of use application to provide 107 student studio apartments with communal/leisure facilities and museum has been lodged with the Planning Inspectorate, though no formal start date has been received. The Planning Inspectorate have confirmed that the appeal would be via Informal Hearing.
- 2.5 This listed building application is to effectively facilitate the applicants proposed use for the building, though certain works proposed under this listed building application could be carried out irrespective of the use of the building, i.e. that are not intrinsically linked with the proposed change of use.

3.0 Site History

- 3.1 The most relevant planning history is reported in the table below.

Application Number	Proposal	Decision
14/01048/LB	Listed building application for works to the Mill including replacement windows, repointing work, replacement of defective brickwork, refurbishment of guttering, installation of conservation rooflights, glazed entrance, safety door and access ramp, repairs and relocation of railings to pavement, various internal works to false ceilings, partitions, steps/staircases and flooring, partial removal of external rear fire escape and removal of external lift	Refused
14/00989/CU	Change of use, conversion and alterations of a mixed use showroom/warehouse with associated storage and office accommodation into 107 student studio apartments (use class C3) with associated communal facilities, a silk weaving museum (D1), cafe (A3), erection of a bicycle shelter and porch extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Conservation Officer	<p>No objections to the proposed listed building works or the principle of student accommodation.</p> <p>They are supportive of a scheme which could see the building brought back into use and ensure its long-term future. However the Conservation Officer acknowledges that this application deals with listed building matters rather than the principle of the change of use.</p> <p>Comments that the lack of information provided with the previous listed building application has been addressed and that the majority of works proposed are acceptable subject to conditions. The Conservation Officer does however raise concerns over the impact of the extent of the sub-division on the buildings open-plan nature but indicates that if it is concluded via the relevant change of use application that the number of apartments proposed is the only financially viable option for the building, and a robust case is made, then the Conservation Officer</p>

	considers that the benefit of securing the buildings optimum viable use would outweigh the less the substantial harm caused by the extent of subdivision and formation of the atrium.
Civic Society	The Society welcomes the additional information provided but maintains concerns over the layout and density of rooms provided. The Society goes on to discuss how a mixed use scheme would be more appropriate.
County Archaeology	No objections subject to an archaeological recording condition being imposed on the listed building consent if the LPA are minded to approve.

5.0 Neighbour Representations

5.1 At the time of compiling this report 25 representations from the public have been received. Of these 22 were in support of the proposal and 3 against. The reasons for support/opposition are summarised as follows:

Support:

- The mill as it stands is an eyesore and attracts vandalism and deterioration
- Its redevelopment would improve the area and secure its long term use
- Preservation of an important heritage building
- Good design
- Accessible location
- Economic and community benefits
- Good for local shops/pubs
- This LB application resolves previous refusal reasons
- Disappointment that there remain objections to the application
- Fully support the museum element of the scheme
- Suitable use for the Mill given proximity to the University
- Removal of unsightly modern metal lift shaft
- All of the work proposed will be needed whatever the use
- Disappointment with previous refusals – surely the most important this is the preservation of the historical site

Objection:

- Adjacent landowner disputes legal rights of access (not a planning consideration)
- The proposal is the same of that previously refused by the local planning authority
- Objection on the grounds the future use of the mill is not clear
- Internal design is not appropriate for a listed building
- Traffic concerns and parking problems

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Paragraph 17 – Core Principles

Paragraphs 56, 58, 61, 64 – Good Design

Section 12 (paragraphs 128, 131 – 134) – Conserving and enhancing the historic environment

