

# BACKGROUND PAPER FOR ITEM A5

Reasons for Refusal of Application 14/01048/LB

## REFUSAL OF LISTED BUILDING CONSENT

Application No. : 14/01048/LB

Applicant : Mr Ayub Hussain

Site Address : Galgate Mill Chapel Lane Galgate Lancashire LA2 0PR

Proposal : 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

Lancaster City Council hereby give notice that **LISTED BUILDING CONSENT HAS BEEN REFUSED** for the works set out in the application dated 1 October 2014, and described above for the following reasons:-

1. Insufficient and inaccurate information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and details relating to the retention of internal and external industrial features. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. From the information provided, the proposal would lead to substantial harm caused by the over-sub-division of the open-plan space. In the absence of a positive planning decision for the re-use of the mill to provide student accommodation, there is little benefit to the mill to outweigh this harm. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.

### ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER

Please see the attached statement which forms part of your decision notice.

Signed:



Date: 7 January 2015

Andrew Dobson Dip EP MRTPI PDDMS  
CHIEF OFFICER (REGENERATION & PLANNING)

Your attention is drawn to the notes to be read in conjunction with the notice of decision. A copy can be downloaded from <http://www.lancaster.gov.uk/documents/planning/decnotes.pdf>

Reasons for Refusal of Change of Use Application 14/00989/CU

**REFUSAL OF PLANNING PERMISSION FOR A CHANGE OF USE**

**Application No. :** 14/00989/CU

**Applicant :** Mr Ayub Hussain

**Site Address :** Galgate Mill Chapel Lane Galgate Lancashire LA2 0PR

**Proposal :** 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

Lancaster City Council hereby give notice that **PLANNING PERMISSION HAS BEEN REFUSED** for the change of use set out in the application dated 15 September 2014, and described above for the following reasons:-

1. The proposal will result in the loss of employment land within the rural area without it being demonstrated that securing employment use of the site is no longer appropriate or viable. It is also not considered that the benefits of the proposal would outweigh this loss and would therefore not lead to a sustainable form of development. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles and Section 3, Saved policy EC16 of the Lancaster District Local Plan, Policy SC1 of the Core Strategy and Policy DM15 of the Development Management Development Plan Document.
2. Insufficient and inaccurate information has been submitted to fully assess the impacts of the proposal on the fabric of the listed building, particularly in relation to the proposed alterations to the windows, details of the construction and internal appearance of the atrium and glazed porch extension, interventions required to provide appropriate ventilation and noise attenuation for the accommodation proposed and evidence to demonstrate the proposal is the optimum viable use for the building. In the absence of this information, the local planning authority cannot rule out potential harm to the listed building and could not exercise its duty to preserve the heritage asset. Furthermore, it is considered that from the information provided that the proposal would lead to some less than substantial harm to the building itself, such as the internal partitions, and harm to the setting of the listed building by virtue of the location and size of the proposal cycle storage facility and that the public benefits of the scheme would not outweigh the harm to the heritage asset when considered on balance with all the other concerns relating to the proposal. Subsequently, the proposal is considered contrary to paragraphs 128, 132 and 134 of the National Planning Policy Framework and policies DM30 and DM32 of the Development Management Development Plan Document.
3. The level of parking proposed for a development of this scale and kind in a location that suffers congestion and on-street parking and where access to alternative parking provision is unavailable, is likely to lead to increased on-street parking thereby exacerbating existing parking and congestion problems in the village, Chapel Lane and Hazelrigg Lane to the detriment to public safety and the operation of the local highway network. The lack of cycle parking provision and the inappropriately located cycle store would not overcome these concerns and would further discourage future occupants from choosing to use more sustainable transport modes, such as cycling. Subsequently, the proposed development is considered contrary to paragraphs 17 and 32 of the National Planning Policy Framework and policies DM35, DM20, DM22, DM46 and appendix D of the Development Management Development Plan Document.

4. The proposal will result in an unacceptable and poor standard of accommodation for a significant number of the studio apartments proposed in terms of the level of natural light and outlook that will be available to future occupants of the accommodation to the detriment of their amenity. Furthermore, the applicant has failed to provide sufficient evidence to convince the local planning authority that residential development physically adjoining and sitting adjacent to unrestricted industrial uses is appropriate or that sufficient, appropriate and practical refuse storage can be provided for a proposal of this scale. The proposal is therefore contrary to paragraph 17 and 123 of the National Planning Policy Framework and policies DM35 and DM46 and appendices D and F of the Development Management Development Plan Document.

**ARTICLE 31 – DEVELOPMENT MANAGEMENT PROCEDURE ORDER**

Please see the attached statement which forms part of your decision notice.

**ADVICE**

The Local Planning Authority wish to encourage the applicant to engage with the Development Management team and enter into pre-application discussions to resolve the reasons for refusal through additional information / amended plans.

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Signed:



Date: 7 January 2015

Andrew Dobson Dip EP MRTPI PDDMS  
CHIEF OFFICER (REGENERATION & PLANNING)

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