

Agenda Item A5	Committee Date 16 November 2015	Application Number 15/00091/FUL
Application Site Land To The Rear 38 To 42 North Road Nile Street Lancaster Lancashire	Proposal Erection of a 3 storey building for student accommodation comprising of one 3-bed cluster, one 4-bed cluster, two 5-bed clusters and five 1-bed studios	
Name of Applicant Bayt Ltd	Name of Agent Mr Michael Harrison	
Decision Target Date 20 October 2015	Reason For Delay N/A	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This application was deferred at the October Planning Committee to allow Members to undertake a site visit.

1.0 The Site and its Surroundings

1.1 This application relates to an area of mostly vacant land located to the rear of a terrace of three 3-storey former Georgian houses which front onto North Road within Lancaster City Centre. The site is currently divided by a large stone wall, to the south east of which is land associated with a planning approval in 2014 for the change of use of the upper floors of 38-42 North Road to student accommodation. This proposal also included a three storey rear extension. The site is accessed off Nile Street, which is a cul-de-sac mainly serving an industrial building to the north east of the site and the fire station to the north west.

1.2 The site is located within the Lancaster Conservation Area and to the south west is St. John's Church (1755) which is Grade II* listed. The adjacent buildings fronting onto North Road are also considered to positively contribute to the Conservation Area. There are no trees within the site, although there are some close to the boundary within the adjacent church yard. Along this boundary there is a concrete panel fence on approximately half its length, with a lower stone wall adjacent to this within the church yard. The remainder of the boundary comprises a larger stone wall, approximately 3m in height, which continues along the north western boundary with the fire station. This appears to be the remnants of a former building on the site. A small part of the site, closest to North Road, is within the Lancaster Air Quality Management Area (AQMA).

2.0 The Proposal

2.1 Planning permission is sought for the erection of a building to form student accommodation. It was originally proposed to be predominantly four-storey, with three and two storey elements, comprising five shared cluster flats and five separate studio flats. Following concerns regarding the scale of the development and the amenity of future residents, amended plans have been received which reduce the majority of the building to three storeys, maintaining a two-storey element. The level of

accommodation now proposed comprises four shared cluster flats and 5 studio flats.

- 2.2 The building is proposed to front onto Nile Street, set back from the main part of the carriageway, with a gate at ground floor in the centre of the elevation leading to an internal courtyard and access to the various parts of the accommodation. This external space is proposed to be shared with the previously approved and implemented student accommodation scheme in the upper floors and extension of the adjacent building fronting onto North Road. It is proposed to have shared bicycle and bin storage within this courtyard, and there will also be access from an existing underpass within the building fronting onto North Road.
- 2.3 The building would be three storey fronting Nile Street, comprising a gable and pitched roof slope extending up to the boundaries of the neighbouring properties to the north east and south west. To the rear of the gable, the building would extend up to the boundary with the church yard, resulting in windows predominantly facing south east onto the courtyard, with an additional three storey projection to the north west. An additional smaller three-storey gable projection is proposed to the rear of the pitched roof slope facing Nile Street, with a two storey element attached to this, extending towards the existing two storey extension at the rear of 38-42 North Road, leaving a gap of 1.9m. The building is proposed to be predominantly stone, with most of the north elevation finished in render, and the roof finished in slate.

3.0 Site History

- 3.1 There is no recent planning history on the whole of the site. However, there has been a proposal for the conversion of the upper floors of 38-42 North Road to student accommodation, which included a rear extension and the use of some of the application site for access, bicycle and bin storage. There has also been an application relating to the ground floor of this building. The relevant details are set out below:

Application Number	Proposal	Decision
15/00496/CU	Retrospective application for change of use of ground floor shop (A1) to mixed retail unit and professional services (A1 and A2).	Pending Consideration
13/01246/CU	Change of use of upper floors, demolition of rear outriggers, erection of three storey rear extension to provide for 10 student rooms and 1 self-contained studio, and alterations to shop front	Approved

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 requiring: a construction management plan; creation of a length of footway between the application site and Nile Street; details of secure cycle storage facilities.
Environmental Health	No objection subject to conditions requiring: standard thermal double glazing and ventilation; a preliminary risk assessment in relation to contaminated land; and standard contamination conditions.
Historic England	Whilst not objecting to the principle of development, they consider that the scheme causes harm to the setting of St John's Church through the scale of the development and its design. They welcome the reduction of the highest element of the building, but do not consider that the other concerns have been adequately addressed.
Conservation Officer	Concerns regarding the height, scale and massing of the building, including the overall footprint, in addition to some of the design elements given the proximity of the site to a II* Listed Building and location within the Conservation Area.
Lancaster Civic Society	Welcome the development of a near-derelict site and find the overall exterior design acceptable, with a sympathetic choice of materials. However, the height of the four storey element will dominate the adjacent Grade 2* listed St John's Church, especially when viewed from Chapel Street and North Road.