Paragraphs 188-190 – Pre-application engagement

Paragraphs 196-198 – Determining planning applications

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development

6.3 Development Management DPD

DM8 – Re-use and Conversion of Rural Buildings

DM30 – Development affected Listed Buildings

DM32 – Setting of Designated Heritage Assets

DM35 – Key Design Principles

7.0 Comment and Analysis

- 7.1 The NPPF states that when considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the assets conservation. Similarly, the local planning authority in exercising its planning function should only grant listed building consent subject to the following condition set out in s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as the 1990 Act) *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Paragraph 132 of the NPPF seeks to express the statutory duty set out in s16(2) of the 1990 Act. How the presumption is applied is covered in the following paragraphs of the NPPF, though it is clear that the presumption is to avoid harm. The exercise is still one of planning judgment but it must be informed by the need to give special weight to the desirability to preserve the heritage asset.
- 7.2 The applicant has submitted a revised listed building application for various works which are by in large similar to those proposed under the recently refused listed building application, though there are some modest amendments as set out in the proposals section of this report. One element of the earlier refusal reason was that insufficient and inconsistent information had been submitted. The Council's Conservation Officer is now satisfied that sufficient information has been submitted to properly assess and understand the potential impact and acceptability of the development proposals on the significance of the heritage asset, as required by national and local planning policy.
- 7.3 The applicant has not submitted a revised change of use application addressing the previous reasons for refusal (see background paper) and as such the local planning authority should consider the merits of the listed building application on the basis that there is no change of use permitted for an alternative use (such as student accommodation) at this time. As part of the determination of this listed building application the local planning authority are not considering whether the applicant's intended change of use is acceptable or not. This is a matter to be determined via a formal application for planning permission not listed building consent. Some of the public representations make reference to the proposed use of the site – these comments are not material to the determination of this listed building application. Officers are therefore mindful that some elements of the applicant's proposal are intrinsically linked to the recently refused student accommodation scheme which will affect our consideration of whether or not such work would be appropriate and acceptable to be granted listed building consent. The proposal also seeks listed building consent for works that are not intrinsically linked to the applicant's proposals for student accommodation and are works that could be carried out irrespective of the use of the building.
- 7.4 The application has been submitted with supporting documents which relate to the pending listed building application but also the change of use proposal recently refused and appealed. The Council has already determined the applicant's proposals for planning permission and based on the information provided at the time of determination the applicant's change of use proposal was not considered acceptable for a number of reasons (see attached background document).
- 7.5 The submitted Heritage Statement together with other supporting documents and plans, satisfies Officers that the applicant has appropriately assessed the significance of the Mill in accordance with paragraph 128 of the NPPF. The submitted assessment concludes that *‘the Galgate Mills complex as a whole can be defined as being of Outstanding Significance, incorporating a wide range of structures, of differing rarity and survival, with an extremely high group value and archaeological potential. The buildings represent a very rare survival of a silk-spinning complex within Lancashire, and potentially incorporate elements of the earliest surviving silk-spinning factory in the country’*. Officers have no reason to dispute this assessment and agree that the Mill is of outstanding significance and that its long-term future is important to the village and district as a whole. Officers also agree, as they have done previously, that finding an appropriate sustainable end use for the mill for future generations to enjoy is important, though this is a matter to be assessed and examined via the relevant application for planning permission.
- 7.6 The submitted heritage statement confirms that those elements of the building considered *outstanding significance* are the external elevations of the main mill, the boiler house, warehouse range and chimney. Elements of the main mill considered *great significance* are the internal

columns and upright shaft bearings and elements considered *some significance* are the engine bed, privy tower, fire-fighting apparatus (including the fire escape), bearing boxes and the window frames. There are elements of the main mill which are considered to be of *lesser significance*. These include the ceiling beams, floorboards, the lean-to extension, wright-iron railings, personnel tunnel and internal spiral staircase. The *negative* elements include the external lift tower to the south side of the mill and internal partitions.

