

<b>Agenda Item</b> A12	<b>Committee Date</b> 25 July 2016	<b>Application Number</b> 16/00519/FUL
<b>Application Site</b> 1 Spring Garden Street Lancaster Lancashire LA1 1RQ	<b>Proposal</b> Part demolition and alteration of existing building and erection of a two and three storey building above existing ground floor, with retail (A1) at ground floor and two 4-bed and one 3-bed student cluster flats (C4) on upper floors	
<b>Name of Applicant</b> Mr Stephen Wilkinson	<b>Name of Agent</b> Mr Michael Harrison	
<b>Decision Target Date</b> 22 June 2016	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, the applicant has declared that he is related to Councillor Wilkinson and, as such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

- 1.1 The site is located on Spring Garden Street in the centre of Lancaster, on the edge of the main retail area, within the Conservation Area. It currently comprises a long single storey building which has a monopitch roof, giving it the appearance of a one and a half storey building at the front. It is finished in stone on the front elevation, which is painted white, with dark patent glazing above. The side and rear walls are constructed of brick. There is also a single storey flat roof outbuilding attached to the rear of the building, located towards the east of the site and adjacent to this is a yard area accessed via a pedestrian passageway at the rear of 70 Penny Street. The building abuts the rear of the footpath on Spring Garden Street. At present the property is used as a retail outlet for second hand goods.
- 1.2 A large electricity substation immediately adjoins the western boundary and its curtilage wraps partially around the rear of the application site. This also abuts the pavement and comprises a gated access immediately adjacent to the site, and a long rendered wall, approximately 4 metres high. To the east of the site is a terrace of traditional three storey stone buildings which front onto Penny Street and have retail units at ground floor. These are not listed but have been identified as contributing positively to the Conservation Area. On the opposite side of the road, to the north of the site is a lower three storey building fronting Penny Street and two storey buildings which face onto Spring Garden Street, one of which is a public house.
- 1.3 The site is within the City Centre area and is identified as other key frontage, as opposed to protected or primary retail frontage, set out on the Local Plan Proposals Map. Common Garden Street is also part of the Strategic Cycle Network and the pavement adjacent to the site contains a cycle lane/path.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for a building comprising both four and three storeys to deliver two retail units and store rooms at the ground floor with student accommodation above. The ground floor is retained in largely its existing plan form with an extension to the existing rear outrigger to increase the floor space, incorporating the access to the student accommodation occupying the upper floors of 70/72 Penny Street. The mono-pitched roof is proposed to be removed with the front elevation, at ground floor, re-faced in ashlar stone. The higher section of the building would adjoin the adjacent property fronting Penny Street. The upper floors are proposed to be finished in render, with windows and doors powder coated metal in dark grey. A very shallow dual-pitched roof is proposed and would be finished in a standing seam metal roofing.
- 2.2 On the first and second floors the accommodation would comprise a 4 bedroom cluster flat with a kitchen/living / ding room and two bathrooms. The third floor consists of a three bedrooms, a shared living, kitchen, dining room and a bathroom. Access is proposed to utilise the rear outrigger at 70/72 Penny street with access onto Spring garden Street from the existing pedestrian access which will be built above. Within the rear yard a bike and bin store are to be provided.

## **3.0 Site History**

- 3.1 The only relevant planning history relates to a pre-application enquiry, ref. 15/00766/PRETWO, which comprised a similar proposed use but with an additional floor and a slightly different design.

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections</b> subject to conditions requiring: submission of a construction traffic management method statement; reinstatement to footway if required; and details of covered and secure cycle storage.
<b>Environmental Health</b>	<b>Comments</b> - A noise assessment is required to assess potential noise impacts at this location. Also request a condition in relation to hours of construction.
<b>Conservation</b>	<b>No objection</b> in principal to the redevelopment of the site. In view of its location in the street scene and its relationship to surrounding buildings it is suggested that on the front façade stone heads and cills are considered.
<b>Parking Services</b>	No comments received
<b>Lancashire Archaeological Advisory Service</b>	<b>No objection</b> subject to a condition requiring a programme of archaeological investigation, recording and analysis.
<b>LUSU Housing</b>	No comments received
<b>Lancaster Civic Society</b>	<b>Comments</b> - Whilst the demolition of this insignificant single-storey building and its replacement with a more substantial structure is welcome, there are concerns regarding the design. Little regard is paid to the manner in which it will relate to the only remaining traditional building on the corner to which it will be adjoined. The proposed flat roof adjoining the pitched roof of the existing building makes for a very uneasy juxtaposition. A continuation of the roofline would make for a more harmonious conjunction. Overall the windows are small and are insignificantly delineated. The use of ashlar and render above is to be welcomed.
<b>Lancashire Constabulary</b>	<b>Comments</b> - Recommended that the scheme is developed to Secured By Design security standards
<b>Electricity North West</b>	No comments received at the time of compiling this report.