Georgian Society	No comments received within the statutory consultation period.
Churches Conservation Trust	No comments received within the statutory consultation period.
Tree Protection Officer	Object. There is significant potential to harm offsite trees and therefore careful assessment of the proposed development on neighbouring offsite trees must be undertaken in compliance to BS 5837 (2012) Trees in relation to design, demolition and construction.
Lead Local Flood Authority	Not listed in the 'When to Consult the LLFA' document or in the Development Management Procedure Order 2015.
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.
United Utilities	No comments received within the statutory consultation period.
Lancashire Constabulary	In order to reduce the risk of the types of crimes affecting the students living within the proposed development suggest various security measures.

5.0 Neighbour Representations

5.1 None received

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
Paragraph 32 – Access and Transport
Paragraphs 49 and 50 – Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 124 – Air Quality Management Areas
Paragraphs 131 – 134 and 137 – Designated Heritage Assets
Paragraph 135 – Non-designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design
SC6 – Crime and Community Safety

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM29 – Protection of Trees, Hedgerows and Woodland
DM31 – Development Affecting Conservation Areas
DM32 – The Setting of Designated Heritage Assets
DM33 – Development Affecting Non-Designated Heritage Assets or their settings
DM35 – Key Design Principles
DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation
Appendix F: Studio Accommodation

6.5 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Scale, design and impact on heritage assets
- Impact on amenity of neighbouring properties
- Standard of Accommodation
- Highway Safety
- Impact on trees

7.2 Principle of development

7.2.1 The use of the application site for student accommodation is acceptable in principle. It is situated in a central sustainable location, close to local services and facilities. It is also within walking distance of the Bowerham Campus of the University of Cumbria and close to good bus routes to Lancaster University. The need for student accommodation in the city centre is identified within the DM DPD and Policy DM46 sets out criteria by which proposals will be assessed.

7.3 Scale, design and impact on heritage assets

7.3.1 The site is located within the Lancaster Conservation Area and adjacent to the Grade II* St John's Church. It is to the rear of existing three-storey properties fronting onto North Road, although the site is visible from this road across the church yard. The proposal would cover a large proportion of the site, extending up to four of the boundaries. Although the proposal has changed in terms of scale and composition, the footprint is still similar to that originally proposed, with the building moved slightly off the boundary with the churchyard.

7.3.2 Given the importance of the adjacent listed building, Historic England has been consulted. St John's Church was possibly designed by Henry Sephton and was consecrated in 1755. The west tower was designed by Thomas Harrison and added in 1784, with minor alterations in the 19th and 20th century and the church is vested in the Churches Conservation Trust. It is designed in a Georgian style with urbane character and was built at a time of prosperity and expansion in the city of Lancaster.

7.3.3 In response to the original plans, Historic England raised concerns regarding the scale of the proposed development and the impact on the II* Listed church. They set out that, in a historic area such as Lancaster, there is a hierarchy of development with taller principal buildings to the main routes and smaller scale subservient buildings to the rear and that the proposed scale of the development runs contrary to this historic pattern. Historic England considered that the scheme represented an overdevelopment of the yard to the rear of North Road, which is overbearing to the eastern side of St. John's Church. They advised that this domination of the church would be alleviated by the reduction of the scale of the development by one storey and by the building being set back from the churchyard boundary. Concerns were also raised regarding the blank elevation to the churchyard which further emphasises the scale and overbearing qualities of the development and recommended that this elevation have some form of articulation.

7.3.4 In addition to the issues raised by Historic England, there were also concerns with the initial scheme in relation to the design and the impact that the proposal would have on the Conservation Area, both from immediate and more distant views of the site. It was suggested that the overall footprint was reduced by removing the two storey element which would give more visual separation between the proposed development and the adjacent buildings fronting North Road. Concerns were also raised regarding the use of render on some of the elevations and the mix of fenestration. Following these being raised with the agent, initial amended plans were received. The main alteration to the scheme involved the reduction in the height of the four storey element to three storeys.