- 7.7 The applicant's proposal seeks to retain, repair and enhance the elements of the building considered *outstanding* or of *great significance* and proposes to remove some elements described as negative elements, namely the external lift tower. The Council's Conservation Officer has confirmed that many of the external works proposed will involve repairing the historic fabric which clearly represents a major conservation gain. The greatest external intervention will be the replacement of the windows. Additional information has been provided in relation to the windows since the last refusal of listed building consent. This information confirms that due to the condition of many of the windows which are beyond repair, replacements windows are proposed of a design that reflects the appearance of the original windows - albeit double glazed with improved thermal/acoustic properties. These will be painted timber and non-opening. The Conservation Officer is generally satisfied with the information provided but would recommend a condition for full window construction details including a sample. Given the importance of the building this is considered a reasonable request.
- 7.8 With regards to other external works, the proposed application seeks to reinstate and conserve the original lead hoppers and down pipes to the front and north elevations. To the other elevations replacement cast metal hoppers and downpipes are proposed. The application also seeks to repair the external brickwork and re-point in lime mortar. The water tank shall be capped at the top and refurbished and painted a colour to be agreed with the local planning authority. The proposal also seeks to reinstate the front loading doors and side lift shaft openings as original using reclaimed materials. The existing railings and wall along the western elevation of the mill were previously proposed to be set back to enable the footpath to be widened. This listed building application now seeks to reinstate them and leave them in situ to avoid any potential damage to the historic fabric of the mill. The proposal does however seek to remove the infill material between the railings/wall and the façade of the building. The Conservation Officer has raised no objections to this from a heritage point of view. The issue over the loss of widening the footpath (highway issues) is a matter to be debated via the appeal or any future resubmission for planning permission for the use of the building. There is no reason not to support the proposed changes to the scheme in this regard from a heritage perspective. The application also proposes the removal of the external lift tower which is a clear benefit to the scheme.
- 7.9 In addition to the above external works, the application also seeks listed building consent for a small porch extension to the south elevation shown on drawings LB06/amended LB07. The extension is without doubt a subservient addition to the building designed to be a modern and lightweight addition to the mill (predominantly glazed). Its position set back from the front elevation also means it is discretely located and not at all dominant from Chapel Lane. Notwithstanding the details submitted the window glazing detail proposed to the south elevation of this extension could be improved by the insertion of two vertical glazing bars. This could be controlled by condition. The formation of a new entrance porch to the mill is not necessarily a requisite of the specific use the applicant has previously applied for and is subsequently appealing and could be provided for any potential use of the mill or indeed the existing use. On this basis, Officers are of the opinion the extension could be supported as part of this listed building application. The same would apply to the external ramp and railings proposed to the same elevation and the security gate.
- 7.10 The supporting information submitted (Condition report, March 2015) also indicates that the exiting roof to the lean-to extension to the east elevation is highly dangerous and in need of replacement. These works of repair can also be supported from a listed building perspective together with the replacement rooflights. The Conservation Officer requests a condition for full details of the new roof including timber structures, roof materials, verge/eave and rainwater goods to be submitted to the LPA for approval. The condition report also comments on the need for repairs to be carried out to the roof to prevent further water ingress. Details of the repair works and any replacement roof materials can be adequately controlled by condition and are not considered intrinsically linked with the applicant's proposed change of use which has recently been refused.
- 7.11 The remainder of the works proposed as part of this listed building application are considered to

be intrinsically linked with the applicants recently refused change of use proposal to provide an extensive student accommodation development. The applicant has submitted supporting documentation which relates to the proposed change of use. The local planning authority can only consider whether the proposed works are acceptable or not from a listed building perspective. Equally, the local planning authority must be mindful that granting listed building consent for works which have not been appropriately justified via an appropriate application for planning permission would be inappropriate. The local planning authority's position on the change of use application was clear and its decision to refuse was considered reasonable and appropriate in the circumstances. The applicant contends that the proposal is the only viable option and that the LPA's decision to refuse was unreasonable and unsubstantiated and have therefore appealed the Council's decision. The applicant is perfectly within their rights to appeal. The LPA will defend its reasons as and when the appeal for the change of use proposal commences.