## **5.0 Neighbour Representations**

- 5.1 No neighbour representations 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 23 – Ensuring the vitality of town centres  
Paragraph 32 – Access and Transport  
Paragraphs 49 and 50 – Delivering Housing  
Paragraphs 56, 58 and 60 – Requiring Good Design  
Paragraph 123 – Noise impacts  
Paragraphs 131 – 134, 137 and 141 – 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

### 6.3 Development Management Development Plan Document

DM1 – Town Centre Development  
DM2 – Retail Frontages  
DM20 – Enhancing Accessibility and Transport Linkages  
DM21 – Walking and Cycling  
DM22 – Vehicle Parking Provision  
DM31 – Development Affecting Conservation Areas  
DM32 – The Setting of Designated Heritage Assets  
DM33 – Development Affecting Non-Designated Heritage Assets or their settings  
DM34 – Archaeological Features and Scheduled Monuments  
DM35 – Key Design Principles  
DM39 – Surface Water run-off and Sustainable Drainage  
DM46 – Accommodation for Students

Appendix D: Purpose Built and Converted Shared Accommodation

### 6.4 Other Material Considerations

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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
- Highway Implications
- Impact on amenity of neighbouring properties
- Standard of Accommodation

### 7.2 Principle of development

#### 7.2.1 The site is located within the City Centre on a secondary retail frontage. The scheme is for residential, but retains the retail use at ground floor and will therefore not have a detrimental impact on the vitality of the city centre. 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, so the principle of the scheme is accepted.

### 7.3 Scale, design and impact on heritage assets

- 7.3.1 As set out above, the site is located on Spring Garden Street, within the Conservation Area, close to the junction with Penny Street. Views can be obtained of the site from both Penny Street and King Street, in addition to the road on which it is located. The existing building is poor in terms of its design and does not contribute positively to the character and appearance of the Conservation Area, although its harm is limited given its relatively low height. The redevelopment of this site provides an opportunity to provide significant enhancements to this part of the Conservation Area.
- 7.3.2 A pre-application enquiry was submitted for a similar proposal but with an additional floor. The advice set out that any new building in this location would have to sensitively relate to the rear elevation of the adjacent buildings on Penny Street, in particular 70-72. It was considered that a five-storey building would dwarf 70-72, and would be inappropriate in scale and massing. Although the proposed building has been reduced to three and four storeys, it is considered that the building will have an awkward visual relationship with the adjoining building and does little to respect its surroundings. The eaves of the larger part of the building extends above that of the adjoining property resulting in an uncomfortable juxtaposition. The proposed roof slope is also very shallow which not only emphasises the bulk and massing of the front and side elevations, but also does not respect the form of the nearby traditional properties. As a result of the scale and massing of the building it also almost completely blocks the view of the stone terraces when viewed from the junction with King Street.
- 7.3.3 In terms of the materials, the ground floor is proposed to be faced in ashlar stone with the upper floors finished in a stone coloured render to the front and half the side elevation, with white render to the rear. A larger vertical section of glazing is proposed to serve the living areas with fairly tall and narrow windows to serve the bedrooms. Smaller squarer windows are proposed in the side elevation. There does not appear to be much cohesion in this elevation and no detailing around the windows to provide a contrast to the large mass of render. The side elevation will particularly prominent when approaching from King Street and it is considered to be poor in terms of its design, materials, portions and fenestration. The pitch of the roof particularly affects the appearance of this.
- 7.3.4 Although the proposal will remove a fairly poor single storey building, and the development of the site provides an opportunity to provide a focal point away from the adjacent substation, it is not considered that the proposal represent high quality urban design. It is acknowledged that there is some more modern development along George Street, such as City Block and the Police Station, but these are not in the immediate context of the site. It was advised during the pre-application advice that a more modern approach could be taken, but that it needed to take account of the adjacent historic development. The current proposal fails to respect the design, form, massing and scale of the adjacent buildings.
- 7.3.5 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Conservation Area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. 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.
- 7.3.6 Although the Conservation Officer has raised no objection to the scheme, for the reasons set out above in terms of the design and the buildings relationship to the adjacent development, it is not considered that the proposal complies with the requirements of Policy DM31 and will not preserve or enhance the character or appearance of the Conservation Area. It is also considered that it will be detrimental to the setting of the adjoining building fronting Penny Street, which are considered to be non-designated heritage assets.