7.3.5 Further concerns were raised with the agent and these have resulted in the current set of amendments. There are still significant concerns regarding the scheme and it is considered that the issues highlighted have not been fully addressed. In particular, there are still concerns regarding the scale and massing and it is considered that it represents an overdevelopment of the site. The overall mass of the building is excessive, particularly from Nile Street, and it was advised that there should be more variation in height between the development on North Road and the proposal. To break up the bulk, it was suggested that the element closest to the public house was reduced to two storey

and set back slightly. There was a step in the height of the building on the original plans but this has not been replicated when the height of the main part of the building was reduced. The detailing between the gable and remainder of the elevation facing Nile Street is considered to be poor. The plans originally showed quoins but with no difference in the position of the wall, and now the quoins have just been removed, rather than the wall set back. Concerns were raised regarding the mock warehouse appearance of the windows on this elevation and it was suggested that this glazing be broken up more. It was also suggested that the windows were casement with a horizontal glazing bar rather than trying to replicate the Georgian buildings surrounding by using sliding sash, given the overall design of the building. The large warehouse type openings have been replaced with a pair of sash windows divided by a mullion. It is considered that these give an overly horizontal appearance to this elevation. The other sash windows have not been altered.

7.3.6 The building has been moved slightly off the boundary with the churchyard, however, the footprint has not been significantly reduced by removing the two storey element as suggested. This extends very close to the rear of the extension on 38-42 North Road and as such gives little visual separation between the existing and proposed buildings and emphasises the bulk of the building. As set out above, the traditional form of the city centre would be larger buildings facing the main routes with lower buildings behind. Historically, it is understood that part of this site would have contained court housing, which would have been two storey. The ground floor of the building also extends fully up to four of the boundaries of the site. This leaves no room to accommodate overhanging verges and eaves within the site boundary, which is considered to be a poor aspect of the overall design. It was also suggested that a narrow window on each floor was inserted in the centre of the the gable facing the churchyard to add more interest to this elevation, as suggested by Historic England. A window has now been shown at the end of the corridor on each floor, towards one side of the gable. It is considered that this gives an unbalanced appearance.

7.3.7 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area or the setting of a listed building, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area or the setting of the building. This is reiterated in policies DM31 and DM32, with the former setting out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.3.8 Whilst it is considered that some form of development could be accommodated on the site, containing a three-storey element, the current proposal represents an overdevelopment of the site, resulting in a cramped form of development in a sensitive location within the Lancaster Conservation Area and adjacent to a Grade II* Listed building. It is also not considered that it represents a high quality design as advocated by the NPPF. Historic England have also confirmed that they still maintain an objection to the proposal. Whilst they welcome the reduction of the highest element of the building by one storey, Historic England do not consider that any of their other concerns have been adequately addressed.

7.3.9 On the basis of the above, it is not considered that the proposal preserves or enhances the character and appearance of the Conservation Area or conserves the setting of the Grade II* listed building. The proposal is therefore contrary to the requirements of both national and local planning policies.

7.4 Impact on amenity of neighbouring properties

7.4.1 To the east of the rear part of the site, beyond part of the church yard, are apartments fronting onto Chapel Street. However, within the elevation facing the application site there are no windows. The nearest openings are at more of an oblique angle approximately 13m from the closest part of the building. Given the separation distance, and position of the windows, in addition to the reduction in height by one storey, it is considered that there will not be an adverse impact on the amenities of

these properties. The existing development to the north is the fire station and on the opposite side of Nile Street is an industrial use. As such, there will be no loss of residential amenity to these properties.

7.4.2 The proposed two-storey element is in close proximity to the extension at the rear of 38-42 North Road which contains student accommodation. In the ground floor of this extension is a self-contained studio room providing sleeping and living accommodation for one occupier, with a window facing the proposed development. Appendix D sets out standards in relation to student accommodation and states that all living spaces must have an adequate level of natural light and adequate outlook, with a separation distance of at least 12m between the windows and any wall structure. There are two windows serving this self-contained accommodation, with the one in the side wall located approximately 3m from a low boundary wall and is afforded some outlook across the churchyard towards the church. The accommodation is already occupied and therefore the occupiers benefit from daylight and outlook from two windows, but this is their only living accommodation and they do not share any other of the internal space of the building with the other occupants. As the two storey element will be less than 2m from the window in the rear wall of the room, it is considered that the proposal will have a detrimental impact on the amenities of the occupier of the studio apartment and will result in an unacceptable standard of accommodation.

7.5 Standard of Accommodation

7.5.1 Appendix D sets out standards in relation to shared student accommodation and Appendix F refers to size standards in relation to studio apartments. There were initially concerns that some of the rooms were not afforded adequate light or outlook as they faced onto a boundary wall in close proximity. A landlord store has now been proposed at ground floor at the rear to overcome these concerns. In terms of the sizes of rooms and level of amenity, the development is considered to be acceptable. The only rooms which are below the standards set out in the appendices are the shower rooms on the ground, first, and second floors serving three of the cluster flats. However, this in itself is not considered to result in an unacceptable form of development in terms of amenity.