- 7.12 The principal internal works which are considered to be intrinsically linked with the proposed change of use include the sub-division of the large open-plan floorplates to accommodate 107 studio apartments and association accommodation, the incorporation of new ceilings, associated mechanical ventilation systems and the provision of a central atrium which involves the removal of original floors and the insertion of a glazed atrium light well to the roof. It is accepted within the applicant's own submission that the internal partitions are negative elements with little or no intrinsic interest that can be considered to have an adverse impact on the historic character of the building. Similarly that the most significant intervention would be the removal of limited sections of the upper floors to create the atrium. Whilst the applicant's submission indicates such impacts need to be balanced against the benefits afforded to the refurbishment of the mill, at this time there is no planning permission in place for its redevelopment. The only application received for the mill's redevelopment has recently been refused and so the benefits described in the application (securing an end use) cannot be given significant weight. In terms of the degree of harm, it is accepted that in accordance with the NPPF the works proposed that are considered to be intrinsically linked to the refused change of use, would lead to less than substantial harm to the significance of the heritage asset and so paragraph 134 of the NPPF applies, which states that this harm should be weighed against the public benefits of the proposal. Public benefits could include securing the optimum viable use of the heritage asset.
- 7.13 The submitted application suggests that the only viable use for the mill is for residential purposes. From a conservation perspective, there are no objections to the principle of student accommodation in the mill. However, the supporting information submitted does not make a clear or robust case that the proposed development is the optimum viable use for the mill nor does the applicant make a clear case for enabling development - though both matters would need to be addressed via the relevant change of use application/appeal. In which case, whilst the conservation officer has indicated if such a case was made and accepted (by the LPA or Planning Inspectorate) via the relevant application for planning permission, securing the opinion viable use would outweigh the less than substantial harm caused by the internal interventions and alterations to the listed building.
- 7.14 At this time, however, the LPA cannot conclude that the proposals for the use of the building is the optimum viable use. In which case it would be premature to accept the proposed internal alterations which have been identified by the Conservation Officer to lead to less than substantial harm. The large open-plan floor plates give a strong impression of the scale and special architectural and historic interest of the mill. The unjustified loss of these open-plan spaces through the introduction of negative additions to the building would lead to harm, albeit less than substantial harm. Whilst officers are supportive of a future proposal which could see this significant landmark building brought into a sustainable long term use, inadequate justification has been provided via the appropriate application for planning permission. As such without the public benefits of the proposal being realised at this stage paragraph 134 of the NPPF cannot be satisfied and the strong presumption to avoid harm set out in the 1990 Act cannot be fulfilled. This must carry significant weight in the determination of the application. On this basis, the internal works comprising the creation of atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new lift and staircase and internal ramp cannot be supported.
- 7.15 Generally applications for listed building consent that are so intrinsically linked with a proposed change of use would tend to be submitted together for a more complete and comprehensive assessment. The applicant has chosen to submit a listed building application for all the works

required to facilitate the change of use proposal the Council previously refused and so we find ourselves in a situation where it is only possible to grant consent to certain works and not to others. Despite the applicant have pre-application discussions with our Conservation Officer concerning the listed building elements of the scheme only, the applicant has chosen not to engage with the local planning authority in relation to the change of use refusal and a potential resubmission. It is anticipated that the applicant will appeal the refused element of this application alongside their existing appeal (yet to be confirmed with an official start date).

8.0 Planning Obligations

8.1 None.

9.0 Conclusions

- 9.1 It is understood from the supporting documentation that the Mill is generally structurally sound but is suffering gradual deterioration. The condition of the mill is a material consideration. Officers have therefore considered the applicant's proposals and have taken the view that the local planning authority could support various external works but not the proposed internal works and some external alterations such as the atrium light well at this time. Should Members support this approach, the recommendation is to issue a split decision; granting listed building consent for the external works and refusing consent for the internal works and atrium lightwell. This approach would enable the applicant to undertake certain external works to the listed building to prevent further deterioration to the fabric of the building should the applicant wish to and is able to do so. It is accepted that this may not be as easy as it sounds as funding the external works may be reliant on the securing a viable use for the building in order for the applicant to invest in the long-term conservation of the building. However, the granting of the external works would not prevent any delay (subject to conditions) if the applicant was in a position to undertake the works or had to undertake works in the interests of the safety of his property.
- 9.2 As noted above, securing a long-term sustainable end use for the mill is a matter to be determined via the relevant application/appeal for planning permission (change of use). Officers remain of the opinion that there is scope to develop the mill building which could still incorporate a proportion of student accommodation. What is not clear at this stage is whether or not the 107 student studios proposed under the recently refused change of use application (pending appeal), and the works proposed as part of this listed building application to facilitate the applicant's proposed change of use, is the only financially viable option for the building. Without understanding what the optimum viable use for the mill is (via the appeal or a resubmitted application for planning permission), the extent of internal works in particular the number of new partitions to be inserted, new ceilings, loss of floors structures to create the atrium and light well, would lead to harmful impacts. The statutory test set out in the 1990 Act seeks to avoid harm. This presumption against harm carries significant weight in the decision making process. Officers therefore contend that the internal elements (plus the atrium lightwell) proposed in advance of a proposed alternative use being adequately justified would have an adverse impact on the special architectural and historic character of the mill and would be considered contrary to policy DM30 of the DM DPD and paragraph 134 of the NPPF.
- 9.3 Members are recommended to approve listed building consent for external works (excluding the atrium lightwell) and refuse listed building consent for internal works and the atrium lightwell.

