

Agenda Item A10	Committee Date 3 May 2016	Application Number 16/00251/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 4-bed cluster, two 5-bed clusters and four 1-bed studio flats	
Name of Applicant Bayt Ltd	Name of Agent Mr Michael Harrison	
Decision Target Date Extension of time agreed until 6 May 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Eleanor Fawcett	
Departure	None	
Summary of Recommendation	Approval subject to some minor design alterations	

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) and all of the site is within Flood Zone 2.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a building to form student accommodation. It will comprise both two and three storey elements and the accommodation will consist of three cluster flats and four separate studio flats. 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.

- 2.2 The building would be two and three storey fronting Nile Street, comprising a gable and a dual pitched roof 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 two-storey gable projection is proposed to the rear of the pitched roof slope facing Nile Street. 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 A previous application on this site for a larger, but similar, development was refused at Planning Committee in November 2015. It was 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.*

- 3.2 There has also 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, and an application relating to the ground floor of this building. The relevant details are set out below:

Application Number	Proposal	Decision
15/00091/FUL	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	Refused
15/00496/CU	Retrospective application for change of use of ground floor shop (A1) to mixed retail unit and professional services (A1 and A2).	Withdrawn
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

	covered and secure cycle storage facilities.
Environmental Health	Comments to be reported
Historic England	No objection. The new scheme has responded positively to our previous comments and is now of a scale which is much more befitting of its location as a rear courtyard development. The ridge line of the new development now sits below that of the principal buildings fronting North Road and the overall massing forms a cohesive whole.
Conservation Officer	Comments to be reported.
Lancaster Civic Society	Comments - The reduction in height of the new build, fronting on to Nile Street, will lessen the impact on the views of St. John's Church. Additional space in the courtyard also increases the separation from the church.
Georgian Society	No comments received within the statutory consultation period.
Tree Protection Officer	Comments to be reported
Lead Local Flood Authority	No comments received within the statutory consultation period.
Parking and Administration	Comments - 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	Comments - To reduce the risk of the types of crimes affecting the students living within the proposed development suggest various security measures.
Environment Agency	Comments - Flood Risk Standing advice should be applied.

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
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM46 – Accommodation for Students

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
- Flooding

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 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 building would be focused along the north west and north east boundaries, leaving a courtyard area between this and the existing properties fronting onto North Road and along most of the southwestern boundary. The element along the northwest boundary is proposed to be three storey and the section extending to the south east of this would be two storey.

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 The previous application was refused due to concerns regarding the scale, massing and design and impact on the adjacent II* Listed building and the Conservation Area and concerns had been raised by Historic England. The previous scheme was predominantly three storey and had an additional two storey element extending quite close to the rear of the 38-42 North Road. It was considered the frontage to Nile Street related poorly to the rear of the adjacent buildings fronting North Road, which have two storey outriggers. It was also considered that the scheme left little visual separation between the existing and proposed development, including when viewed in the context of the Listed church.

7.3.4 The current scheme has reduced the height of part of the development to two storey and removed most of the additional two storey element previously proposed, although a small lean-to element has been retained. It is now considered that the scheme better relates to the existing adjacent development, in terms of its height, scale and massing. This view is supported by Historic England.

7.3.5 The building is proposed to be predominantly finished in stone, with some buff coloured render on

the north west elevation, and the roof would be finished in slate. The windows are proposed to be timber sliding sash with stone heads and cills. It was previously suggested that the windows were casement with a horizontal glazing bar rather than trying to replicate the Georgian buildings surrounding the site. However, given the overall design of the building they are appropriate to the surroundings. On the elevation facing Nile Street there are pairs of sash windows divided by a mullion. Although this is a traditional feature on the adjacent building, the proportions of the windows give the elevation a horizontal emphasis. It has been suggested to the agent that an alternative approach is considered. It was also previously advised that windows be inserted into the elevation facing the church yard, to break up the three storey gable. A window on each of the upper two floors has now been proposed but these would be located towards one side of the gable which gives an unbalanced appearance. It has been suggested that the windows are located in the centre of the elevation. Any amendments will be updated at the Committee Meeting.