7.5.2 A noise assessment was requested given the nearby, potentially noisy uses, that could impact on the occupiers of the development, including the fire station and adjacent public house. The noise assessment concludes that there will be no adverse impacts from the noise sources described within the report if mitigation is included. It concludes that standard thermal double glazing will be sufficient in controlling noise levels so that standards required by BS8233:2014 are achieved. Environmental Health has advised that a scheme of alternative ventilation will be required to retain internal noise levels whilst providing adequate ventilation and therefore window-mounted trickle ventilators should be incorporated into the glazing units of habitable rooms.

7.6 Highway Safety

7.6.1 No parking provision is proposed as part of the scheme. However, the site is highly accessible to services, facilities, cycle lanes and bus routes. Cycle storage facilities are also proposed. It does occupy a predominantly commercial area of the city and suffers from all of the parking problems one would associate with a city centre location. On-street parking adjacent to and in the immediate vicinity of the site is considered to be at a premium with surrounding businesses competing for available on street parking space. Continuous unobstructed access to the fire station is a feature of Nile Street as well as extensive parking restrictions applying to specific lengths of this highway as well as North Road. Given these issues, the Highway Officer has requested a condition requiring a construction management plan, which is considered to be appropriate in this instance.

7.6.2 The Highway Officer has also raised concerns regarding the lack of footway up to the entrance to the accommodation on Nile Street. It currently ends at the edge of land associated with the public house where the highway widens to provide turning to the front of the site. It has been advised that a footway is constructed in front of the site, on Nile Street, to provide a continuous pedestrian route from the site's point of access onto Nile Street through to North Road and to provide a degree of protection to the building's face from vehicles accessing and requiring to turn around within the public highway. This would have to be constructed to Lancashire County Council adoptable standards and be dedicated to be maintained in perpetuity by the County Council. It would be within Highway Authority land and could be controlled by condition.

7.7 Impact on Trees

- 7.7.1 There are no trees within the site but there are some within the adjacent church yard in close proximity to the boundary wall. As these are within the Conservation Area they are afforded protection. No information has been submitted with regards to the implications on these trees and the Tree Protection officer has confirmed that there is significant potential to harm offsite trees. Whilst the existing stone boundary wall may afford some level of constraint to tree roots, careful assessment of the proposed development on neighbouring offsite trees must be undertaken in compliance to BS 5837 (2012) Trees in relation to design, demolition and construction. It is not considered that this could be requested by way of condition as it needs to be ensured that the development could be constructed without having a detrimental impact on the trees. Their removal could not be considered as they are not on land under the control of the applicant.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 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 environmental, as well as in people's quality in life. The Local Authority has highlighted concerns during the application process and unfortunately, there are still several design issues have not been addressed. Given the prominence of the site and its sensitive location within the Conservation Area, adjacent to a Grade II* Listed Building, the proposed design is unacceptable. There are also significant concerns regarding a loss of daylight and outlook to the adjacent student studio apartment and the impact on offsite trees also needs to be fully assessed.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. By reason of its, scale, height, massing and design, the proposed development would unduly impact upon the appearance of the Lancaster townscape and the wider setting of the Lancaster Conservation Area. It is therefore considered that the proposal does not represent high quality design and will not preserve or enhance the character of the Conservation Area. As such the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular the core planning principles, and Sections 7 and 12, Policy SC5 of the Lancaster District Core Strategy and policies DM31, DM32 and DM35 of the Development Management Development Plan Document.
2. As a result of its scale, height, massing and design the proposal would unduly impact upon the character and setting of the adjacent grade II* Listed building. As such the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular the core planning principles, Section 7 and Section 12, Policy SC5 of the Lancaster District Core Strategy and policy DM32 of the Development Management Development Plan Document.
3. By reason of the proximity of the development to the rear of 38-42 North Road, the proposal will have a detrimental impact on the amenities of the occupier of the studio apartment at ground floor and will result in an unacceptable standard of accommodation. It is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the core planning principles and Section 7, and Policies DM35, DM46 and appendix D of the Development Management Development Plan Document.
4. Insufficient information has been provided in order to adequately assess the implications of the development on off-site trees which are located within the Conservation Area. As such the development is contrary to the aims and objectives of the National Planning Policy Framework, in particular the core planning principles, and policy DM29 of the Development Management Development Plan Document.

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

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

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. Regrettably the applicant has failed to take advantage of this formal service, although some informal discussions have taken place, and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

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