- 7.3.7 Detailed comments have been received from the Lancashire Archaeological Advisory Service. The site falls within the known bounds of Lancaster's Roman cemetery, and evidence of a number of burials of this period was found on the site of 77-79 Penny Street prior to its redevelopment. Further evidence of Roman activity, including some bone fragments, was also found during works to the west side of the Spring Garden substation. These discoveries would suggest that the site lies outside the formal boundary of the Roman town, although it may be only just outside it. Little is known of the town's layout between the end of the Roman period and medieval times. It seems probable however that there was continued occupation on a similar pattern to before, which resulted in the preservation of the two main Roman road lines in the modern Penny Street/Cheapside and St Marygate/Church Street. Both Penny Street and King Street are noted during the medieval period and are shown on Lancaster's earliest map, that of John Speed of 1610. This map does not show Spring Garden Street, and it seems probable that it (and the parallel Common Garden Street) were later additions to bring former back lands into use in the early post medieval period.
- 7.3.8 A rapid assessment of the Historic Environment Record (HER) would suggest that Spring Garden Street was constructed at some point between 1684 (Docton's rediscovered survey) and 1778 (Mackreth's map), and that it was widened between 1913 and 1933. This widening involved demolition of properties on the north side of the road and it is notable that the 1848 mapping and the 1938 map show an almost identical pattern of buildings along the south side of the road, although there had been some demolition at the west end of the street, in the area of present public car park, by the later date. At some point between 1938 and 1968 the 19<sup>th</sup> (or 18<sup>th</sup>) century building on the site of 1 Spring Garden Street seems to have been demolished and the present one constructed, although it seems to re-use some of the former building lines. It does not appear to be cellared and the construction is relatively light, leading to the probability of earlier remains surviving here. The redevelopment of the site has a reasonably high potential for the preservation of Roman burials, medieval 'back land' development and buried remains of the earlier buildings on the site. Whilst it is unlikely that any such remains would be considered so important as to require preservation at the expense of development, they would certainly merit 'preservation by record'.
- 7.3.9 The archaeological advisory service has set out there will clearly be some problems in undertaking a formal archaeological excavation on the site, given its constricted nature and the surrounding buildings, but it does seem possible. The extent of these works cannot be specified at present, as foundation and service details have not been provided with the application. It must be assumed, however, that the proposed re-facing of the front elevation, the installation of a *'steel frame within the existing building footprint'* and the provision of appropriate service runs will require significant groundworks. A condition requiring a programme of investigation, recording and analysis has been requested and this would be considered necessary given the evidence of likely remains as set out above.
- 7.3.10 Lancashire Constabulary have advised that from a crime and incident search of the nearby areas during the period 04/05/2015 to 04/05/2016 there have been recorded crimes and incidents such as theft, criminal damage and assault. Student accommodation can often be targeted by offenders for criminal activity such as burglary and theft, facilitated by unauthorised entry being gained by methods such as human tailgating. They have recommended security measures for this scheme. Many of these cannot be covered by planning legislation, but heights of access gates and lighting can be addressed by planning condition and the applicant can be made aware of the recommendations.

## 7.4 Highway Implications

- 7.4.1 The scheme does not propose any parking of vehicular access to the site. Cycle storage is proposed in the rear yard. This does not appear to be covered and it would be expected to be to ensure that it is more secure and likely to be utilised. However, this could be controlled by condition. The site is easily accessible by a choice of sustainable travel modes including foot, cycle and public transport. The surrounding pedestrian environment is of an acceptable quality, with footways being well-lit adding to a sense of personal security. Signage and the built form add to a good level of legibility with adjacent pedestrian footway links providing an acceptable means of access to the application site. The site also lies adjacent to a designated cycle route which provides access to the city centre and surrounding cycle network. There is a city centre car park located within 50 metres of the site which could be utilised by occupants for the loading/unloading of belongings. The Highways Officer has set out that the effect of the development on the operation of the local highway network would

be negligible.

7.4.2 Due to the constraints of the site, the Highways Officer has set out that a construction management plan will be required and it is important that sufficient consideration is given to the methods to be employed with regards implementation of all demolition / construction activities. The site occupies a predominantly commercial area of the city and suffers from all the attendant congestion problems one would associate with a city centre location. Access, parking, loading/unloading restrictions apply to the whole length of Spring Garden Street. In view of the city's gyratory "one way" highway network, it has been emphasised that the County Council would not consider a temporary relaxation of parking restrictions in the vicinity of the same during the course of construction activities pertaining to the application. It is not considered that the proposal would have a detrimental impact on highways safety subject to a condition requiring the submission and implementation of a construction management plan.