Recommendation

That a split decision is reached. In the first instance:

That Listed Building Consent for external works comprising removal of external lift and reinstating former openings, insertion of new windows, restoration and replacement of drainpipes and hoppers, repairs to brickwork and repointing, repairs to main roof, replacement roof to lean-to extension and new rooflights to east elevation/main roof (excluding atrium lightwell), glazed porch extension, creation of external ramp and handrail and new security gate **BE GRANTED** subject to the following conditions:

1. LB time Limit
2. Insofar as it relates to the approved works listed above, the development be carried out in accordance with approved drawings
3. Precise LB details to be submitted and agreed with the LPA:

- Precise window construction details/sample including colour and finish
- Details of brick and stone cill/head samples to reinstated openings
- Precise details repair methods to brickwork and roof (including mortar and pointing samples and any new roof covering materials)
- Treatment of openings/infilled openings to retained WC tower
- Schedule of repair/restoration of lead hoppers and downpipes and details of any new rainwater goods
- Schedule of repair and works to the railings/wall and infill to west elevation (between Chapel Lane and Mill façade)
- Schedule of repairs to fire escape (including colour and finish)
- Schedule of repairs to chimney
- Details of any new or repairs to external doors
- Schedule of repair to water tank (including colour and finish)
- Full construction details of new roof to lean-to extension to east elevation (including materials, verge/eaves and rainwater good details)
- New rooflights (excluding atrium lightwell) to main roof and lean-to extension
- Notwithstanding the details submitted, full details of the glazed porch extension (including the insertion of two additional vertical glazing bars to south elevation)
- Precise details of the external security gate to the south elevation
- Precise details of external ramp including retaining and coping, handrail and glazing

4. Archaeological Recording

In the second instance:

That Listed Building Consent for internal and external works comprising the creation of atrium and light well, insertion of internal partition walls, insertion of ceilings, air conditioning/ventilation systems with associated flues/plant, new lift, staircase and internal ramp **BE REFUSED** for the following reasons:

- 1) The proposed works would result in unjustified alterations to the building which would have a harmful impact on the special architectural and historic character of the grade II listed mill and would be considered contrary to policy DM30 of the Development Management DPD and paragraph 134 of the NPPF. At this time there is insufficient justification that the proposed works required to the listed building to facilitate 107 student studio apartments and with ancillary communal facilities and museum, as shown on the submitted plans, is the optimum viable use of the building. Without such justification the local planning authority cannot conclude that the harm identified would be outweighed by the public benefits of the proposal, including securing its optimum viable use.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with Article 35 of the Development Management Procedure Order, the Development Plan policies and other material considerations relevant to this particular application are those that are referred to in this report.

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant has taken advantage of this service with our Conservation Officer on specific listed building matters prior to submission, some elements of the resulting proposal are unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to liaise with the Case Officer in an attempt to resolve the reasons for refusal.

There are other elements of the proposal that are acceptable and so Lancaster City Council can grant consent for such works. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

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

1. Reasons for refusal of previous applications 14/01048/LB and 14/00989/CU