7.3.6 Bin and bike stores are proposed in the rear yard. The bin store would be enclosed by a timber fence but is set into the site and unlikely to be particularly visible from public views. The bike store is proposed adjacent to the boundary with the church yard where the boundary wall is lower. It has just been shown as an uncovered cycle rack, which would not be considered appropriate in terms of providing secure and covered facilities. Any structure would be visible from outside the site so would need to be carefully designed. As such, it is considered that this information is required before determination, to ensure that it can be accommodated in a sensitive manner. An amendment to this facility has been requested and will be reported at the Meeting.

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 Subject to some relatively minor alterations to the design, and more clarification in relation to the cycle store, it is considered that the current scheme relates well to its surroundings in terms of its massing, siting and scale. The materials and other detailing can be requested by way of condition to ensure that it represents a high quality design as advocated by the NPPF. It is therefore considered that the proposal is in keeping with the character and appearance of the Conservation Area and will not have an adverse impact on the setting of the adjacent Grade II* Listed Church.

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, 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 One of the reasons for refusal on the previous application was the close proximity of the building to the extension at the rear of 38-42 North Road which contains student accommodation in the form of a self-contained studio room. It was considered that this relationship would have a detrimental impact on the amenities of the occupier of the studio apartment and would result in an unacceptable standard of accommodation. This element has been removed from the current proposal and it is now considered that there is sufficient separation distance between the existing and proposed development. It is also considered that there is sufficient distance between facing windows to

prevent overlooking.

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. In terms of the sizes of rooms, 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. One of the bedrooms would be served by a window facing towards the stone boundary wall. However, this is proposed to be replaced with railing to provide light and outlook. On balance this is considered to be acceptable.

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 not yet responded in relation to the current proposal, but did previously advise 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. This can be controlled by condition.

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, although some amendments are required to this to ensure that it is covered and secure, as discussed above. 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, however various discussions took place prior to the determination of the previous application. The Council is responsible for managing the church yard so any removal would need to be carried out by them rather than the applicant. It was confirmed previously that some of these could be removed. However, irrespective of this, the Tree Officer previously set out that existing site constraints to the north and east are likely to have a significant impact upon the root patterns of trees and tree roots are most likely to be rooting within the church grounds to the west and south. As such, it would be appropriate to require a detailed Tree Protection Plan and Arboricultural Method Statement for works within the site to be agreed by condition. Obviously if trees were removed, with the appropriate consents, before the work commenced this may negate the need for further tree information. Trees within the church yard do not significantly constrain the proposed development, and as such would not require to be removed in order to accommodate the proposed development.

7.8 Flooding

7.8.1 The site is located within flood zone 2 and residential accommodation is classified as a more vulnerable use. As such, it is considered to be a compatible use and no Exception test is required. It is a previously developed site and an appropriate sustainable location for student accommodation. A flood risk assessment has been submitted with the application. This confirms that the site was not flooded during Storm Desmond in December 2015 which was a rainfall event of between a 100 and 200 year magnitude. The proposed ground floor level in the new building is some 8.2m Above Ordnance Datum (AOD) and therefore considered at very low risk of flooding. This level is some 0.8m above the known 1 in 100 year plus climate change river water level of 7.40m AOD and also in excess of the maximum pluvial flood water level experienced during Storm Desmond, alleged at around 7.90m AOD. Therefore, it is concluded that no special measures for flood protection are required at the site.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The development will provide student accommodation in a sustainable city-centre location on a currently vacant site. Subject to some relatively minor changes to the design, it is considered that the proposal will be in keeping with the character and appearance of the Conservation Area and not unduly impact on the setting of the adjacent Grade II* Listed Church. It is also considered that the proposal will not have a detrimental impact on residential amenity or highway safety, and is deemed to provide a good standard of accommodation. It is therefore considered to be acceptable.

Recommendation

That Planning Permission **BE GRANTED** subject to some amendments to the design and the following conditions:

1. Standard time condition
2. In accordance with approved (amended) plans
3. Construction management plan including hours of construction
4. Investigation and remediation of contamination
5. Surface water drainage scheme
6. A scheme for noise mitigation and ventilation
7. Creation of a length of footway between the application site and Nile Street to provide a continuous footpath to North Road
8. Tree Protection Plan and Arboricultural Method Statement
9. Materials including – windows, doors, heads, cills, mullions, render, slate, stone (including sample panel), eaves, verge, ridge and rainwater goods.
10. Surfacing details and boundary treatments
11. Landscaping
12. Bin and cycle storage
13. External lighting
14. Student occupation

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 has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made 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

None