#### 7.5 Impact on amenity of neighbouring properties

7.5.1 The upper floors of the adjoining building, 70-72 Penny Street contain student accommodation which was granted consent in 2000. There are no windows facing the site, with the exception of some serving the stair well. The outlook to the rooms is onto Penny Street and Spring Garden street. As such, it is not considered that the proposal will have a detrimental impact on occupiers of this property. There do appear to be windows in the rear on numbers 74 and 76 Penny Street but it is unclear whether they serve residential accommodation. Due to the height, scale and massing of the building, it is likely that there would be some loss of light to these windows. There are also some windows in the second floor of the property on the opposite side of the highway, at the rear of 66 Spring Garden Street. There is approximately 11 metres between the site and this building which is not a distance which would usually be accepted between facing rooms in residential accommodation. However, the city centre location does need to be taken into consideration. Again it is not clear if it is residential accommodation, but appears to be. Clarification has been sought with regards to the existing use of the potentially affected properties and will be reported at committee.

#### 7.6 Standard of Accommodation/ Amenity of occupiers

7.6.1 The scheme comprises three shared student flats, one on each of the upper floors. Two would have four bedrooms with two shared bathrooms and the upper unit would have three bedrooms with one bathroom. All of the cluster flats would each have a shared kitchen and living area and share the external yard containing a bin and bike store. The sizes of the rooms, light and outlook are considered to be acceptable and comply with the standards set out in Appendix D of the DM DPD.

7.6.2 The site is located in a busy city centre location, directly opposite a nightclub and other nearby licensed premises that are permitted to operate into early morning hours and regularly extend operating hours through the Licensing Act regime. Records held by the environmental health service show that noise complaints have been received from nearby businesses and local residents about music noise and people noise at and around this location. Environmental Health have advised that a noise assessment is required to assess potential noise impacts at this location and must focus on noise impacts at sensitive hours and seek to identify suitable mitigation solutions to controlling noise to meet internal design criteria specified with BS8233:2014 and World Health Organisation Guidelines for Community Noise. The assessment should also consider whether there is likely to be impacts from low frequency sound associated with music noise from the nightclub venue and should this be shown, recommend suitable mitigation measures to achieve 'No observed effect levels' for future occupants. It is considered that a favourable recommendation cannot be reached until this has been carried out as it could have a fundamental impact on the overall design of the scheme.

### **8.0 Planning Obligations**

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

### **9.0 Conclusions**

9.1 The proposed redevelopment of the site offers an opportunity to improve its overall appearance, and that of the Conservation Area, by replacing, or modifying, a building of relatively poor quality. Whilst officers are supportive of redevelopment in principle, and the uses involved, it is considered that the proposal fails to represent high quality urban design and would not preserve or enhance the

character or appearance of the Conservation Area. It is considered that the scheme requires a radical re-design to overcome the concerns (i.e. minor amendments would not resolve the reasons for refusal below). In addition, insufficient information has been provided to demonstrate that the future occupiers will not be adversely affected by unacceptable noise levels from the nearby late night uses. The applicant's son has asked for an extension of time to address this last issue, but also set out that this would give the opportunity to revisit the design. However, it is usually the practice to agree extensions of time to minor issues that do not go to the heart of the proposal. For the reasons referred to above, this scheme requires redesigning in terms of appearance, scale and mass in accordance with the pre-application advice previously provided.

### **Recommendation**

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

1. The current proposal fails to respect the design, form, massing and scale of the adjacent buildings and, as a result of this and the use of inappropriate materials, is not considered to represent high quality urban design as advocated by the NPPF and will have a detrimental impact on the streetscene. 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 Policy DM35 of the Development Management Development Plan Document.
2. As a result of the scale, form, massing, design and poor relationship to the adjacent buildings fronting Penny Street, it is not considered that the proposal will preserve or enhance the special character or appearance of the conservation area and will have a detrimental impact on the adjacent non-designated heritage assets. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 12 and Policies DM31 and DM33 of the Development Management Development Plan Document.
3. Insufficient information has been submitted to be able to fully assess the impacts of noise from nearby uses on the future occupiers of the accommodation to be able to determine if the accommodation proposed provides an acceptable level of amenity and if any impacts can be mitigated as part of the current scheme. It therefore fails to comply with the aims and objectives of the National planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11 and Policy DM35 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. Whilst the applicant has taken advantage of this service prior to submission, the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to liaise with the Case Officer in an 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